

Section of International Law and Practice (Annual Meeting 1989)

In lieu of the Section's third recommendation a substitute, presented jointly with the Section of Tort and Insurance Practice and the Standing Committee on World Order Under Law was approved by voice vote. It reads:

BE IT RESOLVED, That the American Bar Association reaffirms its steadfast commitment to world order under law and to the policies and objectives of its earlier resolutions concerning the acceptance by the United States of the jurisdiction of the International Court of Justice.

BE IT FURTHER RESOLVED, That the American Bar Association urges the Government of the United States to initiate efforts to negotiate with various states and groups of states a series of treaties accepting the jurisdiction of the International Court of Justice with respect to disputes arising under international agreements to which the disputants are parties but which do not contain effective provisions for the settlement of disputes between them, it being understood that any such treaty may provide for submission of such disputes to a Special Chamber of the International Court of Justice should one party to the dispute request it.

BE IT FURTHER RESOLVED, That the American Bar Association welcomes and supports the recent initiatives of the United States and the Soviet Union with regard to increasing recourse to the Court for the settlement of legal disputes and recommends that, to this end, the Government of the United States conclude a treaty with the Soviet Union under which the two States would agree to submit to the International Court of Justice or, at the request of either Party, to a Special Chamber of the Court to be established in accordance with a procedure provided for in the treaty, any dispute between the relating to the interpretation or application of international agreements, which are in force, which they have both ratified and which are listed in an annex to the treaty, it being understood that any other international agreement ratified by both States might be added to the list in accordance with a procedure provided for in the treaty.

BE IT FURTHER RESOLVED, That the American Bar Association recommends the conclusion by the United States of similar treaties for the settlement of international disputes with States or groups of States which have close links with the United States, submitting to the International Court of Justice or, at the request of one of the parties to the dispute, to a Special Chamber of the Court established in accordance with a procedure provided for in the treaty, disputes relating to the international or application of any one of the international agreements listed by name or category in an annex to the dispute settlement treaty, which are in force and have been ratified by the parties to the dispute, it being understood any other such international agreement or category of agreements might be added to the list in accordance with a procedure provided for in the dispute settlement treaty.

BE IT FURTHER RESOLVED, That the American Bar Association recommends that, in addition, the Government of the United States explore with other States or groups of

States the conditions under which they would be willing to submit specified categories of disputes to the International Court of Justice.