

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE ON CHAPTER VIII (SETTLEMENT OF DIFFERENCES -
INTERPRETATION)

SUMMARY RECORD OF THE FIFTH MEETING

Held 16 January 1948 at 3.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The representative of Colombia circulated his written proposal to the effect that different procedures should be specified in Article 90 for cases arising under sub-paragraph (a) and sub-paragraph (b) of Article 89. It was agreed that this proposal would be considered when paragraph 4 of Article 90 was discussed.

Mr. AMADOR (Mexico) explained that the proposal of his delegation to insert the words "between the Members" at the commencement of paragraph 1 of Article 90 was intended to rule out the possibility of arbitration.

It was agreed that in view of the explanation of the representative of Mexico this particular proposal regarding paragraph 1 should be discussed under paragraph 2 of Article 90.

Amendments of a drafting nature to paragraph 1 suggested by the representative of Australia led to a discussion as to the scope of the consultation the Executive Board or the Conference could undertake under the final sentence of that paragraph. The Sub-Committee agreed that the principle of this question should be that the Conference or the Executive Board might enter into such consultation as they considered necessary. The representative of Iraq agreed to this principle subject to the limitation that it implied that the Conference or the Executive Board would consult only with specialized agencies of an economic type.

In reply to a question by the representative of Poland it was agreed that the parties to a dispute brought before the Organization could request that the matter be referred directly to the Conference but that the decision upon such a request would rest with the Executive Board.

The Sub-Committee then considered the meaning of the phrase "give a ruling." It was agreed that the Executive Board should have the power to make recommendations to the Members concerned in a dispute referred to the

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Organization. The representative of Poland pointed out that there was accordingly some conflict between paragraph 2 of Article 78 and paragraph 1 of Article 90.

It was understood that at the conclusion of the examination of Article 90 a working party should be set up to redraft the text in the light of the discussions in the sub-committee and that the working party would base its redraft of the third sentence of paragraph 1 regarding consultation upon the principle which had been agreed. It was also agreed that the working party might recommend an amendment to Article 78 to make that Article consistent with the principle that the Executive Board could make recommendations directly to Members in the case of a dispute brought before the Organization.
