

SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE
UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENTTARIFF AGREEMENT COMMITTEE

Summary Record of the 18th Meeting held on
Friday, 12 September 1947, at 9 p.m. in the
Palais des Nations, Geneva.

CHAIRMAN: Hon. L.D. WILGRESS (Canada)

Protocol of Signature

The discussion in the first reading was continued on the basis of a re-draft prepared by the Secretariat of the first two paragraphs.

Dr. AUGENTHALER (Czechoslovakia) suggested to delete the words "by their respective governments" at the end of the first paragraph, after the words "duly authorized".

Mr. SHACKLE (United Kingdom) suggested the words "by the respective Governments and Heads of States".

Mr. LEDDY (United States) suggested to use the formula "the undersigned, through their duly authorized representatives." and to continue in the next paragraph "having agreed".

Paragraphs 1 and 2 were approved with these changes.

M. ROYER (France) suggested to refer the matter to the Legal Drafting Committee.

The CHAIRMAN stated that the text would first be approved and then the Legal Drafting Committee could see if it could make any improvements.

Mr. JOHNSON (New Zealand) suggested to state in the third paragraph that the Charter had been recommended "for consideration by the Conference".

Mr. LEDDY (United States) proposed to add the words "through the Economic and Social Council of the United Nations".

Paragraph 3 was then approved as follows : "HAVING, in their capacity as Members of the Preparatory Committee for the Conference, recommended the text of a Draft Charter through the Economic and Social Council of the United Nations for consideration by the Conference".

M. ROYER (France) remarked that this agreement was based on the assumption that the question of the majority was settled

The CHAIRMAN thought that this was among the points to be considered by the Legal Drafting Committee.

Mr. LEDDY (United States) suggested to add in the fourth paragraph the words "in accordance with their constitutional procedures" after "pending the acceptance of a Charter".

Mr. OLDINI (Chile) pointed out that "the undersigned" mentioned in the first paragraph were not parties who could give the undertaking contained in the last paragraph and suggested to postpone the discussion until it was decided what Protocols there would be and what would be their relationship.

The CHAIRMAN agreed that the debate on the Protocol of Signature should be deferred and asked the Secretariat to prepare a draft incorporating the amendments provisionally approved.

Protocol of Interpretative Notes.

The Draft prepared by the Secretariat, document E/PC/T/W/318 with Addendum 1, was taken as the basis of the discussion.

Mr. LEDDY (United States) suggested to include these Notes as an Annex to the General Agreement and to introduce them by a statement that they were an integral part of the Agreement.

M. ROYER (France) thought that the Notes should be placed on the same footing as the Agreement, and either be appended in an Annex or inserted in a Protocol which would have to be signed simultaneously.

Mr. SHACKLE (United Kingdom) agreed with this view

Mr. McCARTHY (Australia) supported the suggestion to attach the Notes in an Annex to the Agreement.

Mr. MELANDER (Norway), Mr. LAMSVELT (Netherlands) and Mr. OLDINI (Chile) also supported this proposal.

Upon the proposal of Mr. LEDDY (United States) it was agreed to give the Annex the heading "Interpretative Notes".

Mr. DORN (Cuba) suggested that the statement that the Interpretative Notes form an integral part of the Agreement should go into one of the Articles.

Mr. LEDDY (United States) thought that it might be expressed in a separate article.

M. ROYER (France) pointed out that modification of Part I was subject to unanimity. If the provision regarding the Notes were included in Part I, their modification would also be subject to unanimity.

Upon the suggestion of the CHAIRMAN it was agreed to place the Article concerning the Interpretative Notes after the last Article and to refer the question whether it should be in some other place to the Legal Drafting Committee.

The CHAIRMAN then invited comments on the Interpretative Notes as contained in document W/318.

Mr. SHACKLE (United Kingdom) suggested to replace the Note to Paragraph 3 of Article II by the following text :

"It is understood that, except where otherwise specifically agreed between the parties to a particular negotiation, the provisions of this paragraph will be applied in the light of the provisions of Article 31 of the Draft Charter referred to in the Protocol of Signature."

This was approved.

Upon the suggestion of the CHAIRMAN, the Committee agreed to limit the examination for the time being to the question whether all Notes should be included.

Dr. AUGENTHALER (Czechoslovakia) asked whether a note on the right to increase specific duties in the case of a currency depreciation effected with the consent of the International Monetary Fund should be included in the Interpretative Notes or attached to the Schedule.

The CHAIRMAN ruled that this question should be discussed in connection with the Schedules.

The inclusion of all Notes up to and including the Note on Paragraph 2 of Article V was approved.

It was agreed to insert in the Note to Paragraph 7 of Article V after the words "Paragraph 7" the words "as in the case of other obligations under this Agreement". The retention of all other Notes was agreed to and their examination in respect of drafting was referred to the Legal Drafting Committee.

Report of the Sub-Committee on Article XXVI.

Mr. ADARKAR (India), the Chairman of the Sub-Committee, presented the Report.

After its discussion, it was agreed to replace the last part of Paragraph 2 (a), beginning from "to suspend..." as follows:

"to withdraw, upon the expiration of thirty days after written notice of such withdrawal is received by the Committee, such substantially equivalent concessions as have been initially negotiated with the contracting party taking such action";

and to make a corresponding change at the end of sub-paragraph (b). In the latter case, however, the last words will read "... with a contracting party taking such action under the terms of such Agreement".

The meeting rose at 12.10 a.m.