

GENERAL COMMITTEE

SUMMARY RECORD OF THE FOURTH MEETING

Held at the Capitol, Havana, Cuba, on 13 December 1947 at 3.15 p.m.

Chairman: Mr. Max SUTTENS (Belgium) First Vice-President

1. GENERAL DRAFTING COMMITTEE (Note by the Executive Secretary,
E/CONF.2/BUR/10)

The EXECUTIVE SECRETARY suggested that the persons comprising such a committee should be experts in drafting international instruments and treaties and hoped, that, if this note were acted upon, delegations would shortly send nominations to the President of the Conference. He stated that countries were not specified in the note in order to emphasize the fact that the Committee was a technical one and its members should be chosen on the basis of their technical knowledge rather than on a geographical basis.

Mr. CHARLONE (Uruguay) Chairman of Committee IV, suggested that two candidates should be Spanish speaking and one Chinese speaking.

Mr. WUNSZ KING (China) replied that if the Committee were to provide texts in Spanish and Chinese, there should be two Spanish and two Chinese-speaking members.

At this point, Mr. D. WILGESS (Canada) Chairman of Committee III, requested the Committee to pass on to the next item on its agenda, returning later to the first, as he would shortly be obliged to leave so as to preside at the meeting of Committee III.

2. PROGRESS OF THE CONFERENCE (Note by the Executive Secretary,
E/CONF.2/BUR/11).

The EXECUTIVE SECRETARY pointed out that progress so far would make it impossible even to approximate the original target dates sent unless there were some change in the procedure and in the interpretation put by many delegations on the flexible rules regarding simultaneous meetings of committees, agreed to previously in the General Committee. In so large a conference, difficulties and inconveniences had to be faced and to endeavour to avoid all conflicts would prolong the conference by many months.

/Mr. WILGESS

Mr. WILGRESS (Canada), Chairman of Committee III, explained that his committee, the least advanced to date, had evolved a procedure for grouping and classifying the amendments with a view to the general discussion in the main committee, so as to leave the discussion of each separate amendment for the sub-committee stage. He agreed that Committee III would be unable to meet the date set for it but believed that it could be very nearly finished by 15 January and that a target date of 31 January might be set for the entire Conference.

Mr. ROYER (France) was in favour of the same procedure with regard to amendments but suggested that the so-called "technical articles" might with advantage be referred immediately to a sub-committee without previous broad discussion in full committee. He suggested that it might now be possible to limit the time of speeches. He also pointed out that too much haste in setting up sub-committees and in scheduling their meetings with the consequent difficulty for small delegations to be heard at the sub-committee stage, would result in issues being reopened in the main committees.

Mr. COLBAN (Norway), Chairman of Committee VI, supported by Mr. CLAYTON (United States), was against limiting the length of speeches.

Mr. NASH (New Zealand), Vice-President, suggested that a saving of time could be effected by arranging for delegations which had put forward similar amendments to meet with a view to consolidating their amendments.

Mr. STUCKI (Switzerland) said that the procedure proposed by Mr. Nash had been used in many conferences and that it had been successful whenever the authors of the amendments were desirous of reconciling their views.

The CHAIRMAN believed that this proposal was already covered in the last sentence of paragraph (a) of the Executive Secretary's note.

Mr. NASH (New Zealand), Vice-President, felt that such a sub-committee would not discuss the amendments themselves but merely their relationship to one another.

Mr. COLBAN (Norway), Chairman of Committee VI, while agreeing with the purpose, wished to point out that great care would be necessary to avoid grouping amendments which looked similar but were based on quite different viewpoints.

Mr. MALIK (India), Second Vice-President, wished the secretariat to work out some machinery to carry out Mr. Nash's suggestion.

Mr. NASH (New Zealand), Vice-Chairman, suggested that the application of the rule that, two persons having spoken for one side, the following speaker must speak against them or the discussion end, would save time.

The CHAIRMAN pointed out that Rule 22 applied only to motions for the closure of debate.

/Mr. AUGENTHALER

Mr. AUGENTHALER (Czechoslovakia), Vice-President, suggested that fewer delegates would feel obliged to speak if some sort of vote were taken at the beginning of debates that would show the sense of the meeting.

The CHAIRMAN said that the committee appeared to be agreed that speeches should not be limited but that the chairman should remind delegates to be brief and should keep debates to fundamental points, and that delegations presenting similar amendments should try to evolve common ones in order to ease sub-committee work. He pointed out that this brought the Committee to consideration of point (b) regarding the question of revising the target dates for the Conference.

Mr. HOLMES (United Kingdom) thought that since the date had been set with some expectation of exceeding it, it would perhaps be unwise to alter it so early in the Conference as the possibilities of going beyond a target date were for his delegation, and presumably also for others, limited.

Mr. ABELLO (Philippines), Vice-Chairman of Committee II, agreed with Mr. Holmes and pointed out the psychological value of a target date.

Mr. STUCKI (Switzerland), Vice-President, felt that it would be more realistic not to establish a target date.

Mr. ROYER (France), while agreeing with Mr. Stucki, thought it dangerous to have no target date and suggested that it was still too early to fix a date other than 15 January. Therefore, this date might be maintained for at least another week.

This was agreed.

The CHAIRMAN then drew the Committee's attention to the question of the arrangement of meetings mentioned in the last paragraph.

Mr. WUNSZ KING (China) considered that too many sub-committees were being set up.

Mr. COLBAN (Norway), Chairman of Committee VI, said that his delegation, which was a small one, was willing to face the fact that sub-committee meetings could not be arranged so that they could be represented at every meeting. However, he felt that not more than two of the main committees should meet simultaneously.

The EXECUTIVE SECRETARY understood it was the consensus of opinion within the General Committee that, provided only two main committees met together, the original formula, set out in document E/CONF.2/BUR/2, was not to be a rigid one and that the secretariat would arrange sub-committee meetings with all possible regard for the avoidance of undesirable clashes, although it was obviously impossible to avoid them entirely.

Mr. NASH (New Zealand), Vice-President, stated that he was in favour of many working sub-committees being set up, to expedite the work.

/Mr. STUCKI

Mr. STUCKI (Switzerland), Vice-President, stated that, as a representative of one of the smallest delegations, he accepted the Executive Secretary's proposals, for the same reasons as Mr. Colban.

Mr. ROYER (France) asked the General Committee to authorize chairmen of sub-committees to schedule night meetings where necessary and the EXECUTIVE SECRETARY replied that meetings could be called at another than the normal hours of 10.30 and 4.00.

3. THE DISCUSSION RETURNED TO THE FIRST POINT ON THE AGENDA, THE GENERAL DRAFTING COMMITTEE.

Mr. WILCOX (United States) said that, if the terms of reference of this committee were to produce clear texts in English and French it need only consist of people familiar with those languages and, if it were to produce them in the other official languages, three rather than four other members was sufficient.

The EXECUTIVE SECRETARY stated that it was extremely unlikely that any texts other than the English and French, (the authoritative ones according to Article 92), would be available, whilst the Conference was still in session, although the secretariat would endeavour to produce them as soon as possible. He had thought it would be useful for representatives who were expert in the other official languages to be present, as they might be called on later for assistance, when the texts in those languages were established. He had provided for two Spanish-speaking members because the large number of delegations from Latin America made it easier for them than for the Chinese delegation to nominate representatives to the Committee.

Mr. HAKIM (Lebanon), Chairman of Committee V, considered that, since one of the functions of the committee would be to reconcile the texts of the various chapters, a knowledge of languages should not be the sole criterion.

Mr. COLBAN (Norway), Chairman of Committee VI, believed it to have been agreed that the Central Drafting Committee should be responsible only for the texts in the working languages and that the secretariat should produce translations into the three other official languages.

Mr. WILCOX (United States) while agreeing with Mr. HAKIM, pointed out that, in order to complete efficiently its purely mechanical task, the Central Drafting Committee should consist of no more than five members chosen on the basis of linguistic ability and logical minds rather than geographical distribution.

In reply to Mr. WUNSZ KING's request for clarification of the languages question, the EXECUTIVE SECRETARY explained that it was his understanding that the Final Act authenticating the texts in the two working languages

/would be

would be signed at the end of the Conference. Texts would be prepared in the three other official languages and deposited with the Secretary-General of the United Nations but in case of disputes only the English and French texts would be authoritative. He repeated that the purpose of having members who were expert in the other official languages was to have persons who could be called on for assistance by the secretariat should any questions arise during the translation of the texts.

Mr. WUNSZ KING (China) was in favour of a Final Act and asked that it be signed in the five official languages.

Mr. ROYER (France) suggested that, as the Drafting Committee could not take responsibility for all five languages, the third and fourth lines of paragraph (b) be changed to read "...and that the authentic texts are identical".

Mr. COLBAN (Norway), Chairman of Committee VI, wished to reserve his position regarding the translation of the Final Act into the official languages, as he was not certain whether such action entailed any additional privilege in connection with the use of those languages by the United Nations.

Mr. WUNSZ KING (China) said that he must, in that case and pending consultation, with his delegation, make a general reservation regarding Article 92, paragraph 1, of the Draft Charter.

The CHAIRMAN stated that it was agreed to have a Drafting Committee consisting of four persons and a chairman with a perfect knowledge of English and French. There would also be observers for the three other official languages, to be available, later as experts. The Executive Secretary would expect to receive nominations from delegations.

4. PUBLICITY OF SUB-COMMITTEE MEETINGS

The EXECUTIVE SECRETARY stated that a technical breach of Rule 47 had been committed as the Department of Public Information had been issuing press communiques covering sub-committee meetings. He explained that he had taken the position that he could accept no responsibility for their accuracy as this would make them official records of the Conference and the proper way for official records to appear was as summary records. The latter had not been contemplated for sub-committee meetings as a report of conclusions reached by such working groups was considered of more value than a record of the debate which produced them. Moreover, the publication of summary records for all sub-committees would require a substantial enlargement of the documents and languages staffs. He requested the General Committee to reach some final conclusion and wished to explain that it was the practice of the Department of Public Information at United Nations Headquarters to issue press communiques of the proceedings of closed meetings without the
/prior approval

prior approval of the chairman. Moreover it seemed to be the experience of the Conference that it was not possible to withhold information regarding close meetings as accounts had appeared of meetings where no release had been made which were sometimes weighted.

Mr. HOLMES (United Kingdom) said that the question appeared to be whether the rule which had been adopted was to be adhered to or not. He considered that there might be occasions when publicity would not be desirable.

Mr. COLBAN (Norway), Chairman of Committee VI, considered that press releases emanating from the United Nations information service would be considered as authentic and if they were to be made must be accurate.

Mr. WILCOX (United States) considered that the best way to avoid arousing interest in sub-committee meetings was to have regular routine press releases with no official standing. He suggested that a representative of the Department of Public Information might explain their character to the Committee.

Mr. GORDON (Department of Public Information) explained that at the Headquarters of the United Nations there were no secret meetings and that closed meetings were always attended by members of his department and communiques issued impartially after each one.

Mr. DEDMAN (Australia), Chairman of Committee I, considered that the rules must be complied with and that, therefore, the chairman of the sub-committee must approve any releases before they were issued. He was supported by other members of the committee, who also pointed out that, in order to save time, there should be no discussion in the sub-committee of the contents of such releases.

This was agreed.

5. The EXECUTIVE SECRETARY asked whether the committee wished to consider the question of non-governmental organizations and it was agreed that he should circulate papers on this question instead.

6. Mr. STUCKI (Switzerland), Vice-President, wished to make it clear, in the name of all the delegations who were not members of the Preparatory Committee, that such amendments as they submitted answered to their desire to improve the Charter and not, as had been suggested in the press, to destroy it.

The CHAIRMAN assured Mr. Stucki that there could be no such misconception.

The meeting rose at 7.00 p.m.
