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Comments by the Legal Officer upon the Amendment of the Australian Delegation to Paragraph 1 of Article 14

1. It is a rule of legal interpretation that when a general principle is later followed by exceptions to that principle, the general principle is modified to the extent of the exceptions. Whether or not the exceptions are tied to the general principle by some such words in the latter as "subject to the exceptions set out hereinafter" is not a matter which has any legal significance or upon which any uniform practice has been established.

2. It would seem, therefore, that the Australian Delegation's amendment to paragraph 1 of Article 14 is not essential for, even without the addition of the words suggested, the general rule stated in Article 14 would be interpreted in the light of any exceptions to it appearing in later articles of the Charter.

3. However, should the Preparatory Committee consider it desirable to add the words suggested by the Australian Delegation to paragraph 1 of Article 14, it would be necessary to scrutinize carefully otherparts of the Charter to see whether, in the interests of uniformity and to avoid confusion, similar words should be added elsewhere. Perhaps the best course to adopt would be for the Preparatory Committee to place on record the fact that the Draft Charter has been prepared bearing in mind the rule of legal interpretation referred to in paragraph 1. If this course were adopted, it should not be necessary to insert the words suggested by the Australian Delegation.

4. Regarding the reference of the delegate of the United Kingdom to the legal effect of the headings of articles, it is pointed out for the information of delegations that whilst it is true that a priori headings have no legal significance in that they do not form part of the text, should the meaning of the text not be clear the heading may be referred to as an aid in interpretation.