

DRAFT CHARTER

INDIA: PROPOSED AMENDMENT

CHAPTER III

Article 12

Delete the whole article.

Explanation

The Indian delegation considers that the subject matter of this Article is outside the scope of the Charter. The general obligations of Members in regard to the treatment of foreign investments are adequately covered by Article 11.

CHAPTER VI

Article 58

Paragraph 6

At the end of the first sentence, add "or Article 64".

Explanation

This amendment is consequential on the one proposed by the Indian delegation to Article 64 (see below) and is intended to enable Members to enter into commodity control agreements recommended by Conferences called by other competent Inter-governmental Organizations.

Article 64

Add the following:

"(d) to convene a commodity conference and submit the recommendations and conclusions of such a conference to the Organization".

Explanation

The Indian delegation considers that competent inter-governmental organizations like the FAO should have concurrent jurisdiction with the ITO in the matter of convening commodity conferences and promoting inter-governmental commodity agreements.

CHAPTER VII

Article 84

Paragraph 4

After (c) insert the following:

"(d) to transfer to it a part of the functions and resources of the Organization".

Explanation

Explanation

Article 84 empowers the ITO to transfer to itself all or a part of the functions and resources of another inter-governmental organization whose purposes and functions lie within the scope of the Charter, by agreement with that Organization. The Indian delegation considers that on the principle of reciprocity this Article should also empower the ITO to transfer any of its own functions to any other inter-governmental organization. This would enable the ITO, while negotiating a relationship agreement with any other inter-governmental organization like the FAO, to consider whether, for the purpose of avoiding duplication, certain functions now assigned to the ITO should be wholly or partially entrusted to such organization.

CHAPTER IX

Article 96

Substitute "fifth" for "tenth".

Explanation

Article 96 provides for a review of the Charter within ten years which is considered to be too long a period.

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