

SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE  
UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT.

AMENDMENTS TO ARTICLES 35 AND 86 PROPOSED BY THE  
CUBAN DELEGATION

1. Article 35

Delete this article.

Comment - The existing formulation of paragraph 1 deals exclusively with the questions of Chapter V, but it seems undesirable to limit the possibility of any amicable settlement of misunderstandings or disputes to this Chapter. The new Article 85 A proposed below would extend this procedure to the whole Charter.

2. Article 85 A.

Add a new Article 85 A reading as follows:

Paragraph 1. "Each Member shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding such representations as may be made by any other Member with respect to matters affecting the operation of the Charter, and shall in the course of such consultation provide the other Member with such information as will enable a full and fair appraisal of the situation which is the subject of such representations."

Paragraph 2. The same wording as the present Article 35, paragraph 2, substituting in the third sentence of this paragraph the word "Chapter" by the word "Charter".

3. Article 86.

- a) In paragraph 2, line 3, substitute the word "shall" by the word "may".
- b) Add, as a last sentence, to paragraph 2, the following: "The application of the procedure in Article 85 A does not exclude the initiation of the procedure set forth in this paragraph, as far as it is applicable to the case, provided the first mentioned procedure has been terminated."

4. Article 86 A.

Add, as a new Article 86 A, paragraphs 3 and 4 of the present Article 86.

Comment to Nos. 3 and 4. - These proposals are designed to regroup the remedies created by the Charter for settling, either amicably or, by a legal procedure, questions or disputes arising out of the wording or the application of the Charter, or which may develop by actions directed against the purposes of the Charter or situations having the effect of nullifying or impairing its objects.

The amendment is intended, furthermore, to avoid a multiplication of the procedures provided for.