

in such a case the application to any Member of an obligation or concession is suspended that Member shall then be free within a limited period to withdraw from the Organization.

It is important to note that a resolution or decision of the Conference shall have full force and effect even though the subject is referred to the International Court of Justice, but some safeguard against damage to a Member's interests from such a position is given by the provision in paragraph 4 of Article 91 that the Conference may suspend the operation of its decision if it so resolves. The question of whether rulings of the Executive Board are to be maintained or suspended pending their review by the Conference under paragraph 3 of Article 90 is to be settled under rules of the Conference.

If the Members which are parties to a dispute consent, the Executive Board may refer a question at issue to arbitration. One Delegation reserved its position on this provision on the grounds that it is anxious to see built up a body of case law on the matters on which Members differ. If the arbitration procedure is widely resorted to it is alleged that it is unlikely that any consistency will emerge in the awards made. In matters to be referred by the Organization to the International Court of Justice the procedure to be followed is that specified in the Statute of the Court relating to advisory opinions. This follows from the consideration that because it is expected that most of the problems confronting the Organization will be associated with economic and technical matters in the field of trade it would be preferable if the case on which the Court is to adjudicate were stated in accordance with the advisory opinion procedure rather than for the Court to have to seek the facts. The statement of the facts underlying the question upon which the opinion of the Court is to be requested is to be furnished by the Organization in consultation with the Members substantially interested. The opinion of the Court is to be binding upon the Organization.

Nothing in Chapter 8 is to be construed to exclude other procedures provided for in the Charter for consultation and settlement of differences arising out of its operation. Article 92 provides that Members will not have recourse to any procedure other than one envisaged in the Charter for complaints and settlement of difficulties.

CHAPTER IX.—GENERAL PROVISIONS. (Articles 93–100)

Three texts of Article 93 dealing with relations with non-Members appear in the draft Charter since the Preparatory Committee was unable to reach finality on this subject in the absence of information as to the probable membership of the International Trade Organization. The problem becomes particularly difficult in the case of Members which carry on a substantial part of their trade with countries which might not join the International Trade Organization but which might nevertheless be Members of the United Nations. In this case the withholding of