

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE ON ARTICLE 93 (RELATIONS WITH NON-MEMBERS)

Working Paper Prepared by the Secretariat

The Secretariat was requested at the sixth meeting of the Sub-Committee to prepare and circulate to delegations a paper showing the various amendments to the draft which the Sub-Committee decided to adopt as a basis for discussion. These amendments are as follows:

Paragraph 1

- (a) The delegation of France suggests that the word "preclude" in the English text should be changed to "prevent" to bring it into conformity with the French text.
- (b) The delegation of Australia suggests that paragraph 1 should be amended so as to read:
- "1. Nothing in this Charter shall preclude any Member from concluding or maintaining commercial treaties with non-Members, which in practice do not contravene the principles of the Charter, or from maintaining economic relations with them."
- (c) The delegation of Iran suggests that the following words should be added at the end of this paragraph "if such agreements are not inconsistent with the purpose of the Charter."

Paragraph 2

- (a) The delegation of the United Kingdom suggests that the following interpretative note should be adopted:
- "Nothing in this Article shall be construed to prejudice or prevent the operation of the provisions of Article 57 (1) regarding the treatment to be accorded to non-participating countries under the terms of a commodity control agreement which conforms to the requirements of Chapter VI."
- (b) The Chairman suggests that the first sentence of this paragraph should be amended in the following fashion:

/"2. Members

"2. Members recognize, however, that it would be inconsistent with the purpose of this Charter to seek maintain any arrangements with non-Membersother Members."

(c) The delegation of Lebanon suggests that the second sentence of this paragraph should read: "Accordingly, subject to the provisions of Article 15 and Chapter IV"

(d) The delegation of China suggests that the second sentence of paragraph 2 should be made into a new paragraph 3.

Paragraph 3

(a) The delegation of France suggests that paragraph 3 should be redrafted as follows:

"3. No Member shall extend to the trade of any non-Member treatment more favourable than that which the Charter authorizes that Member to extend in this case to a Member, and which injures the interests of another Member."

(b) The delegation of Lebanon suggests that the commencing words of paragraph 3 should be amended to read: "Subject to the provisions of Article 15 and Chapter IV".

(c) The delegation of Czechoslovakia suggests that the commencing words of paragraph 3 should be amended to read "Subject to any other provisions of this Charter".

(d) The delegation of the United Kingdom suggests that paragraph 3 should be amended to read as follows:

"3. Subject to the provisions of Chapter IV, no Member shall extend to the trade of a non-Member treatment which, being more favourable than that which it extends to any other Member, materially injures the interests of another Member."

(e) The delegation of Iran suggests that the following sentence should be added to the end of paragraph 3: "Existing agreements inconsistent with the provisions of paragraphs 1 and 3 shall not be renewed after their expiration."

Paragraph 4

The delegation of Australia suggests that the words "as favourable as" should be deleted.

/Paragraph 5

Paragraph 5

- (a) The delegation of Cuba suggests that the commencing words of the second sentence should be amended to read: "Any recommendation involving alteration in the provisions of this Article".
- (b) The delegation of Iran suggests the following interpretive note to paragraph 5:

"In making its recommendations the Executive Board shall have due regard to special conditions and economic circumstances of those Members which are creditor countries or have substantial long-standing trade with such non-Members with which they are neighbours, and shall take appropriate account of the consequences of its recommendations upon the interests of such Members."

Other Suggestions

The delegation of Lebanon suggests that Article 93 should provide for a transitional period.
