

“ ‘Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.’

“At the time the FAO Constitution was formulated and adopted, the United Nations had not come into existence and it was not certain what form the International Court would take. Therefore the Constitution explicitly provided for the adoption of rules by the Conference concerning the manner of referring questions or disputes to ‘an appropriate international court or arbitral tribunal.’

“In the negotiations between the negotiating committees of the Economic and Social Council and of FAO, the former proposed that FAO should receive similar rights of access to the Court as those provided for in the draft agreement with UNESCO, as follows :

“ ‘The Organization is authorized, pursuant to Article 96 of the Charter of the United Nations, to submit to the International Court of Justice requests for opinions on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and UN or other specialized agencies, provided that the Organization shall give prior notice to the Council of all such requests. The Council shall have the right to declare that in its judgment any such request should not be made. If, after the Council has made such a declaration, the request is not withdrawn, the General Assembly shall itself determine whether the request shall be submitted to the Court.’

“The negotiating committee of FAO maintained that the Organization should receive similar treatment to that provided for in the draft agreement with the International Labour Organization, namely :

“ ‘The General Assembly authorizes the International Labour Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

“ ‘Such request may be addressed to the Court by the Conference or by the Governing Body acting in pursuance of an authorization by the Conference.

“ ‘When requesting the International Court of Justice to give an advisory opinion the International Labour Organization shall inform the Economic and Social Council of the request.’

“Since no agreement could be reached on this point, it was decided to leave Article IX (Relationships of the International Court of Justice) blank in the Draft Agreement between the United Nations and FAO pending further consideration by the Council. The Executive Committee of FAO, at its meeting of 28 June to 2 July after receiving the report of the FAO negotiating committee, unanimously upheld the view taken by the negotiating committee.

“The position of FAO is as follows :

“The Organization is in agreement with the Economic and Social Council that questions concerning the mutual relationship of the Organization and the United Nations or other specialized agencies should be excluded from any general authorization for reference to