

SIXTH COMMITTEE: ORGANIZATION

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

NOTES UPON THE EIGHTH MEETING

Held 21 January 1948 at 3.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The Sub-Committee discussed paragraph 4 of Article 90 and the amendment presented thereto by the delegations of Mexico (see page 3 of document E/CONF.2/C.6/W.15) and Colombia (see document E/CONF.2/C.6/W.53). This amendment gave rise to a discussion whether paragraph 4 of Article 90 should cover both sanctions and compensation. Several representatives expressed the point of view that this was the intention of the present draft.

The representatives of Poland and Mexico agreed that in cases arising under sub-paragraph (a) of Article 89 and sub-paragraph (b) insofar as it related to the application of any measure conflicting with the Charter, the Organization should be authorized under paragraph 4 of Article 90 to impose sanctions. In other cases arising under Article 89 there should be no power to impose sanctions. The representative of South Africa said that the Organization should be empowered to impose sanctions when a complaint under Chapter VIII involved the failure of a Member to carry out its obligations under the Charter.

After further statements by the representatives of the United Kingdom, France and Australia, the Chairman summed up the discussion as follows:

1. It seemed that the Organization might award compensation under paragraph 4 of Article 90 in all the types of cases covered by Article 89.
2. The Sub-Committee had not yet shown definitely whether it was of the opinion that paragraph 4 of Article 90 should go further and authorize the Organization to impose sanctions in cases arising under sub-paragraph (a) of Article 89 and sub-paragraph (b) insofar as it concerned the application by a Member of measures conflicting with the Charter. A decision could probably be taken upon this point at the next meeting.

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