

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE ON CHAPTER VIII

(SETTLEMENT OF DIFFERENCES - INTERPRETATION)

SUMMARY RECORD OF THE SECOND MEETING

Held 12 January 1948 at 3.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The sub-committee considered the report of the working party upon Article 89 (document E/CONF.2/C.6/W.30).

Mr. FAWCETT (United Kingdom) considered that some thought should be given to the question of reconciling Article 89 with the various provisions regarding consultation between Members contained in the Charter. He thought that some reference should be inserted in Article 89 to make it clear that where consultation had taken place under other articles of the Charter this should be deemed to be consultation for the purposes of Article 89.

Mr. HOLLOWAY (South Africa) said that although he considered the redraft before the sub-committee was an improvement he could not yet give his final approval to it.

Mr. KARMARKAR (India) was prepared to accept the redraft subject to further consideration by his delegation. He drew attention to the note in the report of the working party regarding the relationship between Articles 89 and 94.

Mr. AMADOR (Mexico) proposed certain drafting changes to this note and asked that it might be recorded in the final records of the Conference.

Mr. HAIDER (Iraq) agreed with the remarks of the representative of the United Kingdom. He also considered that the investigation contemplated by Article 90 should be limited to ascertaining whether or not a nullification or impairment referred to in Article 89 had occurred.

Mr. BLUSZTAJN (Poland) criticized the redraft in various respects as being vague. He was supported by Mr. KOJEVE (France) who referred to the proposal he had previously made to add the word "economic" before "situation" in sub-paragraph (c).

/Mr. KARMARKAR

Mr. KARMARKAR (India) supported the suggestion of the representative of France.

Mr. TANGE (Australia) requested that reference should be made in the report of the sub-committee to the fact that employment situations were covered by Article 89.

It was agreed that the redraft of Article 89 prepared by the working party should be further considered at the next meeting when the points raised by the representatives of the United Kingdom and India would be discussed.

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