

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE SIXTEENTH MEETING

Held at the Capitol, Havana, Cuba.  
Monday, 29 December 1947 at 10.30 a.m.

Chairman: Mr. Erick COLBAN (Norway)

CONSIDERATION OF PARAGRAPH 1 OF ARTICLE 92.

The CHAIRMAN opened the discussion of the amendment offered by the delegations of Argentina and Peru to add Spanish as one of the authoritative texts for the interpretation of the Charter. To enable the Central Drafting Committee to start its work it was necessary to take a decision on this amendment. He called attention to Article 39 of the Statute of the International Court of Justice, providing for French and English as the official languages of the Court. Inasmuch as differences arising within the Organization would eventually be referred to the Court, it should not be prejudiced in its work.

Mr. ALAYZA (Peru) referred, in support of his delegation's amendment, to Article 111 of the United Nations Charter which provided for equally authentic texts in five languages, including Spanish.

Mr. FEDRANO (Argentina) emphasized the need for the inclusion of Spanish by stating that 120 million people in Latin America were using that language.

Mr. MELANDER (Norway) spoke against the amendment. He pointed out that Article 100 provided for original texts in the official languages of the United Nations. For the purpose of authenticity two languages were ample, particularly since that corresponded to the usage adopted by the International Court of Justice.

Mr. KARMARKAR (India) agreed with the Norwegian representative and suggested that the question be considered in connection with Article 100. He invited the Committee to consider the desirability of translating the Charter into Hindustani, one of the major languages, so as to make the Charter available to the largest public audience.

Mr. PARANAGUA (Brazil) agreed with the Chairman's opinion that authentic texts in French and English were sufficient, as had been the case in all international agreements since the first world war. The number of peoples

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using a certain language was not decisive. Of 120 million Latin-Americans about 50 million Brazilians used Portuguese.

Mr. GAZDER (Pakistan) also supported the use of only two authoritative languages. He remarked that about 100 million people spoke Arabic, and 300 million used Urdu. He felt that the discussion of Article 92 should not be linked to Article 100.

Mr. GARCIA-SERRATO (Uruguay) suggested, in supporting the Argentine-Peru amendment, that it was not so much a question of the number of people who spoke a language as one of the number of countries which spoke it. It was important to bear in mind that one-third of the prospective Members of the Organization used the Spanish language.

Mr. FEDRANO (Argentina) remarked that he had meant to refer to 120 million people of Iberian origin.

Mr. DAO (China) reserved his delegation's position.

Mr. MONDELLO (Italy) supported the Argentine-Peru amendment by stating that Italians understood Spanish better than any other language, and so would benefit by its inclusion.

Mr. AMADOR (Mexico) observed that the Mexican Government had had considerable difficulties in translating the Charter into Spanish. Important discrepancies had been noted by him between the French and English texts and an authoritative Spanish text would be most useful for a better interpretation of the Charter.

Mr. LORETO (Venezuela) warmly supported the amendment and stated that the increasing importance of the Spanish speaking countries in world affairs should receive its due recognition. Articles 89 and 90 provided for consultation between Members and for reference of differences to organs of the Organization, and if such differences arose between Latin-American countries, it would be simpler to have an authoritative Spanish text, particularly, when the International Court of Justice had not been seized with the matter. He thought that all five texts should be made authoritative.

Mr. HOLMES (United Kingdom) was of the opinion that the whole matter was not one of prestige but only of practicality. The arguments adduced by the Uruguayan representative were not convincing; and those of the Mexican representative seemed to point in the direction of reducing the authoritative languages from two to one, rather than of increasing them any further. The Charter should, of course, be translated into as many languages as possible, but in view of the multiplicity of languages the fewer interpretative texts existed, the better for everybody.

Mr. POLITIS (Greece) felt that the draft text should remain unaltered, and Mr. de GAFFIER (Belgium) concurred, adding that it would be the task of

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UNESCO to evaluate the merits of various languages; in the interest of the Organization, as few authoritative languages as possible should be adopted.

Mr. GARCIA-SERRATO (Uruguay) explained that what mattered was the number of countries speaking Spanish, the governments of which had to interpret and implement the Charter on behalf of their peoples. The Spanish was a universal language which was understood in Brazil as well as in parts of Europe, America, and the Philippines, and thus deserved to be recognized.

Mr. KOJEVE (France) said he would have preferred one authentic text, but since the usage of French and English had become firmly established, he would endorse it. If, however, more languages were to be made authoritative in external relations, it would complicate matters too much. English and French belonged to two different linguistic groups and that would be helpful in solving divergences in interpretation, but there was no justification for addition of Spanish belonging to the same group of languages as French.

Mr. MACHADO (Cuba) questioned whether it would be more practical to omit Spanish as the language of an authoritative text. At Bretton Woods and Chicago, Spanish had been adopted, and the United Nations had also recognized that language.

Mr. RIVERA (Colombia) warmly endorsed the amendment, and Mr. ALAYZA (Peru) added certain political, practical and cultural reasons in supporting his delegation's amendment. He also said that the fact that Article 39 of the Statute International Court of Justice provided for two working languages for the Court, should not affect the decision of this Conference on Article 92, paragraph 1. Not only the Court but the Organization itself, the Executive Board and the Conference, would have to interpret the Charter and this Conference could, therefore, decide what texts should be authoritative.

Mr. de VRIES (Netherlands) stressed that the main problem was the interpretation of the Charter under the Chapter VIII. Only if the International Court of Justice decided to amend Article 39 of its Statute, would it be possible to accept Spanish text as authoritative text for interpretation. For greater flexibility, however, the Article might simply read: authoritative languages shall be those of the International Court of Justice. Consultations held under Articles 89 and 90 would deal with economic questions only; matters needing interpretation could be brought before the Court, in which case Article 92 was adequate.

Mr. VIRATA (Philippines) stated that he would welcome Spanish as an authoritative language. He looked forward to the creation of one world using a single language. He noted that the question had budgetary implications. He observed that while, because of budgetary implications there was a useful distinction between official and working languages, there  
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was no difference between official languages and the official language for the interpretation of the Charter. Cases brought before the Court would be examined in accordance with its procedures, which a state accepted when it referred a matter to the Court. It might be better to omit paragraph 1, and to state only that the five official languages of the United Nations should be the official languages of the Organization.

Mr. WOULBROUN (Luxembourg) supported the Geneva draft. English and French were the generally accepted working languages. It would be impossible to add Spanish without complicating the procedure further by adding Russian and Chinese.

Mr. STINEBOWER (United States) preferred the Geneva text, since multiplication of authoritative texts would create ambiguities and difficulties in interpretation; The Charter could be translated, however, into all major languages.

Mr. MACHADO (Cuba) proposed that the suggestion of the representative of the Philippines to delete the reference to authoritative text in Article 92, paragraph 1, should be put to the vote.

Mr. KOJEVE (France) was not convinced by the arguments put forward by the Philippine representative. The matter should be examined by a group of experts.

The CHAIRMAN recalled that the discussion's purpose was to determine the terms of reference of the Central Drafting Committee. Omission of paragraph 1 of Article 92 might deprive the latter of guidance. While keeping an open mind on the matter, he saw a strong case for maintaining paragraph 1.

Mr. BLUSZTEIN (Poland) did not feel that the decision on the amendment would necessarily affect the terms of reference of the Central Drafting Committee. He suggested that the Central Drafting Committee might include Spanish-speaking representatives.

Messrs. SEIDENFADEN (Denmark), ROUCHDY (Egypt), HAKIM, (Lebanon), PACHACHI (Iraq), REAL (Switzerland), FER (Turkey) and NARAGHI (Iran) favoured the Geneva draft. Mr. de GAIFFIER (Belgium) supported that opinion, explaining that it was a question of interpretation of rights contested on the basis of the text. Mr. COUILLARD (Canada) and Mr. HOLLOWAY (Union of South Africa) also shared that view on the basis of their respective countries' experience with two official languages.

Mr. MacCARTHY (Ireland) supported the French suggestion to refer the question to a committee of experts.

In reply to a question by Mr. LORETO (Venezuela) regarding the relationship between Articles 92 and 100 of the Charter, the CHAIRMAN explained that the provision of Article 92 of the Charter regarding authentic texts in two languages did not exclude the possibility of translation of documents into the five official languages.

/Mr. A. GARCIA VILLAL

Mr. A. GARCIA VILLAL (El Salvador) and Mr. de la GUARDIA (Costa Rica) supported the amendment.

Mr. GUTIERREZ (Bolivia) also supported the amendment. Authentic texts in Spanish were very important to the numerous Spanish-speaking countries of Latin America in connection with interpretation of controversial provisions. The question should be referred to a sub-committee for decision.

Mr. MACHADO (Cuba) agreed with the arguments put forward in favour of the amendment and recalled that international agreements frequently had to be integrated into the constitutions of Latin-American countries. Inclusion of a non-Spanish text would be very difficult. Furthermore, how valid would Article 92, paragraph 1 be, if certain countries made reservations with regard to the authenticity of the texts. The Court's decisions, in order to be just, had to be based on the true meaning of the provisions which would be better conveyed by three texts.

Mr. GARCIA SERRATO (Uruguay) agreed with the representative of Cuba that an understanding of the provisions would be facilitated by preparation of several texts. Since more than one language was to be used, it would only be fair also to adopt the language of more than one-third of the prospective Members.

The CHAIRMAN concluded that eleven representatives had spoken in favour of the amendment presented by Argentina and Peru; twenty-three wished to maintain the Geneva draft. Two of the latter group had made a reservation implying that if Spanish were included, Russian and Chinese should be added as well. He did not think it was necessary to establish a sub-committee.

Mr. ALAYZA (Peru) suggested that a sub-committee might clarify the question of authentic texts, as indicated by the representative of France; it might also examine the Chairman's interpretation of the meaning of the words "official and authentic".

Mr. GARCIA SERRATO (Uruguay) and Mr. FEDRANO (Argentina) agreed with the representative of Peru.

Mr. MATSCH (Austria) suggested that the Secretariat might inform the sub-committee as to how the question had been settled by other specialized agencies.

Mr. MACHADO (Cuba) said that in case the Peruvian proposal were not accepted, he would have to make a reservation with regard to Article 92, paragraph 1.

Mr. DAO (China) proposed that, if constituted, the sub-committee should also consider the question of including Chinese as an authentic text.

The CHAIRMAN then appointed a sub-committee composed of the representatives of Argentina, Peru, France, China, the United Kingdom and Belgium.

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