

Executive Committee

Second Session

SUMMARY RECORD OF THE FIRST MEETING

Held at the Palais des Nations, Geneva,
on August 25, 1948, at 3.00 p.m.

Mr. MODEROW, speaking in his capacity as Director of the European Office of the United Nations, welcomed the Executive Committee. He assured the Committee that the staff of the Office would do their best to help make the Session a success.

The CHAIRMAN thanked Mr. Moderow for his speech and declared the Session open. He stated that the task of the Second Session was to prepare for the holding of the Plenary Conference of the Organization so that the latter could function smoothly and efficiently upon its establishment. The delegation by the Interim Commission of all of its functions to an Executive Committee composed of only 18 countries showed that the task was less arduous than that which had confronted the Preparatory Committee and the Havana Conference, but it also made clear the responsibility that devolved upon the Committee. The confidence that had been placed in it must be justified by good performance.

He expressed his appreciation and satisfaction with the preparations that had been made by the Executive Secretary. The set of papers presented to the Committee covered all the items on the agenda. The agenda might be divided roughly into two parts. The first comprised those items arising out of the resolution establishing the Interim Commission and which were designed to prepare the ground for the first Conference. The second part included those items which

originated from other resolutions adopted or actions taken at Havana which were referred to in paragraph 2 (g) of that resolution. Special attention would have to be given at this Session to these latter problems namely, the establishment of authentic texts in the Chinese, Russian and Spanish languages, the relation of the ITO to the International Court of Justice, economic development and reconstruction, and consultation with the Swiss Government regarding the Swiss proposal.

Besides the setting up of the sub-committees envisaged by the Executive Secretary in his note on the work of the Committee circulated on June 23, the Chairman considered that it might be necessary to constitute a committee on credentials and a panel of experts to deal with the Spanish text of the Charter. As regards the Swiss problem, it might be left to the Sub-Committee on Technical Questions to recommend the procedure for consultation with the Swiss Government in the light of discussion at the full meetings of the Committee. The Sub-Committee on Administrative Questions could deal with the questions relating to preparations for the first Conference. The question of the relation of the ITO with the International Monetary Fund would be appropriately dealt with by the Technical Sub-Committee. Having disposed of the first three items on the agenda, the Committee should go ahead with the three items relating to the relations with the Court, economic development and reconstruction, and the Swiss problem. Quick completion of the preliminary consideration of these questions would enable the setting up at an early date of sub-committees to go into details on these problems. Other items would be taken up one by one, and those which could not be disposed of in a full meeting could be referred to the Sub-Committee on Administrative Questions.

The Committee was informed of the resignation of Mr. Jean ROYER as Vice Chairman. The Chairman felt that the sincere regrets of all members of the Committee would be offset in some measure by the fact that Mr. Royer's ability was now available to the Committee in another capacity. He also extended a hearty welcome to the observers from other Governments, the United Nations and specialized agencies.

The Chairman concluded his speech with an assurance of his pleasure in presiding over the Executive Committee, and he emphasized his hope that the efforts of the members of the Committee would soon result in the establishment of the organization itself.

ADOPTION OF AGENDA

The CHAIRMAN proposed to add under Item 4 a new sub-item: "(d) International Labour Organization (ICITO/EC.2/2/Add.6)".

M. SUETENS (Benelux) proposed the addition of a 13th item on "Other Business".

These being agreed to, the agenda was adopted as a whole. It was understood that the numbering of the items did not imply the order of business of the Session.

RULES OF PROCEDURE

Referring to the Summary Record of the first meeting of the First Session of the Executive Committee at Havana, the CHAIRMAN introduced the draft Rules of Procedure and a supplementary note in which some changes in the draft were suggested (see documents ICITO/EC.1/3 and ICITO/EC.2/6).

Rule 1. At the suggestion of Mr. STINEBOWER (United States) and Mr. WUNSZ KING (China) the word "meeting" in Rules 1, 2, 6, 9 and 10 was replaced by the word "session".

Rule 3. Mr. SHACKLE (United Kingdom) pointed out that the word "review" in the English text should have been "revise", and it was agreed that the change be made accordingly.

Mr. SUETENS (Benelux) pointed out the incorrect rendering of the word "membres" as "Etats membres" in the French text, and it was agreed that the word "membres" should be used in the French text.

Rule 6. Mr. POLITIS (Greece) thought that since representatives usually brought their credentials with them, it would be more convenient to stipulate that credentials should be submitted within a certain period after the opening of a session. As the draft rule stood, it would be necessary to waive the rule at every session.

At the suggestion of the CHAIRMAN, it was agreed to delete the phrase "at least one week".

Rule 7. In explaining the changes in the text suggested in document ICITO/EC.2/6 the EXECUTIVE SECRETARY explained that the insertion of the words "and other inter-governmental organizations" should be considered in connection with item 4 on the agenda; it had been contemplated in the relevant documents submitted under that item that inter-governmental organizations, other than the Specialized Agencies of the United Nations, should also be brought into relationship with the Interim Commission.

Dr. AUGENTHALER (Czechoslovakia) said that he was surprised by the proposal in view of the inclusion of certain organizations in the list attached to the document mentioned by the Executive Secretary. In deference to the Resolution of the General Assembly, relationship with such organizations as the Customs Tariff Bureau and the Bureau for the

Protection of Industrial Property should never be contemplated as long as Franco Spain was a member of these organizations. He therefore proposed the addition of the phrase "in relation with the United Nations" after "and other inter-governmental organizations".

The EXECUTIVE SECRETARY, in replying, said that, in the first place, it was yet to be studied whether the Spanish Government, as a signatory of the Conventions establishing these organizations, was playing an active part in their activities; and, in the second place, owing to their highly technical character, cooperation with such organizations might be very useful in view of the close relationship of their functions to the purposes and objectives of the ITO. The proposals under item 4 of the agenda also covered other organizations, such as the Pan American Union, the Caribbean Commission and the Arab League.

Dr. AUGENTHALER said that he would have no objections to cooperation with these organizations on the Secretariat level but it seemed to him that no useful purpose would be served by the presence of representatives from these organizations at the meetings of the Executive Committee. It was equally doubtful whether the regional political bodies such as the Arab League should be brought into relationship with the Interim Commission.

Mr. WUNSZ KING proposed to substitute the words "such other inter-governmental organizations as the Executive Committee may decide to invite" for the words suggested by the Executive Secretary and amended by the representative of Czechoslovakia.

Mr. SHACKLE thought that the Chinese proposal was a desirable solution as this would make it clear that the rule

conferred no automatic right to all inter-governmental organizations to attend the meetings. Unless the Chinese amendment were adopted he would rather defer decision on this matter until item 4 of the agenda had been studied.

Mr. PEDROSA (Philippines) seconded the proposal, and said that since paragraph 1 of Article 87 of the Havana Charter, provided for the establishment of relationship with such organizations it was too late now to make different provisions in the Rules of Procedure.

Mr. EL RIFAI (Egypt) agreed that a study of the substance of the question should be deferred until item 4 of the agenda was taken up. He pointed out that the Arab League was not exclusively a political body but also an economic organization.

Mr. MUNIZ (Brazil) said he would prefer the original text suggested by the Executive Secretary as he considered it unnecessary to go into such detail. However he saw no difficulty in accepting the Chinese proposal.

Mr. SUETENS expressed the same view as Dr. Augenthaler in regard to the membership of the two organizations. He elucidated the nature of the Tariff Bureau in Brussels and said it was mainly a technical office organized and managed by a ministry of the Belgian Government. The name of Spain was included in the list of members simply because it was one of the countries which signed the convention for its establishment in 1890. Cooperation merely on the Secretariat level would be inadequate owing to several reasons which he would present to the Executive Committee when the question of relations with their organization was discussed under item 4.

Dr. AUGENTHALER thought that the provisions of Article 86 of the Havana Charter, in providing for the effective cooperation between the ITO and the United Nations, would require that no relationship should be maintained by the ITO with any organization having the Franco Spanish Government as a member. In reply to the Representative of Egypt, he said that the Arab League had been classified as a regional political body by the Economic and Social Council. He also questioned the desirability of the introduction of amendments by the Executive Secretary.

The CHAIRMAN, referring to Rule 17 of the Provisional Rules of Procedure, said that the Executive Secretary had been requested to submit the draft Rules of Procedure, in which he should have the right to suggest changes before the Rules were adopted.

Mr. STINEBOWER felt that the proposal made by the Representative of China would be an adequate solution. He also proposed that the title of Chapter III should be shortened to read: "Participation of other Organizations and Non-Members of the Executive Committee."

The Chinese proposal was put to the vote and the motion was carried. Rule 7 was adopted as amended.

The new title for Chapter III was also adopted.

Rule 8. The EXECUTIVE SECRETARY said that the new draft he suggested in document ICITO/EC.2/6 was simpler and more flexible than the earlier draft.

At the suggestion of Dr. AUGENTHALER, Mr. STINEBOWER and Mr. SHACKLE, it was agreed that the last part should be changed to read: "Such consultation, which may be either direct or through a committee established for that purpose, may be arranged on the invitation..."

Rule 8 was adopted as amended.

Rule 9. Mr. SUTENS proposed that the phrase "members of the Interim Commission" be substituted for the word "governments".

Dr. AUGENTHALER thought that the phrase "governments invited to the United Nations Conference on Trade and Employment at Havana" would be a better substitute.

It was agreed to amend the rule in accordance with the suggestion made by the representative of Czechoslovakia.

At the suggestion of Mr. STINEBOWER it was agreed to change the words "and its sub-committees" to "and such sub-committees as the Committee may decide."

Rule 9 was adopted in the amended form.

Rule 10. The rule was adopted in the form suggested by the Executive Secretary in document ICITO/EC.2/6.

Rule 12. At the suggestion of Dr. AUGENTHALER and Mr. SHACKLE it was agreed to delete the words "so incapacitated that he can no longer hold office" and substitute "incapacitated from holding office".

Rule 12 was adopted with the change incorporated.

Rule 30. The EXECUTIVE SECRETARY explained that the additional sentences suggested in document ICITO/EC.2/6 would serve to clarify an ambiguity as to the meaning of the phrase "members present and voting". It was suggested because difficulties had arisen in the meetings of a certain other organization.

Rule 30 was adopted in the amended form.

Rule 32. Mr. STINEBOWER proposed that the following words should be deleted, in order to simplify the procedure and avoid unnecessary delay in settling disputable questions: "a second vote shall be taken at the next meeting. If the Executive Committee is then again equally divided".

Mr. AUGENTHALER said that he had no objection to the amendment proposed by the representative of the United States, but he would be for the deletion of the entire Rule. Rule 30 had provided that decisions should be made by a majority of the members present and voting and by implication the absence of a majority of the members present and voting should be regarded as the rejection of a proposal.

It was agreed that the rule should be deleted.

Rule on Voting in Parts: Mr. MUNIZ asked why no provisions were made in the draft Rules of Procedure for a proposal to be voted in parts.

The Executive Secretary replied that he had intended to make the Rules of Procedure as simple and brief as possible. Decisions on such details could be left to the discretion of the Chairman, particularly as the procedure referred to by the Brazilian delegate was well established by international precedent.

It was agreed that such a Rule was not needed.

Rule 43. Mr. PEDROSA proposed the following new text for the rule:

"The officers of each Committee and sub-committee shall be elected by the Executive Committee upon the nomination of the Chairman."

The proposed amendment was adopted.

Rule 45. Mr. WUNSZ KING proposed the insertion of the word "simple" before the word "majority".

The amendment was agreed to and the rule was adopted.

Rule 46. At the suggestion of Mr. AUGENTHALER the word "unanimous" was added before the word "agreement" and the rule was adopted.

Rule 1. At the suggestion of Mr. Wunsz KING the word "members" was used instead of the word "representatives".

New Rule. Mr. STINEBOWER proposed a new rule to be added at the end of the Rules of Procedure as follows: "Any of the rules may be amended or suspended by the Executive Committee".

Dr. AUGENTHALER proposed to delete the words "or suspended". At the suggestion of the CHAIRMAN the following rule was adopted instead: "The Executive Committee may at any time amend any of these Rules of Procedure."

The Rules of Procedure as amended were adopted as a whole.

PRESENTATION OF DOCUMENTS

The EXECUTIVE SECRETARY stated that in accordance with Rule 17 he would like to present to the Executive Committee the papers which he had prepared in connection with items 3 to 11 on the Provisional Agenda.

Mr. STINEBOWER thought that it would be inadvisable to create a precedent so that hereafter action would have to be taken on each occasion to approve the receipt of papers from the Executive Secretary.

Dr. AUGENTHALER (Czechoslovakia) said that it had not been his idea that papers prepared by the Executive Secretary should be formally presented to the Committee. He had merely indicated that the Executive Secretary should not propose amendments.

ELECTION OF VICE-CHAIRMAN

Mr. SUTENS (Benelux) said that Mr. ROYER had been elected as Vice-Chairman not only in recognition of his personal ability, but also as an expression of appreciation

for the contribution made by the French Delegation at the Preparatory Committee and at Havana. He therefore would like to propose M. André PHILIP, Head of the French Delegation, as Vice-Chairman of the Executive Committee.

Mr. POLITIS (Greece) and Mr. PEDROSA (Philippines) seconded the nomination.

The CHAIRMAN declared that M. André PHILIP was unanimously elected as Vice-Chairman of the Executive Committee.

M. PETER (France) said that since M. PHILIP was present at another meeting, he had been instructed on his behalf to thank the meeting for his election and to inform the meeting that he was prepared to accept the honour bestowed on him.

The CHAIRMAN thanked the members of the Executive Committee and congratulated the new Vice-Chairman on his election.

The meeting rose at 6.00 p.m.