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JOINT SUB-COMMITTEE OF COMMITTEES V AND VI

CORRIGENDUM TO REPORT OF THE WORKING PARTY

The word "draft" before the word "report" in the title of the document should be deleted.

SOUS-COMMISSION MIXTE DES CINQUIEME ET
SIXIEME COMMISSIONS

RECTIFICATIF AU RAPPORT DU GROUPE DE TRAVAIL

Dans le titre de ce document, supprimer les mots "Projet de" qui précèdent le mot "rapport".

NOTE TO MEMBERS OF THE JOINT SUB-COMMITTEE OF COMMITTEES 5 AND 6

Attached for your consideration is a Secretariat draft of the report which the Joint Sub-Committee might make on the basis of the report of the Working Party and of the discussion at the first meeting of the Joint Sub-Committee.

In accordance with the sense of the Sub-Committee at its first meeting, the Secretariat would propose that a meeting of the Sub-Committee should not be called to approve this report unless individual members of the Sub-Committee consider that substantial changes are required. In these circumstances, unless the Secretariat* is informed by ~~4.00 p.m. Friday, 26~~ ^{5.00 p.m. Saturday 17} January, that significant changes are required, or unless some member of the Sub-Committee indicates before that time his desire that a meeting be held, the attached report, with any drafting modifications which members of the Sub-Committee may indicate as desirable, will be submitted for issuance ~~as a formal document on Saturday morning~~ ^{on Monday} as the report of the Sub-Committee to the Fifth Committee and to the Sixth Committee.

* Mr. Ritchie, telephone extension 130
Mr. Tolley, telephone extension 100

FIFTH COMMITTEE: INTER-GOVERNMENTAL COMMODITY AGREEMENTS

SIXTH COMMITTEE: ORGANIZATION

(DRAFT) REPORT OF THE JOINT SUB-COMMITTEE

1. With the agreement of the Sixth Committee, the Fifth Committee at its thirteenth meeting approved the establishment of a joint sub-committee, consisting of the members of Sub-Committee I of the Sixth Committee, together with representatives of the Fifth Committee, to

- (a) draft an exception for national security in relation to inter-governmental commodity agreements on the basis of the recommendations contained in paragraphs (ii) (a) and (b) on page 9 of the Report of Sub-Committee A of the Fifth Committee (document E/CONF.2/C.5/9), and
- (b) recommend regarding the location in the Charter of such an exception.

2. The Joint Sub-Committee consisted of representatives of the following delegations:

Australia	Iraq
Chile	Netherlands
Costa Rica	New Zealand
Czechoslovakia	Pakistan
Denmark	Union of South Africa
Guatemala	United Kingdom
France	United States of America
India	

3. Mr. Luis TINOCO (Costa Rica) was elected CHAIRMAN of the Joint Sub-Committee.

4. In the course of its deliberations the Joint Sub-Committee examined the proposals on page 9 of E/CONF.2/C.5/9 and in E/CONF.2/C.5&6/W.1/Add.1.

5. The Sub-Committee reached agreement on the following points:

(a) That the exception to be made regarding the requirements of national security should appear in Article 94.

(b) That the terms of this exception should be as follows:

"Nothing in this Charter shall be construed

"(c) to prevent any Member from entering into or carrying out any inter-governmental agreement, or other agreement on behalf of a government for the purpose specified in this exception, made by or for a military establishment for the purpose of meeting essential requirements of the national security of one or more of the participating countries."

/(c) That the

(c) That the insertion of this provision in Article 94 be accompanied by the addition to Section D of Chapter IV of a provision for consultation on the liquidation of any stock piles accumulated pursuant to this paragraph of Article 94.

6. The Joint Sub-Committee has communicated informally to the Sub-Committee of the Third Committee dealing with Section D of Chapter IV its view concerning the desirability of amending Section D of Chapter IV to cover consultation on the liquidation of stocks and has also transmitted to that Sub-Committee possible texts for such a provision which might serve as a basis for discussion. [The representative of the United Kingdom indicated that acceptance by his delegation of the proposed new paragraph in Article 94 was contingent upon the insertion elsewhere in the Charter of a satisfactory provision relating to consultation on the liquidation of stocks.]

7. The Joint Sub-Committee considered the possible inclusion of the word "solely" before "for the purpose of ..." in the text recommended for the new paragraph (c) of Article 94 but felt that the question of including or omitting this qualifying word should be dealt with by Sub-Committee I of the Sixth Committee in relation to Article 94 as a whole.

8. It is suggested by the Joint Sub-Committee that the Central Drafting Committee might be asked to consider whether at the end of the proposed new paragraph of Article 94, the word "countries" or the word "states" should be used.

[9. The representative of Iraq indicated that his delegation could not agree to the inclusion of the proposed new paragraph in Article 94 until its own amendment to that article had been dealt with satisfactorily.]
