

SIXTH COMMITTEE: ORGANIZATION

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

NOTES UPON THE TENTH MEETING

Held 26 January 1948 at 10.30 a.m.

Chairman: Mr. COUILLARD (Canada)

The sub-committee first discussed the report of the working party upon the relationship between Chapter VIII and other provisions of the Charter (document E/CONF.2/C.6/W.57). It was agreed that it would not be necessary to make the amendment suggested by the working party but that the following notification should be brought to the attention of all committees and sub-committees of the Conference:

The sub-committee considers that where an Article of the Charter other than those contained in Chapter VIII establishes procedures for action by a Member or by the Organization, action in accordance with that procedure should precede that provided for in Chapter VIII but shall not, unless it is so specified, impair the rights of Members under Chapter VIII. However, it is the view of the sub-committee that if consultation has taken place under the provisions of another article, such consultation would be regarded as fulfilling any similar procedural requirements for consultation in Chapter VIII. This will be made clear in the appropriate article of Chapter VIII.

Discussion of Article 91

Paragraph 1

The proposal of the delegation of Australia to amend paragraph 1 to read: "1. The Organization may of the Organization" was accepted unanimously. It was agreed that the rules of procedure of the Conference would take care of the situations in which it was necessary to seek advisory opinions urgently from the International Court at a time when the Conference was not sitting.

/Paragraph 2

Paragraph 2

A general discussion was opened upon the scope of paragraph 2, the question at issue being whether recourse to the International Court of Justice should be limited to advisory opinions on legal questions or whether such recourse should be so broad as to permit Members appealing to the ordinary jurisdiction of the Court.

The representatives of the United Kingdom and the United States expressed satisfaction with the text as it stood, whilst the representative of France favoured the course giving the greater freedom to the Members.
