

JOINT SUB-COMMITTEE OF COMMITTEES II AND VI

NOTES ON TWENTY-THIRD MEETING

Held at the Sugar Institute, Zuelueta 465, Havana,
Cuba, 24 January 1948 at 6.00 p.m.

Chairman: Dr. H. C. Coombs

1. The Chairman referred to the submission to the Central Drafting Committee by the Joint Sub-Committee at its Eighth Meeting of the question whether the words "regional or" appearing in the sentence shown below from Article 10 paragraph 2 as approved or similar words should be retained or whether the term "inter-governmental organizations" included "regional inter-governmental organizations", particularly in view of the limited interpretation given to the term "inter-governmental organization" by Committee I (see E/CONF.2/C.1/15).*

"These services are to be provided on terms to be agreed and in such collaboration with [regional or] other intergovernmental organizations as will use fully the special competence of each of them."

The Chairman stated that the Central Drafting Committee had taken the view that the term "inter-governmental organizations" included "regional inter-governmental organizations" and therefore that the words "regional or" should be deleted. He also read the following view of the Central Drafting Committee:

"In reference to the substitution of the term "inter-governmental organizations" by the term "specialized agencies" throughout the Charter,

* See E/CONF.2/C.2&6/A/W.2 paragraph 3 and Annex A and E/CONF.2/C.2&6/A/W.5
/the Drafting Committee

the Drafting Committee feels that if the various Committees wish to confine the action specified only to specialized agencies, it would be better to specifically insert the words "Specialized Agencies of the United Nations." The term "inter-governmental organizations" is more embracing and its use may be safeguarded by inserting the word "appropriate" before it. The Drafting Committee does not feel that a rigid rule should be adopted using one or the other of the above terms, but rather that each term should be used according to the intent expressed in the text."

Mr. HAIDER (Iraq) expressed a strong desire to retain the words "regional or" and in the light of this view and those of the Central Drafting Committee it was decided to retain the references to inter-governmental organizations in Articles 10 and 11 as at present approved except that the sentence in paragraph 2 of Article 10 cited above should be changed to read:

"These services are to be provided on terms to be agreed and in such collaboration with appropriate regional or other inter-governmental organizations as will use fully the special competence of each of them."

2. The Sub-Committee considered and approved the report of Working Party No. 3 on new Article 11 A proposed by Chile (E/CONF.2/C.2&6/A/W.25) including the additions to Article 10 and to the proposed resolution except that it was agreed to not accept the recommendation of the Working Party to add the words "in relation to the demand for the products of the industries concerned" to the proposed resolution.

3. With reference to paragraph 3 of new Article 12 A proposed by Colombia it was decided that in view of the suggestion of the Legal Adviser of the Secretariat that this proposal should be considered in conjunction with a

/proposal

proposal presented by the delegation of Italy before Committee VI (see E/CONF.2/C.2&6/A/W.22) the Chairman of the Joint Sub-Committee should discuss with the Chairman of Committee VI to whether it would be possible for the Joint Sub-Committee to take account of the Italian proposal and what procedure should be adopted with regard to any text which the Joint Sub-Committee might desire to recommend. It was also agreed that the Colombian proposal should be referred to Working Party No. 3 to consist for this purpose of the representatives of the United Kingdom as well as of, the representatives of Australia, Mexico and the United States with terms of reference to consider both the substance of the proposal and the place in the Charter in which any text they might recommend should be added.

4. The problem of discriminatory tax burdens was placed on the agenda in accordance with the decision of the ninth meeting (E/CONF.2/C.2&6/A/W.6). Since no Member desired to reopen the question, it was agreed to approve the report of Working Party No. 2 concerning double taxation (E/CONF.2/C.2&6/A/W.3) with the deletions cited in paragraph 1 (a) of the notes of the Ninth Meeting.

5. Consideration was given to the inclusion in the records of the view that agreements promoted or recommended for adoption under paragraph 3 of Article 11 would not fall within paragraph 4 of Article 74 unless they were of the nature of a general convention. A two-thirds majority in the Conference would accordingly not be required when the Conference recommended them for acceptance. Functions under paragraph 3 of Article 11 would be exercised by the Conference but the Conference could assign these functions to the Executive Board. There was disagreement in the Sub-Committee on this matter and it was agreed that the Chairman should consult the Legal Adviser of the Secretariat and report to the next meeting.

/6. It was agreed

6. It was agreed that Working Party No. 3 should examine the text of Articles 9, 10 and 11 as at present approved with a view to seeing whether the drafting could be improved.
