

SIXTH COMMITTEE: ORGANIZATION

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

NOTES ON THE NINTH MEETING

Held 22 January 1948 at 10.30 a.m.

Chairman: Mr. COUILLARD (Canada)

The Sub-Committee continued its discussion of paragraph 4 of Article 90 and in particular whether that paragraph should authorize the Organization to impose sanctions in cases arising under sub-paragraph (a) of Article 89 and sub-paragraph (b) so far as it concerned the application by a Member of measures conflicting with the Charter.

After statements by several representatives the Chairman asked the Sub-Committee whether it might not agree to retain the present text of paragraph 4 of Article 90 with the incorporation in it of the principle contained in the new paragraph 5 suggested by the delegation of Colombia (see document E/CONF.2/C.6/W.53). This suggestion not being generally acceptable it was agreed to set up a working party composed of the representatives of Colombia, France, South Africa, the United Kingdom and the United States to prepare a new text of Article 90 in the light of the discussions which had taken place. The working party was instructed to consider the channelizing of cases flowing from Article 89 into Article 90 and from Article 90 into Article 91, to make appropriate provisions for arbitration and to consider the breaking down of paragraph 4 to cover both compensation and sanctions if the working party agreed that sanctions should be included in that paragraph. In discussing the question of sanctions the working party was instructed to take into account the majority by which the Conference could decide to impose sanctions.

At the next meeting it was agreed to take up the report of the working party established to provide an appropriate link between the provisions regarding consultation in Article 89 and in other parts of the Charter (see document E/CONF.2/C.6/W.57) and subsequently Article 91.

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