

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE FORTY-FIRST MEETING

Held at the Capitol, Havana, Cuba,  
Wednesday, 17 March 1948 at 6.00 p.m.

Chairman: Mr. E. COLBAN (Norway)

I. CHAPTER VII: REPORT OF THE CENTRAL DRAFTING COMMITTEE (E/CONF.2/C.8/17)

Article 68

Paragraphs 1, 2, 3, 4 were approved.

Paragraph 5

Mr. BLUSZTEIN (Poland) said that paragraph 5 should not be included in Article 68 inasmuch as Germany and Japan could not be Members of the Organization. The only point was the rights which the Conference might extend to those countries.

Mr. COUILLARD (Canada) as Chairman of the Section of the Central Drafting Committee considering Chapter VII, stated that from a strictly drafting point of view paragraph 5 belonged in Article 68 because it dealt more with membership than with territorial application. Article 98 permitted only full membership; military occupied countries might be partial members and therefore it was necessary to place the paragraph in Article 68.

Mr. BLUSZTEIN (Poland) replied that the case of Germany and Japan could not be treated in the same manner as those countries listed in paragraph 4. Paragraph 4 provided that the Conference should decide whether membership rights would be complete or partial, whereas paragraph 5 spoke of rights and obligations. Inclusion of the paragraph in Article 68 might establish a dangerous precedent; it should be transferred to Article 99.

Mr. BENDA (Czechoslovakia) said that it was important to note that rights and obligations were not the same as membership.

Mr. MARTEN (United Kingdom) thought the paragraph was appropriately placed in Article 68 since the Article dealt not only with full membership but with a number of cases with lesser rights than full membership.

Mr. COOMBS (Australia) suggested the title might be changed to "Membership, Rights and Obligations" in order to clarify the point but the  
/CHAIRMAN suggested

CHAIRMAN suggested that unless there was strong objection, the Central Drafting Committee text should be accepted.

Paragraph 5 was approved.

The Central Drafting Committee text of Article 68 was approved.

Article 69 was approved as submitted by the Central Drafting Committee.

Articles 70, 71, 72, 73, 74 were approved, as submitted by the Central Drafting Committee.

Article 75 and Annex were approved, as submitted by the Central Drafting Committee, including the wording suggested in the note regarding paragraphs 2 (c) and 3 (a).

Articles 76, 77, 78, 79 and 80 were approved, as submitted by the Central Drafting Committee.

Article 82 was approved, as submitted by the Central Drafting Committee (subject to retention of the word "and" in brackets in paragraph 3).

Article 83A: paragraphs 1 and 2 were approved, retaining the phrase in the first line of paragraph 2 in square brackets.

Paragraphs 3 and 4 were approved.

Interpretative Note to paragraph 3: approved with the retention of the phrase "on the question" in square brackets, and deletion of the underlined phrase following (four lines from bottom of page 32).

Interpretative Note 2 was approved.

Article 83A was approved as submitted by the Central Drafting Committee subject to above corrections.

Articles 84, 85, 86, 87 and 88 were approved.

2. CHAPTER I: REPORT OF THE CENTRAL DRAFTING COMMITTEE (E/CONF.2/C.6/24)

Article 1 was approved as submitted by the Central Drafting Committee.

The delegation of Colombia withdrew its reservation to the Annex of Article 95.

The delegation of Uruguay withdrew its reservation to paragraph 2 of Article 98.

3. ARTICLE 93: PROPOSED NOTE FOR INCLUSION IN COMMITTEE VI REPORT

Mr. EVANS (United States) said the purpose of the note previously submitted by the United Kingdom delegation (E/CONF.2/C.6/103/Add.6) was to make clear that Article 93 would not rule out transactions permitted under Article 30 had the non-member been a member of the Organization. Article 93 provided that a member should not enter into agreements with a non-member if the latter would thereby be required to discriminate and Article 30 defined discrimination and non-discrimination by a state trader. The following note in the report would clarify the intent:

"The Committee further understands that action by a state trading enterprise of a non-Member which would be non-discriminatory under

/the terms of

the terms of Article 30 would also be considered non-discriminatory, for the purpose of interpreting the provisions of paragraph 2 (a) of Article 93."

Inclusion of the note was approved.

4. PROPOSED REDRAFT BY THE CENTRAL DRAFTING COMMITTEE OF THE FINAL TEXT OF CHAPTER IX (E/CONF.2/C.6/SR.18)

Article 93 (Relations with Non-Members)

Mr. BLUSZTEIN (Poland) felt that the words "objectives set forth in Article 1" as suggested by the Central Drafting Committee, involved a change of substance. The Committee had intended the reference to be of a more general character.

After a short discussion it was agreed to retain the words "purpose of this Charter" in paragraphs 2 and 5.

In reply to the representative of the Netherlands, Mr. MARTEN (United Kingdom) explained that the term "Member country" would include any separate customs territory.

Article 93 and the Interpretative Note were approved by the Committee.

Article 94 (General Exceptions)

Mr. KELLOGG (United States) drew attention to the fact that the first reference in the Annex to the word "reciprocal" should not be capitalized.

Article 95 (Amendments)

Mr. NASH (New Zealand) expressed the view that the expression "by a two-thirds majority of the Members" was an ambiguous one which could be subject to more than one interpretation.

After a prolonged discussion the Committee agreed to accept the wording put forward by the Central Drafting Committee with the addition of a note in the report to the effect that in Article 95 (1) the phrase meant the affirmative vote of two-thirds of the Members of the Organization.

The CHAIRMAN, in answer to a question by Mr. HAIDER (Iraq), pointed out that an amendment which altered the obligations of Members, even after receiving the approval of the Conference by a two-thirds majority of the Members present and voting, only became effective for the Members accepting the amendment after two-thirds of the Members had notified the Organization of their acceptance.

Paragraphs 2, 3, 4, 5 and the Annex to Article 95 were approved.

Article 96 was approved.

Article 97 was approved, after Mr. COUILLARD (Canada) had called attention to the transposition to the end of paragraph 2 of the provision which had previously appeared at the end of paragraph 1.

/Article 98 and

Article 98 and its Annex were approved. It was pointed out that subparagraph (a) of paragraph 2 of the Annex had been incorrectly lettered "2. (d)" in the English text.

Article 99 and the Interpretative Notes thereto were approved.

Article 99A was approved.

Article 100 was approved.

Mr. MARTEN (United Kingdom) said that he wished to pay a special tribute to the Chairman of Committee VI now that that Committee had completed its work. Both the Chairman and the country which he represented were held in special esteem, respect and also affection in the United Kingdom and it was therefore a very happy privilege for the representative of the United Kingdom to propose the vote of thanks. There were many Englishmen and a great number of others who had worked with the Chairman in London, New York, Geneva and Havana on this project which was now approaching completion and who had learned to value very highly his wisdom and guidance. At an age when many men would be pleased to retire to enjoy a well-earned rest after carrying out in London during the war a great and courageous work on behalf of his country, it seemed to all these persons a fine and admirable thing that the Chairman should have played so great a part in building up this International Trade Organization which everyone hoped would be a pillar and a prop of a new and peaceful world.

Mr. AGUILAR (Mexico) and Mr. SERRATA (Uruguay) joined in the vote of thanks to Mr. COLBAN and also thanked all the members of the Secretariat who had assisted the Committee. Mr. SERRATA, in addition, thanked other delegates for their spirit of co-operation and goodwill.