

Executive Committee

Second Session

SUMMARY RECORD OF THE TWELFTH MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 13 September 1948, at 3.40 p.m.

CHAIRMAN: Hon. L.D. WILGRESS (Canada)

REPORT OF SUB-COMMITTEE I on CONSULTATION WITH THE  
INTERNATIONAL COURT OF JUSTICE (ICITO/EC.2/15) (Continued)

The Report drafted by the Sub-Committee for submission by the Interim Commission to the First Session of the Conference of the Organization was read paragraph by paragraph. With the exception of a statement made by the delegate of Australia relating to paragraph 2 under "A", no comment was put forward by the representatives during the reading.

In regard to paragraph 2, Mr. HEWITT (Australia) stated that his delegation could not agree to this interpretation of Article 96, which would impose on the Organization decisions on questions of monetary compensation. The basic principle lying at the foundation of the Organization was that Members whose interests had been prejudiced should be allowed to resort to retaliatory measures for their redress, the severity or intensity of which was to be brought under the control of the Organization; no ground was therefore provided within the scope of the Charter for recourse to monetary compensation. The introduction of the concept of monetary compensation, no in an indirect manner by means of interpretation, would have, in the opinion of the Australian delegation, the effect of altering the role of the Organization under Chapter VIII and reversing the basic principles of the Charter.

The paragraph in question was approved and a note was taken of the Australian reservation.

The draft report was adopted.

Mr. HEWITT (Australia) requested that the remark made by the delegate of France at the preceding meeting, to the effect that the jurisdiction of the Court should in no circumstance cover any economic or financial question, should be registered in the Summary Record of the present meeting.

Mr. PHILIP (France) said he had no objection to his reference to the express terms of Annex N of the Charter being recorded.

In reply to the CHAIRMAN's question whether the delegate of Australia intended to have his reservation incorporated in the Report to be submitted to the Conference or whether he would be satisfied with an entry in the Summary Record, Mr. HEWITT stated that it would be agreeable to him if the reservation were noted in the Summary Record.

It was agreed that a letter should be sent to the Registrar of the Court to convey the appreciation of the Committee for the valuable assistance which the Registrar had been able to give, and that the two aide-memoires should be incorporated in the Report as was suggested by the acting Chairman of the Working Party.

The meeting rose at 4.30 p.m.