Article 12 - Means of Economic Development.

Amendment submitted by the French Delegation.

Paragraph 3 of Article 12 provides that "any Member, or with the authorisation of a Member, any affected business entity or person within that Member's jurisdiction, may submit to the Organisation a complaint that action by another Member is inconsistent with its obligations under this Article."

It is contrary to the generally accepted principles of international law that an individual be permitted to summon a State to appear before an international body. Further, it seems appropriate and desirable that a State should not merely authorise a private individual to lodge a complaint to the effect that his interests have been adversely affected allegedly as the result of a breach of obligations entered into under an agreement such as the Charter, but should itself shoulder responsibility by taking part in the proceedings. For these reasons the French Delegation proposes that the text of paragraph 3 should be modified on the lines suggested by the United Kingdom delegation in New York and should read as follows:
"Any Member may, on its own behalf or on behalf of any affected business entity or person within that Member's jurisdiction, submit to the Organisation a complaint that action by another Member is inconsistent with its obligations under this Article. The Organisation may, without prejudice to the application of Article 35, request the Members concerned to enter into consultation with a view to reaching a mutually satisfactory settlement and may lend its good offices to this end."