

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE TWENTY-NINTH MEETING

Held at the Capitol, Havana, Cuba,  
Thursday, 19 February 1948

Chairman: Mr. E. COLBAN (Norway)

1. CONTINUATION OF DISCUSSION OF THE INTERIM REPORT OF THE SUB-COMMITTEE ON ARTICLES 95, 96, 98, 99 AND 100 (documents E/CONF.2/C.6/48/Rev.1 and E/CONF.2/C.6/12/Add.21)

Article 100 - Deposit of Texts and Data (continuation of discussion)

The CHAIRMAN, referring to the amendment to Article 100 proposed by the representative of Mexico, said that since the last meeting of the Committee an informal working group had considered that amendment and had suggested that the following sentence should be added to the first paragraph of the Geneva text of Article 100:

"Subject to the provisions of the Statute of the International Court of Justice such texts shall be equally authoritative for the purpose of the interpretation of this Charter, and any discrepancy arising from a difference between texts shall be settled by the Conference."

Mr. GARCIA OLDINI (Chile) paid tribute to the co-operative spirit shown by the small working group which had arrived at a text for Article 100 acceptable to all Spanish-speaking nations.

Mr. de GALEFFIER (Belgium) asked how the text of the Charter in the official languages of the United Nations, other than those of English and French, was to be drawn up.

Mr. AMADOR (Mexico) considered that delegations which were interested in the drawing up of the text in languages other than English and French would communicate drafts in those languages to the Secretary-General of the United Nations, possibly before the end of the Conference, so that they could be distributed to all Governments which signed the Final Act. After examination of those texts, the Governments would submit their comments to the Executive Secretary of the Interim Commission. The Interim Commission or the Executive Committee, would have to draw up the final texts in the

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light of the comments received. Arrangements would then have to be made for those texts to be appended to the Final Act.

The CHAIRMAN said that, as Chairman of the Working Party on the Interim Committee, he would take note of the suggestion made by the representative of Mexico, and pointed out that the Executive Secretary was preparing a report to the General Committee on the same lines.

Mr. GUTIERREZ (Bolivia) supported the text proposed for Article 100 and the remarks of the representative of Mexico.

The representatives of CHINA, INDIA and COSTA RICA supported the new text, the latter drawing attention to the amendment to Article 100 submitted by his delegation proposing that that Article should state that the Charter should be called the Charter of Havana, following the precedent set by other international conferences which had named the agreements reached by them after the city or place in which those conferences had taken place.

Mr. KELLOGG (United States), referring to the words "discrepancy arising from a difference between texts", said that their meaning was not clear, and suggested that the new draft of Article 100 should be submitted to the Central Drafting Committee after approval by the Sixth Committee.

The Committee approved the new text of the first part of Article 100 and the deletion of paragraph 1 of Article 92/

The representatives of IRAQ, the LEBANON, GREECE, ARGENTINA, FRANCE, SYRIA, EGYPT, CHINA, TURKEY, MEXICO and PAKISTAN supported the proposal of the representative of Costa Rica.

The Committee unanimously agreed that the Charter should be called the Charter of Havana.

Mr. MACHADO (Cuba) thanked the members of the Committee for the great honour done to his country.

The second part of Article 100 was approved without comment.

2. DISCUSSION OF THE REPORT OF THE SUB-COMMITTEE ON PARAGRAPH 2 OF ARTICLE 83 (document E/CONF.2/C.6/74)

Mr. GOMES (Brazil) felt that paragraph 2 of Article 83, as drafted by the Sub-Committee, was not sufficiently clear. The first sentence of the paragraph stated that the selection of staff, including the appointment of Deputy Directors-General, was to be made as far as possible with due regard to the various types of economy and on a wide geographical basis, and he would suggest that the following phrase should be added after that sentence: "it being understood that each Member State is entitled to supply a percentage of the staff of the Secretariat which should be in proportion to the financial contribution made by that Member State for the maintenance of the Organization."

The CHAIRMAN

The CHAIRMAN pointed out that in a part of the Charter which had not yet been finally approved it was anticipated that one single Member State might have to pay as much as one-third or even more of the total expenses of the Organization. He felt that it would not be wise to lay down a rule that nationals of Members should be represented on the staff of the Secretariat in proportion to the percentage of their contributions.

Paragraph 2 of Article 83 as in the Report was approved.

3. DISCUSSION OF THE REPORT OF THE AD HOC COMMITTEE ON PARAGRAPH (c) (i) OF ARTICLE 69 (document E/CONF.2/C.6/75)

The report of the Ad Hoc Committee on paragraph (c) (i) of Article 69 was approved without comment.

REPORT OF THE SUB-COMMITTEE ON ARTICLE 75. (E/CONF.2/C.6/53)

Mr. GUTIERREZ (Bolivia) reserved the position of his delegation concerning Article 75 until final decisions had been taken on certain other Articles.

Mr. FORTHOMME (Belgium) pointed out that some particular problem would have to be taken as a starting point and that it would be suitable to take a decision now on Article 75.

Mr. COOMBS (Australia) recalled that when Article 75 had been discussed previously in the Committee, his delegation had supported the view of the majority that Alternative B should be adopted. He would not criticize the Sub-Committee's proposal on the grounds that it would lead to unfair representation, but did maintain a preference for a simple election.

A system which would predetermine what countries would be represented on the Executive Board would restrict countries, not members of the Board, in their choice of representatives. He would regret any step which would imply that the first responsibility of a member of the Board was not to the Organization as a whole but to a specific group of countries. Any limitation of the choice of members of the Board would automatically predetermine which countries would be represented on it at what particular intervals and the permanent membership of a particular country could influence adversely the chances of membership of another country in the same geographical region, or with a similar type of economy.

Mr. REDARDAGELATA (Argentina) said that his delegation also supported Alternative B. The Executive Board was to have great powers which were as yet not clearly defined and therefore his delegation would have to maintain its position until decisions had been taken on certain other articles.

Mr. ALAYZA (Peru) seconded the statement of the Bolivian representative that the debate on Article 75 should be postponed until the results were known concerning certain other Articles.

/Mr. TRABOULSI

Mr. TRABOULSI (Syria) said that his delegation originally had supported Alternative A but now was prepared to accept the compromise proposal put forward by the Sub-Committee. It would ensure that the composition of the Board would be based on an equitable geographical distribution, the representation of the economically important countries and those with diverse types of economies.

Mr. GARCIA OLDINI (Chile) said that his delegation continued to support Alternative B. He also agreed with the remarks of the Peruvian and Bolivian representatives that the debate on this question should be postponed until those articles in which the Executive Board was given wide powers had been drafted in their final form.

The sense of the meeting having been taken, it was decided that the debate on Article 75 should be postponed.