

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE I (ARTICLE 94)

NOTES ON THE SIXTH MEETING

Held on Saturday 14 February 1948, at 6.00 p.m.

Chairman: Mr. Luis D. TINOCO (Costa Rica)

After discussion of the report of the Working Party on exceptions concerning the peace treaties and special regimes (E/CONF.2/C.6/W.44), the Sub-Committee provisionally agreed to the following text of a paragraph to be added to Article 94:

"2. Nothing in this Charter shall override

- (a) any of the provisions of peace treaties or permanent settlements resulting from the Second World War which are or shall be in force and which are or shall be registered with the United Nations, or
- (b) any of the provisions of instruments creating Trust Territories or any other special regimes established by the United Nations."

Sub-paragraph (a) above was accepted provisionally subject to possible further consideration in the light of any proposal which may be made concerning the inclusion of the Treaty of Lausanne in this exception.

Sub-paragraph (b) above was accepted subject to the possibility that the Central Drafting Committee might suggest changes in the text in the light of other provisions of the Charter, such as Article 68, which involve similar drafting problems.

The Sub-Committee discussed the possible inclusion of the word "solely" before "for the purpose of" in the text of paragraph 1 (c) or in other parts of the Article in relation to the text of the Article as a whole (see paragraph 7 of E/CONF.2/C.6/W.45). After a preliminary discussion the Sub-Committee requested the representatives of the United States of America and the United Kingdom to confer further concerning the question and to report to the next meeting of the Sub-Committee.

The Sub-Committee received a communication indicating that the appropriate working party under Committee III had given consideration to the question of
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including in Chapter IV the provision concerning any special temporary arrangements required between India and Pakistan pending the establishment of their trade relations on a definitive basis (see E/CONF.2/C.6/W.40 in which the earlier discussion of this question in Sub-Committee I was reported). That working party had ascertained through consultation with the Delegation of India that the special arrangements mentioned might involve matters covered in chapters other than Chapter IV, such as investments, commodity agreements and relations with non-Members. The Sub-Committee noted that if the scope of the proposed new paragraph were to be extended beyond Chapter IV the paragraph should be inserted in a general article of the Charter for which Committee VI is responsible. Sub-Committee I considered the possibility of dealing with the question in a separate protocol, or in a new temporary article, or by adding a new paragraph to Article 94 accompanied by an annex to the Charter. The Sub-Committee provisionally agreed, subject to further consideration after a more precise draft has been prepared by the representatives of the United Kingdom and India, that a new paragraph (or sub-paragraph of paragraph 1) be added to Article 94 establishing that "nothing in this Charter shall be construed to prevent the operation of the special provisions contained in Annex _____". The annex referred to would contain the paragraph and interpretative note on this subject set forth in E/CONF.2/C.6/W.40.
