

GENERAL COMMITTEE

SUMMARY RECORD OF THE SIXTH MEETING

Held at the Capitolio, Havana, Cuba on 2 January 1948

Chairman: Mr. M. SUIETENS (Belgium), (First Vice-President)

1. Final Act (Note by the Executive Secretary, (E/CONF.2/BUR/17)).

The EXECUTIVE SECRETARY reminded the members of the Committee that, in a previous meeting, some members had suggested that a Final Act be signed at the end of the Conference rather than the Charter itself. He said that in the case of other Specialized Agencies the texts of the charters themselves had been signed. The Conference, was, of course, not bound to follow these precedents and the signature of a Final Act would be an equally appropriate procedure. The paper in question had been drafted on the assumption that Article 92 of the Charter would not be altered. However, he did not consider that the question of the languages in which the Charter would be authentic affected the issue stated in the paper as to whether the Charter itself or a Final Act would be signed.

Mr. DEDMAN (Australia), Chairman of Committee I, was not satisfied with the text proposed for the Final Act and objected in particular to the words "agreed" and "instruments" in the third paragraph. He suggested that a small drafting group to draw up a text be established.

Mr. HAKIM (Lebanon), Chairman of Committee V, asked whether the signature of the Final Act implied agreement with the Charter.

Mr. HOLMES (United Kingdom) pointed out that Article 98 made it quite clear that instruments of acceptance had to be deposited with the Secretary-General of the United Nations in order to make the Charter effective and that the significance of the signatures at the Conference was therefore limited.

Mr. COLBAN (Norway), Chairman of Committee VI, agreed with Mr. Holmes and said that even a delegate who thought his government was unlikely to accept the Charter could sign the Final Act with no commitment.

Mr. AUGENTHALER (Czechoslovakia), Vice-President, also concurred in this view and suggested that the addition of the words "ad referendum" after their signatures might satisfy some delegates.

/Dr. GUTIERREZ

Dr. GUTIERREZ (Cuba) did not agree with this solution, as the Charter and not the Final Act was subject to the approval of the various parliaments.

The EXECUTIVE SECRETARY pointed out that the words "and agreed" had been inserted for the purpose of avoiding signature of the Final Act by delegations which did not agree with the text of the Charter.

Mr. STUCKI (Switzerland), Vice-President, considered that this was a Conference of plenipotentiaries empowered by their governments to negotiate and consequently to sign the Charter, rather than of experts as had been the case with the Preparatory Committee. If it were decided to sign only a Final Act and not the Charter itself, he agreed with the Executive Secretary's draft for this Act.

Mr. MALIK (India), Second Vice-President, supported Mr. Stucki and hoped that there would be no reservations at the time of signature.

The CHAIRMAN understood that some delegations were not authorized to sign a Charter and he considered that the formula of a Final Act would make it possible for all to sign.

Mr. COLBAN (Norway), Chairman of Committee VI, considered that reservations would not be permissible at the time of signature. He did not object to the word "agreed".

Mr. DEDMAN (Australia), Chairman of Committee I, stated that he had raised the question because he himself was authorized to sign only a Final Act and its text must show that the government was in no way committed.

Mr. RICHARD (France) stated that he was in the same position as Mr. Dedman.

The CHAIRMAN repeated that a Final Act seemed to be the only solution under the circumstances.

Mr. HAKIN (Lebanon), Chairman of Committee V, suggested the words "agreed to by the Conference" as indicating that the Conference as a whole had agreed but not necessarily that each delegate signing had agreed.

Mr. STUCKI (Switzerland), Vice President, felt that the signature should at least obligate those signing to defend the text. He did not consider that a delegate who disagreed with the Charter should sign the Final Act.

The EXECUTIVE SECRETARY said that he would withdraw the paper since it had raised discussion on issues he had considered entirely free from doubt in view of the terms of Article 98. The Secretariat would submit further papers at a later date.

The CHAIRMAN, in reply to a question from Dr. GUTIERREZ, said that there would be at all events a Final Act, and the Executive Secretary pointed out that this would then be considered a proposal of the Committee itself as he had withdrawn his own.

/2. Progress

2. Progress of the Conference (Note by the Executive Secretary, E/CONF.2/BUR/SR.6).

The EXECUTIVE SECRETARY wished to explain that this suggestion had been made in order to make it possible for sub-committees to finish their work at a reasonably early date and that the chief obstacle to their reaching a decision and producing final reports was a lack of instructions from the Conference regarding the major issues. The ruling of the Heads of Delegations would not be a final one but would serve as a basis on which the sub-committees could work. He envisaged three stages of votes, one by the Heads of Delegations, one when each sub-committee presented its report to the main committee and one when each committee presented its report to the Conference. There would be an interval between each of the votes which would enable delegates to appraise the position before coming to final decisions.

Mr. NASH (New Zealand), Vice President, did not think it practicable for the Heads of Delegations to instruct the sub-committees to agree on the basis of a vote taken by the Heads of Delegations.

Mr. AUGENTHALER (Czechoslovakia), Vice President, felt the procedure suggested was premature.

Mr. AZER (Egypt), Vice President, agreed with Mr. Nash but wished for some plan and suggested the insertion of a further step in the form of a sub-committee of the Conference to examine the possibility of reaching some agreement on the conflicting views.

Mr. COLBAN (Norway), Chairman of Committee VI, wished to retain paragraph (a) and suggested adding the words "on the progress made".

Mr. WILCOX (United States), while commending the purposes behind the proposal, agreed with Mr. Colban that only paragraph (a) should be adopted and interim reports prepared by the committees. He suggested that these reports be considered first in the General Committee which could then decide what steps should be taken.

Mr. NASH (New Zealand), Vice President, agreed with the retention of (a). with regard to paragraph (c) he thought it might be preferable to create a new sub-committee to consider the views expressed by the Heads of Delegations rather than referring them back to the original sub-committees.

Mr. AZER (Egypt), Vice President, agreed with this proposal and thought that such a sub-committee should be an informal one.

Mr. WILGRESS (Canada), Chairman of Committee III, and Mr. AUGENTHALER (Czechoslovakia), Vice President, supported Mr. Wilcox's proposal and the retention of paragraph (a) in the form suggested by Mr. Colban.

It was agreed to retain this paragraph in the following form:

"(a) That the chairman of each principal Committee present in time for circulation on 14 January to the General Committee an

/interim

interim report on the state of progress of his Committee and the unresolved issues in his Committee and its Sub-Committees".

Mr. WILCOX (United States) requested the Secretariat to give some consideration to the time schedule in regard to these reports and also requested a report on the status of the various amendments.

3. Scheduling of Meetings.

The EXECUTIVE SECRETARY stated that, with the increase in the number of sub-committees, it had become increasingly difficult to schedule meetings in a manner which would avoid serious conflicts, particularly for the smaller delegations. This problem would become even more difficult during the next two weeks. It seemed possible to maintain the present frequency of meetings and accommodate the increased number of sub-committees with a minimum of conflicts only by either arranging night meetings as a normal course or by arranging two meeting periods during the afternoon. He hesitated to suggest the former at this stage of the Conference and consequently proposed that meetings be arranged from 10.00 to 1.00, from 3.00 to 5.30 and from 5.45 to 8.00 and that this plan go into effect from Monday, 15 January. It would be possible by this schedule to maintain the present number of meetings while keeping the maximum number of formal meetings taking place at any one time to four which would in fact decrease the number of conflicts as at present five meetings were taking place simultaneously. In order that this might work out, the duration of meetings would have to be kept within the indicated time limits.

After some discussion this plan was agreed to except that it was decided to start the morning meetings at 10.30. It was also suggested that Heads of Delegations request their delegates to be prompt in their attendance at the meetings.

The meeting rose at 7.45 p.m.