

SM65-6 (March 30, 1965)

Excerpt from the Minutes of the Meeting of the Executive Directors, March 18, 1965. Approval of Resolution No. 65-14 approving the Text of the Convention and of the Report of the Executive Directors

SETTLEMENT OF INVESTMENT DISPUTES

5. The Executive Directors considered

- (a) The text of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States as approved by the Committee of the Whole (R65-37, R65-43 and R65-45)¹;
- (b) The text of the Report of the Executive Directors on the Convention as approved by the Committee of the Whole (R65-38)².
- (c) A draft resolution on the subject (R65-44)³;

and, approving an amendment to the draft resolution proposed by Dr. Machado, adopted the following resolution:

RESOLUTION NO. 65-14

SETTLEMENT OF INVESTMENT DISPUTES

WHEREAS the Board of Governors on September 10, 1964 adopted Resolution No. 214⁴ providing as follows:

"RESOLVED:

- (a) The report of the Executive Directors on "Settlement of Investment Disputes," dated August 6, 1964⁵, is hereby approved.
- (b) The Executive Directors are requested to formulate a convention establishing facilities and procedures which would be available on a voluntary basis for the settlement of investment disputes between contracting States and Nationals of other contracting States through conciliation and arbitration.
- (c) In formulating such a convention, the Executive Directors shall take into account the views of member governments and shall keep in mind the desirability of arriving at a text which could be accepted by the largest possible number of governments.
- (d) The Executive Directors shall submit the text of such a convention to member governments with such recommendations as they shall deem appropriate."

¹ Docs. 142 and 143; Doc. R65-45 is not reproduced, see Doc. 145 instead

² Document R65-38 is not reproduced, see Doc. 145 instead

³ Document R65-44 is not reproduced

⁴ Doc. 41

⁵ Doc. 40

NOW THEREFORE the Executive Directors hereby resolve as follows:

- (1) the text of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States formulated by the Executive Directors in the form presented to this meeting and the Report of the Executive Directors thereon are hereby approved for submission to member Governments of the Bank;
- (2) the President of the Bank shall transmit said Report and the text of the said Convention to all member Governments of the Bank;
- (3) the President and the General Counsel of the Bank shall sign a copy of said Convention on behalf of the Bank to indicate the Bank's agreement to fulfil the functions with which it is charged under the Convention;
- (4) the copy of the Convention so signed on behalf of the Bank shall remain deposited in the archives of the Bank and shall be open for signature on behalf of Governments in accordance with its terms.

6. Dr. Mejia-Palacio stated that he wished to be recorded as opposed, on the ground that the Governors who had elected him had voted against Resolution No. 214 of the Board of Governors. Messrs. San Miguel and Guhan abstained from voting.

7. The Executive Directors expressed their appreciation of the outstanding contribution made by the Chairman, and the General Counsel and his associates, to the drafting of the Convention and to the various stages of discussion through which it had passed.