

COMMITTEE VI: ORGANIZATION

REPORT OF WORKING PARTY OF SUB-COMMITTEE G OF
COMMITTEE VI ON CHAPTER VIII

1. The Working Party, composed of representatives of Australia, India, Mexico and the United States considered several alternatives suggested and agreed unanimously on the texts of Articles 89 and 90, paragraph 4.
2. The following is a suggested text for Article 89 - Consultation between Members:

"If any Member should consider that any benefit accruing to it directly or indirectly, implicitly or explicitly under any of the provisions of this Charter other than Article 1 is being nullified or impaired, [or that the attainment of any of the objectives set forth in Article 1 is being impeded], as a result of

- (a) the failure of another Member to carry out [its] an obligation [s] under this Charter, or
- (b) the application by another Member of any measure, whether or not it conflicts with the provisions of the Charter, or
- (c) the existence of any other situation [.] the Member may discussions undertaken.

3. The following is a suggested text for Article 90 - Reference to the Organization:

Paragraph 4

"If the Conference considers that [the circumstances are serious enough] the nullification or impairment referred to in Article 89 in fact exists and is sufficiently serious to justify such action....etc."

1. Comments

- (a) After consideration of the points of view expressed in the sub-committee meeting the working party considered that it could best reconcile these views and the sense of the meeting by narrowing the scope of the preamble to Article 89. It was felt that Article 1 of the Charter is so broad that it would be possible to show that almost any action taken by a Member impeded the
/attainment of

