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20 February 1948  
ORIGINAL: ENGLISH

SIXTH COMMITTEE: ORGANIZATION

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

NOTES UPON THE TWENTIETH MEETING

Held 20 February 1948 at 4.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The representative of Australia stated that on looking through the new text of Chapter VIII which had now been prepared by the Sub-Committee, he had noticed that when a question of nullification or impairment falling under paragraph 1 (a) of Article 89 had been referred to the Executive Board, the Executive Board might recommend a release from obligations. However, in the case of nullification or impairment of benefits arising from matters falling under paragraphs 1 (b) or (c) of Article 89, the Board could not recommend such a release, this being a step which could be recommended only by the Conference. He reserved the right to raise this matter at a later stage.

The Sub-Committee then continued its discussion of the amendment of the delegation of France to paragraph 3 of Article 92 which had since the last meeting been circulated as document E/CONF.2/C.6/12/Add.23, and which in that document was also proposed by the delegation of Colombia. The representatives of United States, United Kingdom, Australia, Netherlands, Denmark, South Africa and Canada spoke against this amendment whilst the representatives of Italy, Mexico (subject to reservation of final decision), Poland, Switzerland and Uruguay supported the representatives of Colombia and France. The representatives of India and Iraq reserved their positions pending the receipt of instructions. It was agreed that the amendment should be recorded in the report of the Sub-Committee together with a note of the attitudes adopted by the various representatives.

The Sub-Committee then commenced a second reading of the new text of Chapter VIII as set out in E/CONF.2/C.6/W.106. Article 89 was accepted subject to minor drafting amendments. It was agreed that at the next meeting the Sub-Committee would continue its second reading and would also consider the following question referred to it by the delegation of Czechoslovakia: the relation to Chapter VIII of the Charter of arbitration treaties on all questions concerning the interpretation of international agreements, questions of international law, etc. concluded by Czechoslovakia with other states.

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