

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE TWENTIETH MEETING

Held at the Capitol, Havana, Cuba,
Monday, 5 January 1948, at 10.30 a.m.

Chairman: Mr. Erik COLBAN (Norway)

1. Discussion of Article 96

The CHAIRMAN asked the Committee to consider the proposed amendment of the delegation of India to shorten the time limit within which the Conference should convene a special session for the purpose of reviewing the provisions of the Charter to five years rather than ten years as provided for in the Geneva Draft. The International Chamber of Commerce had made a similar suggestion.

Mr. KUMLIN (Sweden) had felt Article 96 was superfluous since the Conference could at any time provide for revising the Charter.

Mr. SEIDENFADEN (Denmark) asked for an explanation as to why Article 96 had been included in the Geneva Draft.

Mr. STINEBOWER (United States) agreed with the representative of Sweden that Article 96 added nothing. The United States delegation attached no great importance to Article 96 since the Conference would be free to reconsider the Charter as a whole, or in part at any time.

Mr. AUGENTHALER (Czechoslovakia) agreed with the proposed Indian amendment, providing for a review of the Charter after five years. It seemed logical that within five years changes might be necessary.

The proposed Indian amendment calling for a review after five years was supported by Mr. FORTHOMME (Belgium), Mr. BAUF (Afghanistan), Mr. KOJEVE (France), Mr. MORALES (Guatemala) and W. KING (China).

Mr. TANGE (Australia) preferred the text of the Charter as it stood. He was opposed to a mandatory session after five years only, but was agreeable to holding a special session, if necessary.

The CHAIRMAN asked for the views of the Committee concerning the fixing of a five or ten years. He found the following countries supported the Indian proposal; (amending the Geneva Draft to read five years):

/Syria, Iraq,

Syria, Iraq, Greece, Uruguay, Venezuela, Southern Rhodesia, Brazil, Chile, Egypt, Argentina and Mexico.

Mr. KARMARKAR (India) pointed out that because of abnormal postwar economic conditions, certain transitory factors had to be taken into account which might be usefully reviewed when certain stability would be achieved. Such a provision would have psychological effect on those who had to make certain compromises at the Conference to arrive at a final text of the Charter. There were psychological advantages in a definite period of five years within which there would be a review of the Charter.

Mr. FAWCETT (United Kingdom) was not convinced of the desirability of a five year period. He stated that amendments could be introduced at any time during regular sessions. The Charter did not preclude review before ten years and provided for review of quantitative restrictions at a period before five years had elapsed. He proposed that the Sub-Committee considering Article 95 should also consider Article 96.

Mr. HERBERT (Canada) wished to retain the period of ten years, provided for in the Geneva Draft.

The CHAIRMAN found no delegate in favour of omitting Article 96. Eighteen delegates were in favour of the Indian amendment, reducing the time period to five years, three delegates were in favour of ten year period provided for in the Geneva Draft. The suggestion had been made that the Sub-Committee, considering Article 95 also consider Article 96, and in particular, the Indian amendment. He pointed out that the Sub-Committee would have to be directed in their considerations by the clear tendency of the Committee to the period of five years.

Mr. SEIDENFADEN (Denmark) was impressed by the remarks of the representative of Australia concerning the additional expense which might be incurred. He wished to suggest that the Sub-Committee considering Article 96 consider omitting the word "special" and submitting a mandatory recommendation at the end of the five-year period on the necessity for a special session.

The CHAIRMAN referred the proposed amendments to the Sub-Committee on Article 95.

Article 97

Adopted on first reading as drafted by the Preparatory Committee.

Article 98

The CHAIRMAN invited discussion on the Burmese amendment.

Mr. FORTHOMME (Belgium) felt the Burmese amendment to Article 98 was closely connected with Article 68. To avoid raising again issues arising from that Article, he proposed to change the wording of Article 98 to read:

/"instruments of

"instruments of acceptance of this Charter shall be deposited with the Secretary-General....."

It was agreed to put the Belgian redraft in brackets in the text adopted on first reading.

Article 9B - paragraph 2

Amendments Concerning the Majority necessary for Charter to enter into Force

Mr. GARCIA SERRATO (Uruguay) considered that the number of twenty states which might bring the Charter into force was not large enough. A two-thirds majority should be required. In a spirit of conciliation he would accept a simple majority.

Mr. AMADOR (Mexico) had advocated a simple majority of Members' ratifications for the entry into force of the Charter. Any number less than one-half would be selected on an arbitrary basis.

Mr. GARCIA SERRATO (Uruguay) agreed to accept the majority provided for in Article 110 of the United Nations Charter.

Mr. LORETO (Venezuela) accepted the Mexican amendment providing for a simple majority. He questioned the meaning of the French text as to whether it meant members invited to the Havana Conference or Members present at the Conference.

The CHAIRMAN read the English text of the Mexican amendment, which he interpreted to mean a majority of at least half of the fifty-eight delegates attending the Havana Conference.

Mr. FAWCETT (United Kingdom) opposed the Mexican amendment and upheld the text of the Geneva Draft calling for twenty states to accept the Charter in order to bring it into force. He felt it was important to keep the number low and the difference between twenty and twenty-nine was artificial. Twenty-nine was no more universal than twenty; United Nations Educational, Scientific and Cultural Organization and the Food and Agriculture Organization had accepted the number of twenty.

Mr. AMADOR (Mexico) accepted the concept of majority suggested by Mr. LORETO (Venezuela)

Mr. WOULEHROUN (Luxembourg) felt that the Organization had more limited objectives than the United Nations. He suggested that the Charter entered into force when ratified by half of the signatories or else when the states which had ratified it represented eighty per cent of the world international trade.

Mr. KOJEVE (France) agreed with the representative of Luxembourg. Twenty members might represent eighty per cent of the world trade. He agreed with the representative of the United Kingdom that a numerical majority is not all important. The Conference might well consider the suggestions of the representative of Luxembourg.

/Mr. NORIEGA MORALES

Mr. NORIEGA MORALES (Guatemala), while recognizing that two countries might represent eighty per cent of world trade, felt that the countries of the world needed an Organization composed of the majority of trading nations and therefore supported the Mexican proposal.

Discussion of Article 99

Mr. STINEBOWER (United States) upon a request by Mr. HLUSZTAJN (Poland), explained that the purpose of his amendment to Article 99 was to ensure certainty and order in the trade between the occupation areas and the rest of the world. In view of the important substantive and legal problems involved, the proposal should undergo careful examination by a sub-committee. The principle of the main paragraph did not envisage the entry of those areas into the Organization "through the back door", as had been alleged in connection with Article 68 with regard to Germany and Japan. Korea had not been mentioned in the footnote because, in the opinion of the United States and other Allied Governments, Korea was a liberated territory which should soon have an independent Government to act on its behalf.

After some discussion of the procedure to be followed by the sub-committee with regard to the United States amendment, the CHAIRMAN said that it was customary to represent on sub-committees interested, as well as objective Governments. The sub-committee would examine the proposal from a technical point of view. With regard to the suggestions by Mr. KING (China) and Mr. AUGENTHALER (Czechoslovakia) concerning information to be supplied by relevant organizations like the Allied Control Council and the corresponding authority for Japan, he pointed out that representatives of occupational powers could supply the sub-committee with the desired information. He agreed with Mr. KOJEVE (France) that the United States amendment should be examined last in order to enable representatives to communicate with their Governments on that important question.

He then appointed a sub-committee consisting of the representatives of Belgium, Czechoslovakia, France, Mexico, United States, Uruguay, India, Italy, Argentina and the United Kingdom (as sub-committee chairman). Furthermore, the representatives of China, Poland, Australia and Denmark would participate in the work on the United States amendment, and the representative of Chile would participate in the discussion on his amendment. The sub-committee's terms of reference included the examination of Articles 95, 96, 98, 99 and 100; as well as all relevant amendments in the annotated agenda (document E/CONF.2/C.6/12); and the amendments to Articles 99 and 100 presented by the United States (document E/CONF.2/C.6/12/Add.10) and the Chilean proposal to add a new Article 100.

/The CHAIRMAN,

The CHAIRMAN, in reply to a remark by Mr. MACHADO (Cuba) regarding the necessity of provision for the future admission of countries that were not represented at the Havana Conference or that might not be able to ratify the Charter immediately, said that the Committee might see, in second reading, whether Article 60, paragraph 2 did not cover the matter.

Mr. Mac LIAM (Ireland) suggested that the sub-committee should examine first Article 98 in order to enable the sub-committee on Article 93 to complete its work in the light of the former's findings.

Discussion of Article 1 (Purpose and Objectives)

Mr. AMADOR (Mexico) said that he had expected to present his amendment to Article 1 after the first reading of all Charter provisions. His first amendment was to add a second part to Article 1, paragraph 3: "To facilitate, on equal conditions, the access to raw-materials which may constitute surpluses for export in each country." His second amendment, to paragraph 4, was to substitute for the words: "tariffs and other barriers", the expression: "unnecessary barriers to trade".

Mr. KARMARKAR (India) expressed the hope that the sub-committee would examine an amendment which his delegation might present to Article 1, paragraph 2.

The CHAIRMAN explained that Article 1 had been put on discussion because Committee VI would not meet again for some time. He then appointed the following countries, which had presented amendments to the sub-committee on Article 1: Argentina, Belgium (as Chairman), Ecuador, Egypt, France, Italy, Norway, United Kingdom and Uruguay. The representatives of Mexico and India would participate in the sub-committee's work on their respective amendments. The Committee would have an opportunity to discuss the sub-committee report later.

Mr. RIVERA (Colombia) reserved the right to present further amendments to Article 1 in the light of the discussion on other Articles to which his delegation had also presented amendments.

Mr. AUGENTHALER (Czechoslovakia), upon a remark by Mr. BLUSZTEJN (Poland), suggested that the summary records of sub-committees might give an adequate picture of the discussion on the amendments.

Constitution of a Working Party to Study the Question of an Interim Organization

The CHAIRMAN explained that he had discussed with the Committee Chairman and the Secretariat the question of the Interim Organization which was to prepare the first Conference of the Organization.

After some discussion of procedure, the Committee agreed to set up a working party which would study whether an Interim Commission should be established to explore its functions, powers and duties and consider its financial implications. The working party could contact the representatives on various questions.

Mr. CHAIRMAN

The CHAIRMAN then appointed the following representatives to the working group: Canada, France, Mexico, Netherlands, New Zealand, Pakistan, Peru, Philippines, Turkey, United States, United Kingdom, Colombia, Iraq, El Salvador and Norway (Mr. COLEMAN to be the Chairman).

In conclusion the CHAIRMAN announced that according to a General Committee decision, the Chairman of the Sixth Committee would have to present a report on the progress of its work by 10 January.