1. With the agreement of the Sixth Committee, the Fifth Committee at its thirteenth meeting approved the establishment of a joint sub-committee, consisting of the members of Sub-Committee I of the Sixth Committee, together with representatives of the Fifth Committee, to

(a) draft an exception for national security in relation to inter-governmental commodity agreements on the basis of the recommendations contained in paragraphs (ii) (a) and (b) on page 9 of the Report of Sub-Committee A of the Fifth Committee (document E/CONF.2/C.5/9), and

(b) recommend regarding the location in the Charter of such an exception.

2. The Joint Sub-Committee consisted of representatives of the following delegations:

Australia
Chile
Costa Rica
Czechoslovakia
Denmark
Guatemala
France
India

Iraq
Netherlands
New Zealand
Pakistan
Philippines
Union of South Africa
United Kingdom
United States of America

3. Mr. Luis TINOCO (Costa Rica) was elected CHAIRMAN of the Joint Sub-Committee.


5. The Sub-Committee reached agreement on the following points:

(a) That the exception to be made regarding the requirements of national security should appear in Article 94.

(b) That the terms of this exception should be as follows:

"Nothing in this Charter shall be construed

"(c) to prevent any Member from entering into or carrying out any

/inter-governmental
inter-governmental agreement, or other agreement on behalf of a government for the purpose specified in this exception, made by or for a military establishment for the purpose of meeting essential requirements of the national security of one or more of the participating countries."

(c) That the insertion of this provision in Article 94 be accompanied by the addition to Section D of Chapter IV of a provision for consultation on the liquidation of any stock piles accumulated pursuant to this paragraph of Article 94.

6. The Joint Sub-Committee has communicated informally to the Sub-Committee of the Third Committee dealing with Section D of Chapter IV its view concerning the desirability of amending that Section to cover consultation on the liquidation of stocks and has also transmitted to that Sub-Committee possible texts for such a provision which might serve as a basis for discussion. The representative of the United Kingdom indicated that acceptance by his delegation of the proposed new paragraph in Article 94 was contingent upon the insertion elsewhere in the Charter of a satisfactory provision relating to consultation on the liquidation of stocks.

7. The Joint Sub-Committee considered the possible inclusion of the word "solely" before "for the purpose of ..." in the text recommended for the new paragraph (c) of Article 94 but felt that the question of including or omitting this qualifying word should be dealt with by Sub-Committee I of the Sixth Committee in relation to Article 94 as a whole.

8. It is suggested by the Joint Sub-Committee that the Central Drafting Committee might be asked to consider whether at the end of the proposed new paragraph of Article 94, the word "countries" or the word "states" should be used.

9. The representative of Iraq indicated that his delegation could not agree to the inclusion of the proposed new paragraph in Article 94 pending determination of the final shape of the whole of Article 94 in the light of the amendment submitted by the Iraq Delegation.