

SIXTH COMMITTEE: ORGANIZATION

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

NOTES ON FOURTEENTH MEETING

Held 4 February 1948, at 10.30 a.m.

Chairman: Mr. COUILLARD (Canada)

The Sub-Committee first discussed the proposal of the delegation of Uruguay to delete the word "substantially" from paragraph 2 of Article 91. Several representatives favoured this proposal whilst others argued that it was a necessary safeguard for the authority of the Organization and to ensure that the International Court was not asked for advisory opinions on frivolous grounds. It was suggested that the phrase in question might be amended to read "upon the instance of any affected Member" or "upon the instance of any Member whose interests are prejudiced." Finally the matter was referred to the working party which was directed to prepare an appropriate redraft.

In reply to a question by the representative of Poland, it was agreed that the phrase "upon the instance of any substantially interested Member" was not limited to Members which were direct parties to the difference in question but also covered the case of other Members, which latter Members could request a review by the International Court without starting afresh all the procedures set forth in Chapter VIII.

Regarding the proposal of the delegation of Italy (page 4 of document E/CONF.2/C.6/W.15) it was agreed that this was merely a matter of redrafting which could be done by the working party.

It was decided that at the next meeting paragraph 4 of Article 91 and paragraph 3 of Article 92 should be examined, the representatives of Mexico and Poland having indicated that they had some doubts regarding these paragraphs. The representative of Poland gave advance notice that he wished to have some clarification of paragraph 4 of Article 91 to show why a resolution or decision of the Conference should take effect immediately despite the fact that an advisory opinion had been requested from the International Court. The representative of Mexico explained that his doubts

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regarding paragraph 3 of Article 92 arose from difficulties regarding reconciliation of this paragraph with the obligations of Members which had accepted compulsory jurisdiction of the International Court. After examining paragraph 4 of Article 91 and paragraph 3 of Article 92 it was agreed that the next meeting would consider the report of the working party on Article 90 (document E/CONF.2/C.6/W.80).