

EXECUTIVE COMMITTEE

Second session.

RELATION OF THE INTERNATIONAL TRADE ORGANIZATION AND
THE INTERNATIONAL COURT OF JUSTICE

Item 6 of the Provisional Agenda

Paragraph 2 (g) of its terms of reference requires the Interim Commission, inter alia, to carry out the functions and responsibilities referred to in the resolution of the United Nations Conference on Trade and Employment regarding the relation of the International Trade Organization and the International Court of Justice. The resolution, which is annexed to the Final Act of the Havana Conference, reads as follows:

THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT
HAVING considered the relation of the International Trade Organization and the International Court of Justice; and
HAVING provided in Chapter VIII of the Charter, procedures for review by the International Court of legal questions arising out of decisions and recommendations of the Organization;
RESOLVES that the Interim Commission of the International Trade Organization, through such means as may be appropriate, shall consult with appropriate officials of the International Court or with the Court itself, and after such consultation report to the first regular session of the Conference of the International Trade Organization upon the questions of:

- (a) whether such procedures need to be changed to ensure that decisions of the Court on matters referred to it by the Organization should, with respect to the Organization, have the nature of a judgment; and
- (b) whether an amendment should be presented to the Conference pursuant to and in accordance with the provisions of the annex to Article 100 of the Charter.

/In preparation

In preparation for the consultations referred to in the resolution, the Secretariat on 6 May 1948 communicated* to the Registrar of the Court the text of the resolution together with a detailed summary of the background of the question. The Registrar, on 31 May 1948, informed the Executive Secretary that he had been authorized by the Court to hold himself at the disposition of any representatives that might be appointed by the Executive Committee of the Interim Commission to furnish them with whatever information they might require regarding the statute, jurisdiction and procedure of the Court. The Registrar indicated his willingness to go to Geneva for this purpose during the second session of the Executive Committee. The Registrar has pointed out that the information that he may thus be in a position to provide cannot in any way bind the Court.

In these circumstances, it is suggested that the Executive Committee, at an early stage of its second session:

- (a) designate a small sub-committee for consultation with the Court;
- (b) instruct the Executive Secretary to invite the Registrar to come to Geneva to consult with the Sub-Committee, such consultations to relate both to the information which the Registrar has offered to provide and to the timing and procedure for further consultations;
- (c) instruct the Sub-Committee to report back to the Executive Committee during the second session; and, in the light of this report, instruct the Sub-Committee regarding further action.

* Copies of the correspondence with the Registrar are available for inspection in the offices of the Secretariat.