

SIXTH COMMITTEE: ORGANIZATION

ADDENDUM TO PART I OF ISRAFT REPORT

1. Ad to the list of Sub-Committee Reports in paragraph 2 the Report of the Sub-Committee on Article 1 - document E/CONF.2/C.6/103.
2. The following changes and additions should be made to the comments upon the various articles:

Article 83A

Insert the following comments to Article 83A:

(a) On examining several of the proposals submitted by delegations relating to action taken in connection with political matters or with the essential interests of Members, the Committee concluded that the provision regarding such action should be made in connection with an article on "Relations with the United Nations" since the question of the proper allocation of responsibility as between the Organization and the United Nations was involved. Accordingly the Committee adopted a new Article 83A. Paragraphs 1, 2 and 4 of the text of this article replace paragraph 1 of the former text of Article 84 and sub-paragraph (c) of the former text of Article 94.

(b) Paragraph 3 of Article 83A which, like paragraph 4, is independent in its operation, is designed to deal with any measure which is directly in connection with a political matter brought before the United Nations in a manner which will avoid conflict of responsibility between the United Nations and the Organization. The Committee agreed that this provision would cover measures maintained by a Member even though another Member had brought the particular matter before the United Nations so long as the measure was taken directly in connection with the matter. It was also agreed that such a measure, as well as the political matter with which it was directly connected, should remain within the jurisdiction of the United Nations and not within that of the Organization. The Committee held that the important thing was to maintain the jurisdiction of the United Nations over political matters and over economic measures of this sort taken directly in connection with such a political matter, and nothing in Article 83A could be held to prejudice the freedom of action of the United Nations to settle such matters and

/to take steps

to take steps to deal with such economic measures in accordance with the provisions of the Charter of the United Nations if it was seen fit to do so.

(c) It was the view of the Committee that the word "measure" in paragraph 3 of Article 83A and in the interpretative note to that paragraph refers only to a measure which is taken directly in connection with a political matter brought before the United Nations in accordance with Chapters IV and VI of the Charter of the United Nations and does not refer to any other measure.

(d) The delegation of South Africa reserved its position upon paragraph 3 of Article 83A and the interpretative note to that paragraph pending the receipt of instructions from its government.

Article 93

1. The word "are" should be inserted before the word "neighbours" in paragraph (c) of the comments upon Article 93.

2. Paragraph (d) of the comments upon Article 93 should be amended to read as follows:

"(d) The delegations of Argentina, Bolivia, Chile, Peru and Poland reserved their positions upon Article 93."

Article 94

Insert the following comments upon Article 94:

(a) The delegation of Italy reserved its position on sub-paragraph 2 (a) of Article 94.

(b) The delegation of Turkey reserved its position upon Article 94 pending the outcome of the discussions on Article 16 and pending the receipt of instructions from its government.

Article 99

Delete paragraphs (c), (d), (e) and (f) of the comments upon Article 99 and insert as a new paragraph (c) to the comments upon that Article the following paragraph from the report of the Sub-Committee on the United Kingdom amendment to Article 99:

"(c) The Committee agreed that no presumption should be drawn from the text of paragraphs 1 and 2 of Article 99 that the dependent territories were autonomous or quasi-autonomous in the conduct of their external commercial relations and of the other matters provided for by the Charter for the purposes of paragraph 3 of Article 68."