SIXTH COMMITTEE: ORGANIZATION

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

NOTES UPON THE ELEVENTH MEETING

Held 28 January 1948 at 6.00 p.m.

Chairman: Mr. COUILLARD (Canada)

The Sub-Committee discussed document E/CONF.2/C.6/W.73 being amendments to Article 91 proposed by the delegation of France and a draft resolution which that delegation suggested be adopted by the Conference asking the International Court of Justice to consider whether its Statute could be amended so that international organizations might be parties to cases before the Court.

The representative of South Africa raised the point of order that unless the Sub-Committee was certain the Court would give a favourable answer to the resolution suggested within a reasonable time, there was no point in discussing the amendments to Article 91 suggested by the delegation of France. Various arguments were advanced in support of this point of order, the principal one being that from the history of the Statute of the Court it seemed very unlikely that any amendment to the Statute in the manner suggested would be made and that even if such an amendment were to be made, a long and involved procedure would have to be followed.

After discussion of the point of order the representative of France suggested that the Sub-Committee should move on to decide upon the question of principle, namely, whether recourse should be permitted to the Court to obtain an advisory opinion or a judgment. It was agreed that this procedure should be adopted at the next meeting.