

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE J ON ARTICLES 95, 96, 98, 99 AND 100

SUMMARY RECORD OF TENTH MEETING

Held on Friday, 30 January 1948, at 10.30 a.m.

Chairman: Mr. J. E. FAWCETT (United Kingdom)

1. CONSIDERATION OF THE INTERIM REPORT OF THE SUB-COMMITTEE (E/CONF.2/C.6/48)

The Sub-Committee examined the interim report paragraph by paragraph and, with several minor corrections, approved the report for submission to the Sixth Committee.

2. CONSIDERATION OF UNITED STATES AMENDMENT TO ARTICLE 29

The CHAIRMAN opened the discussion by stating that the Sixth Committee had referred the question of the competence of the Conference to examine the United States amendment to Sub-Committee J and considered that this should be the first point discussed.

The delegate for the United Kingdom said that the question of entering into commitments which concerned Germany and Japan at this Conference was a matter which would involve considerable examination on the part of the United Kingdom; especially to determine whether the commitments entered here would be reconcilable with other international commitments undertaken by his country. He stated that as far as Germany was concerned, the Potsdam Agreement is the basic instrument of control and that the United States, the United Kingdom and the Union of Soviet Socialist Republics are alone judges of what their commitments are under that agreement. He concluded by saying that the United Kingdom entertained some doubts as to the advisability of the United States amendment, but was, generally speaking, in agreement with the proposal of that amendment.

The delegate for France, supported by the delegate for Poland, raised a point of order and stated that on this question there were international questions which were not capable of being solved by the Conference on Trade and Employment and felt that this Conference was not competent to decide this question.

In answer to a question from the delegate for the United States, the CHAIRMAN stated that he had ruled that this amendment could be discussed in the

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Sub-Committee but that the Sub-Committee was now discussing the competence of the Conference to insert provisions in the Charter which could or might violate other international agreements.

The delegate for Czechoslovakia pointed out that the Potsdam Agreement cannot be changed here and that during the period of occupation the agreement stated that Germany "shall be treated as an economic unit". He felt that this Conference was not competent to decide this question.

The delegate for France, again raising a point of order, stated that if the Sub-Committee declared that it was competent to deal with this question he would be forced to take part only as an observer. The CHAIRMAN pointed out that no decision had been taken on whether this Conference can take a decision on this matter but only that the Conference may discuss the United States amendment.

To assume the position of Chairman to take the place of Mr. J. E. FAWCETT (United Kingdom), who was leaving Havana, Mr. Wunz KING (China) was nominated by the delegate for Belgium and seconded by the delegate for France. Since Mr. King was not present to express his acceptance or rejection of the Chairmanship, the question was left open until the next meeting.

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