

JOINT SUB-COMMITTEE OF COMMITTEES II AND VI

NOTES ON TWENTY-FIFTH MEETING

Held at the Capitol, Havana, Cuba,
6 February 1948 at 10.30 a.m.

Chairman: Dr. H. C. COOMBS (Australia)

1. The Sub-Committee considered further the draft report on Articles 9, 10 and 11 (E/CONF.2/C.2&6/A/W.29 and E/CONF.2/C.2&6/A/W.29/Add.1). The representative of Belgium proposed the deletion of the words "capital funds" in the second line of paragraph 1 of Article 11 and the deletion of the word "capital" in paragraph 1 (b) of Article 11. He also proposed that paragraph 2 (c) be transferred to Article 12. After discussion the feeling of the meeting was found to be strongly against the proposal of the Belgian representative and he accordingly withdrew his proposal. The representatives of Belgium and the United States expressed the view that Article 11 did not prevent any government from taking such action as might be reasonable or justifiable to protect the savings of its nationals, such action being subject to review by the Organization. It was agreed that this view should be included in the report of the Sub-Committee together with the view of other Members of the Sub-Committee that it was not necessary for the Sub-Committee to have its views on this subject included in the report.

2. The representative of France inquired as to the meaning of the words "within the limits of their power" in paragraph 1 (a) of Article 11. It was agreed that the meaning was clearly expressed by the words included in the French text, namely "dans la mesure où ils le pourront" and that the Central Drafting Committee should be asked to consider what were the most appropriate English words. The representative of France inquired as to the meaning of the word "enterprise" in paragraph 1 (b) of Article 11 and indicated that the word "activité" used in the French text was extremely wide and included activities in arts, science, etc. It was agreed that the English word "enterprise" had the technical meaning used by economists, i.e. the activities of an entrepreneur. It was agreed that the

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Central Drafting Committee should be asked to consider the most appropriate word or words to express this idea in French. It was also agreed that the words "des compétences techniques" should be substituted for "de la main-d'oeuvre qualifiée" in paragraph 1 (b) of the French text. Following a further inquiry from the representative of France it was agreed to leave the French text of paragraph 2 (c) unchanged.

3. The representative of Venezuela raised a constitutional problem of his country with regard to Article 11 and it was agreed that the representatives of Venezuela and the United States together with the Chairman and the Legal Advisor of the Secretariat should consult with a view to reaching agreement as to the solution of the problem.

4. It was agreed to approve the texts of Articles 9, 10 and 11 as set out in Annex B of E/CONF.2/C.2&6/A/W.29 subject to the changes cited above and to the results of the consultations as regards the Venezuelan constitutional problem.