

GENERAL COMMITTEE

EFFECT OF SIGNATURE OF THE FINAL ACT AND
STATUS OF MAINTAINED RESERVATIONS

Note by the Executive Secretary

The sense of the General Committee in the discussion of the form of the Final Act has been in favour of a document which merely authenticates the text of the Charter as drawn up at the Conference and provides for its presentation to the Governments represented at the Conference.

There has been considerable speculation as to the effect of the signature of such a document. On a literal interpretation, signature would imply no obligations of any kind since the document would merely serve as a certification of the accuracy of the text. Another interpretation is that although signature of the Final Act involves no commitment for Governments represented at the Conference, it nevertheless morally commits the delegate who signs to support the text drawn up at the Conference. Signature of the Final Act would, therefore, be analogous to the initialling of a treaty by a plenipotentiary.

It would appear essential that the General Committee in submitting the text of the Final Act to the Conference should also make recommendations regarding its significance.

The question of maintained reservations turns largely on the question of the effect of signature of the Final Act. If the former literal interpretation is accepted, then it would appear unnecessary to provide for the formal registration of any maintained reservations since the Final Act would merely certify the fact that the text published at the end of the Conference corresponded to the text agreed by the Conference as a whole. Any delegations which wished to place their reservations on record could do so in their final statements in the Plenary Sessions.

On the other hand, if the second interpretation is adopted, it would probably be desirable to make a formal record of maintained reservations opposite the signatures or in an appendix to the Final Act.

In either event, the effect of reservations would appear to be as follows: all such reservations must be disposed of before ratification

/and adherence.

and adherence to the Organization, either by their withdrawal or by their acceptance by all Members of the Organization.
