

International Court of Justice. This review will be obtained in the form of an advisory opinion given by the Court, and the request shall be accompanied by a statement of the matters involved drawn up by the Organization in consultation with Members concerned.

Pending delivery of the opinion of the Court, the decision of the Conference is to continue in full force and effect unless the Conference suspends operation of the decision meantime, which it shall do where it finds that damage difficult to repair would otherwise be caused to any Member.

Upon receipt of the opinion of the International Court the decision or resolution in question shall be varied so far as necessary to make it accord with the opinion of the International Court.

It will be noted that the existing provision for reference to the International Court permits only a review of the legal issues involved, and thus no questions of fact or equity will come within the purview of the International Court under Article 96.

The present provisions of the statute of the Court do not enable a case to be dealt with in the normal judicial manner in which one of the parties is an international organization. There was some conflict of opinion at Havana as to whether this provision was desirable, and it was accordingly decided that the Interim Commission should discuss the question with the International Court and submit a report to the first regular session of the Conference of I.T.O. when established. Provision has been made in Annex N for approval by the Conference by a simple majority of Members of amendments arising from these consultations.

Article 97: Miscellaneous Provisions

Throughout the Charter there are various provisions for consultation and settlement of differences arising in particular circumstances. The procedures provided for in these special cases are peculiarly suited to the type of dispute or difficulty in question, and therefore paragraph 1 of this Article provides that such procedures shall not be excluded by the general provisions of Chapter VIII. If these special procedures fail to result in settlement, however, any discussions, consultations, or investigations undertaken under them will be considered to comply with the corresponding requirements of Chapter VIII and will not have to be repeated before recourse to the subsequent stages of settlement under the present chapter.

Paragraph 2 of this Article provides for the Conference and Executive Board to lay down rules of procedure for dealing with complaints coming within the provisions of Chapter VIII.