

SIXTH COMMITTEE: ORGANIZATION

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

SUMMARY RECORD OF THE FOURTH MEETING

Held 14 January 1948, at 6.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The Sub-Committee considered the question of relationship between Chapter VIII and other articles in the Charter which laid down a specific procedure for the settlement of differences arising out of their operation, in particular Article 50.

It was agreed that the attention of all chairmen should be drawn to the fact that the Sub-Committee considered that Chapter VIII laid down a procedure for settlement of differences which the Sub-Committee concerned with other articles in the Charter could accept in toto or modify as they thought fit as regards its application to their particular articles. Unless in these articles there was specific language excepting them from the procedures of Chapter VIII, Chapter VIII would apply as regards them.

Mr. FANCETT (United Kingdom) proposed the following addition to Article 89 to cover the relation between this article and other provisions for consultation in the Charter:

"Consultation between Members at the request of one of them under any Article which makes no provision for the failure of such consultation shall be regarded as satisfying the requirements of this Article for the purpose of reference to the Organization under Article 90."

The Sub-Committee generally agreed upon the principle of this draft and established a working party consisting of the representatives of France, Mexico, the United Kingdom and the United States with the following terms of reference:

- (a) to produce an appropriate text along the lines of that proposed by the representative of the United Kingdom;
- (b) to prepare a draft of the notification to all chairmen referred to above; and
- (c) to consider the significance, if any, of the use in various  
/provisions

provisions of the Charter of the term "discuss" instead of "consult".

The Sub-Committee then resumed its consideration of paragraph 1 of Article 90.

It was agreed that the phrase "give a ruling" did not imply that the Conference or the Executive Board may under this paragraph impose new obligations upon a Member and that this interpretation should be inserted in the report of the Sub-Committee.

The Sub-Committee discussed the suggestion made by the representative of Colombia at the last meeting that different procedures should be specified in Article 90 for cases arising under sub-paragraph (a) and sub-paragraph (c) of Article 89.

Mr. RUBIN (United States) said that he thought the language of Article 90 allowed the Conference enough discretion to differentiate, as was the intention of the representative of Colombia, if it wished to do so. That language permitted the Conference to take fully into account the circumstances in which a matter was raised under Chapter VIII.

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