AMENDMENT TO ARTICLE 94 PROPOSED BY THE UNITED KINGDOM DELEGATION

Note: For the sake of completeness the text below includes the amendment proposed by the Working Party of the Joint Sub-Committee of the Fifth and Sixth Committees as paragraph 1 (c) (see E/CONF.2/C.5/W.9) and the text of Sub-Committee I as paragraph 3 (see E/CONF.2/C.6/W.14). Only the new wording now proposed by the United Kingdom delegation is underlined in this text.

ARTICLE 94 - GENERAL EXCEPTIONS

1. Nothing in this Charter shall be construed:

(a) to require any Member to furnish any information the disclosure of which it considers contrary to its essential security interests; or

(b) to prevent any Member, either singly or with other Members, from taking any action which it considers necessary for the protection of its essential security interests; where such action

(i) relating to fissile materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment of the Member or of any other country;

(iii) is taken in time of war or other emergency in international relations; or

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

(d) to prevent a Member from taking any action in connection with any matter which has been brought before the United Nations in accordance with the provisions of Articles 10, 11 or 14 of Chapter IV of the Charter of...
Charter of the United Nations, provided that the matter relates to the maintenance of international peace and security or to the avoidance of political friction between States, or in accordance with the provisions of Chapter VI of the United Nations Charter.

2. If any action taken by a Member under paragraph 1 of this Article nullifies or impairs any benefit accruing to another Member directly or indirectly the procedure set forth in Chapter VIII of this Charter shall apply and the Organization may authorize such other Member to suspend the application to the Member taking the action of such obligations or concessions under or pursuant to this Charter as the Conference deems appropriate; provided that where the action is taken under paragraph 1 (d) of this Article the procedure set forth in Chapter VIII of this Charter shall not apply until the United Nations has made recommendations on or otherwise disposed of the matter.

3. Nothing in this Charter shall override

(a) any of the provisions of peace treaties in force which were registered with the League of Nations or which are registered with the United Nations, or

(b) any of the provisions of special regimes established by the United Nations for separate territories.