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SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE
UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT.

VERBATIM REPORT

EIGHTH MEETING IN EXECUTIVE SESSION
HELD ON THURSDAY, 22ND MAY 1947, AT 10.30 A.M. IN
THE PALAIS DES NATIONS, GENEVA.

M. MAX SUETENS

(Chairman)

(Belgium)

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CHAIRMAN: The meeting is called to order.

Gentlemen, at the end of the meeting yesterday afternoon, I asked the Chilean Delegate if he agreed to withdraw his amendment, it being understood that he could raise the matter again after the examination of Articles 13 and 38, if he still considered that he was not satisfied. The Chilean Delegate replied that he desired to have a little more time to think the matter over, and that he would give us his reply this morning. I call upon the Representative of Chile.

M. ANGEL FAIVOVICH (Chile) (Interpretation): At yesterday's debate certain Delegations suggested some procedures or possibilities which might enable the Conference to decide on the proposal made by the Delegations of Chile, Syria and the Lebanon.

The Delegate of China has suggested deleting from Article 14 the exceptions which are mentioned there and mentioning them in the general Chapter on exceptions. The Delegate for Australia has indicated that Articles 13 and 38 might satisfy the principles of our proposal. The Delegate for France has stated that, perhaps, by altering or rendering more flexible Article 38, it might be possible to consider our proposal. Finally, another Delegate - I believe it was the Delegate of Cuba - stated that our amendment did not mention any regulation and might be the object of a special study.

If it is the wish of the Conference really to consider our amendment, it might then be convenient to look at it in conjunction with the exceptions mentioned in Article 14 and the measures contemplated in Articles 13 and 38, and to have the study carried out either by a special sub-Committee or by one of the Working Parties of the Conference.

M. ANCEL FAIVOVICH (Chile) (Interpretation) (Contd): If this proposal which I suggest should be accepted, I would wait with great pleasure to see the decision made by such special sub-committee or working party on Articles 13, 14 and 38 which are closely connected with the problem which interests us. If this proposal could not be accepted, I would have, much to our regret, to maintain our proposal and to ask the Conference to decide upon it.

CHAIRMAN: I call upon the delegate for Brazil.

H.E. A. de V.F. BRAGA (Brazil) (Interpretation): Mr. Chairman, in the course of the discussion, and after the second statement of the delegate for Chile on the amendment presented by the delegations of Chile, Syria and the Lebanon, the discussion, it seems to me, has strayed away from its original objectives. This is the position of Brazil, which I want to state as clearly as possible. We have opposed the Chilean amendment not because we are against it or unconscious of the necessities connected with the development of certain industries in certain undeveloped countries. Of this we are fully conscious and although Brazil has achieved a certain advance as compared with other South American countries in this field, we are deeply conscious of the necessities connected with this task but the solution of the development of industries cannot exclusively be based on preferences and customs unions. Of course, such measures are a contribution to the solution of the problem and this is why the case is covered in the Charter where provisions are made allowing certain countries to depart from the general rule under the supervision of, and after discussion by, the Organization. This is also our point of view. The question shall be discussed and when it will come under

discussion we will make all proposals which may be necessary and which would go in the interests of all countries developed and undeveloped. For the time being we shall maintain that Article 14, as it stands, should remain and the discussion on Article 38 should be postponed until such time as the Conference deems it fit.

CHAIRMAN: Is there any other delegate wishing to speak?

Mr. WINTHROP BROWN (United States): Mr. Chairman, our delegation would share the view of the delegate for Brazil that it is not necessary to charge a Sub-Committee with the study of this amendment to Article 14.

M. MOUSSA MOBARAK (Lebanon) (Interpretation): As was pointed out by the Chilean delegate, it is admitted that a number of representatives are more or less in favour of a solution which would be likely to give satisfaction to the delegations of Chile, Syria and the Lebanon. Some delegates referred to Article 38, others referred to other Articles. Before replying to the question which was asked us by the Chairman, namely whether we were prepared to keep our amendment, I think it would be necessary to know exactly how a solution can be found in connection with the discussion of other Articles. I therefore support the Chilean proposal, namely that these Articles be referred to some Sub-Committee in order that this Sub-Committee should try and find, in agreement with us, an appropriate solution for the examination of that problem in full harmony with the Commission. Should this not be the case, then we would be obliged to maintain our amendment.

CHAIRMAN (Interpretation): I would like to draw the attention of the Chilean Delegate to the following point: I do not exactly understand the aim of your present proposal, because if we agree to send your proposal to a Working Party or sub-committee to study it, this sub-committee or Working Party would find itself in exactly the same difficulty as the Committee here is now. In effect, this Committee would try to find a way of giving you satisfaction by studying Articles 13, 14, and 38, but the sub-committee or Working Party will not know the fate which might be reserved later on for these Articles. Therefore, if we accept your proposal, I think it would be impossible for a Working Party to achieve any useful work at present.

The proposal I made to you yesterday - and I think all Delegates supported it - was to wait for a debate which will take place on Articles 13, and 38, and you are always at liberty, of course, to take up the matter again on that occasion. Then perhaps a Working Party such as the one you suggested might usefully be asked to study the question, but I think now that such a Working Party would serve no useful purpose.

The Delegate of Chile.

M. ANGEL FAIVOVICH (CHILE) (Interpretation): I understand that this Conference is convened to decide on all and each of the Articles of the Charter; this is the very aim of the present Meeting. Thus we see that there is a Working Party at present studying some of these Articles- 15 to 23 and 37 of the Charter - which are closely connected.

Since such a study is being carried out by this Working Party, what difficulty could there be in entrusting this Working Party or another sub-committee with the task of studying Articles

13, 14 and 38, which also are closely connected and deal more or less with the same problem.

When we presented our amendment to Article 14, it was precisely because this Article is dealing with exceptions. We see no reason, therefore, to withdraw this amendment and to present it again when we discuss other Articles not dealing with that exception to the Most-Favoured-Nation clause. It is for these reasons, Mr. Chairman, that I insist on having this and other Articles referred to the Sub-Committee as suggested.

Mr. E. McCARTHY (Australia): Mr. Chairman, there is one point of view I should like to put and that is that a decision be made that the Chilean amendment cannot be accepted under Article 14, and, having made that decision, the view be taken by this Committee that in the course of the discussions it has been apparent that some Delegations think the viewpoint of the Chilean Delegation might be met in dealing with other Articles. Therefore a sub-committee should be appointed at once, not to wait until we reach the other Articles, but be appointed now to examine in what way the Chilean proposals could be met by reference to the other Articles.

I think if we take the view that we wait until those Articles come up for discussion, we might reach Article 13, that might be examined and it then be decided that no action can be taken under that Article, and you go on to Article 38. But it is just possible that the Chilean position might be met by an examination of Articles 13 and 38 together.

Reasons have been given, and I think adequate reasons, why we cannot accept the proposal under Article 14. My main reason

is that Article 13 sets down that if a country in the early stages of development wants to take protective measures - the words are "any protective measure" - it has to submit to the Organisation and it has to submit to their supervision and ultimate decision. It would be quite wrong, therefore, if one particular form of protection - that of preferences - is not required to submit to the Organisation but gets a complete exemption from the supervision which is considered necessary in the case of all the new developmental projects. So I would suggest that the view of this Committee should be that after full examination it is considered that the Chilean proposal cannot be dealt with under Article 14, but, in view of the discussions which have taken place and the arguments put forward by the Chilean Delegation, it is considered there are other Articles which might admit^{of} their proposal being accepted, either in its present form or in some modified form. I think therefore a sub-committee should be appointed at once to examine not only those Articles which have been mentioned but the other Articles in the Charter, so that when we come to those Articles there might be propositions which would be acceptable to the Chilean Delegation and to the Committee.

Mr. S.L. HOLMES (United Kingdom): Mr. Chairman, with most of Mr. McCarthy's analysis of the problem I find myself in full agreement. The discussion has been valuable, I suggest, in defining part, at any rate, of the real issue which is whether or not, to meet the sort of desire which the Chilean representative has, we should agree to a general latitude without any submission to the organization, or whether the organization, as in other similar cases, should have the duty of going into the matter and seeing whether there is full justification for a Member having that latitude and for being released from some of the general obligations undertaken by parties to the Charter. But, having said that, I must say that I find myself in disagreement with the Australian representative as regards the immediate solution of the difficulty. You have yourself already pointed out, perhaps in a much better way than I could, some of these difficulties, but I would like to point out the great embarrassment in which the Working Party would find itself: it would be called into being, I understand, to consider how, if at all, the Chilean and Lebanese-Syrian proposal could be dealt with in connection with other Articles to which we have not yet arrived. In the ordinary way one expects a Working Party to be set up after a general review of particular Articles or particular Chapters. In this case, however, we should be setting up a Working Party in advance to deal with one possible question which might arise in connection with certain Articles. Now, it is surely more than possible, judging by our experience of such Articles as we have already taken in this body, that delegations will have amendments to propose in connection with Articles 13, 37 and 38, as, indeed, almost every Article in the Draft Charter. Surely the Working Party would be in a great difficulty and much of its work might be wasted if it tried to consider the Chilean proposal in connection with these Articles which have still to receive a general reading, without any knowledge of what extensive or less extensive amendments, perhaps not devoted to this particular point at all, may be proposed to those Articles. I therefore feel that the time for a Working Party to consider the Chilean proposal is later, when we know what the full task of that Working Party may be.

MR. A.P. VAN DER POST (South Africa): It is necessary for our discussions that we accept certain general broad principles. Those form the basis of our draft Charter. At the same time, we have admitted that in the draft Charter and discussions in London and here, so far, there may be special cases calling for a provision or an exception in the draft Charter, provided, of course, that the exception does not negative your general broad principle.

Now, I have listened to the discussion of the Chilean and Lebanese and Syrian proposal. Their proposal is a very wide one. It covers, I think, a wider range than perhaps they are trying to establish in an exception, but the fact nevertheless remains that we have three parties here who consider that they have a case to submit for the provision of an exception in the draft Charter.

This matter has now been discussed since yesterday, and very fully discussed, and it seems to me that we are not making very much progress, and it would appear that it would be better if we could refer this matter to a sub-committee (I will not say "the working party", because as I understand the working party, the working party would also be too big a body to examine this). If we could have a comparatively small ad hoc sub-committee to examine this proposal of the Chilean, Syrian and Lebanese delegations, we might be able to come to some arrangement to meet their case.

Personally, I am inclined to think that there is sufficient provision in Article 38, paragraph 4 on customs unions, but they are apparently not of that opinion, and I do agree with Mr. McCarthy - it would not serve a very useful purpose at this moment if we were to postpone further consideration until we reach Article 38. The case could be examined better by a small ad hoc sub-committee. I would support Mr. McCarthy's proposal.

CHAIRMAN: Monsieur Na'

M. NATHAN (France) (Interpretation): Mr. Chairman, I would like to express my full agreement with the statement made a few moments ago by the representative of the United Kingdom.

Certain delegations have raised objections to the proposal of the Chilean delegation concerning article 14, because this proposal could lead, if accepted, to a fractioning of the world. If we accept the proposal moved by the representative of Chile and supported by the representatives of Lebanon and Syria, this would give rise to a fractioning of the Charter and to consideration of all its points piecemeal. But the Charter is first of all a spirit, and this spirit should be stressed in our common discussion in each article.

If, in the course of a discussion on one or another article, certain difficulties arise, the matter could be referred to a sub-committee or to a working party. If, in the course of the discussion on Article 38, it appears that a sub-committee should be set up to tackle the difficulties connected with this article, then a sub-committee should be set up for that purpose. It would be premature to decide to set up a sub-committee now, since we do not know yet whether Article 38 in its present form is or is not satisfactory for the Chilean purpose.

CHAIRMAN: Mr. Wilgress.

Mr. WILGRESS (Canada): I agree with what has just been said by the Delegate of France, that it is not desirable to take up parts of the Charter piecemeal, but it is preferable that we should proceed in a regular order.

I think therefore it would be useful if at this stage I reminded the Committee as to the reason why we are considering this particular Amendment to Article 14 at this time.

The reason is that this course was recommended by the Tariff Negotiations Working Party and approved by the Chairman of this Committee. We found a difficulty in connection with the tariff negotiations, owing to the inability of the Chilean Delegation to name a base date for the negotiation of preferences. When we discussed the matter with the Chilean Delegation, they explained that they could only come to a decision on this matter after there had been discussion on their Amendment to Article 14 2(c). The Tariff Negotiation Working Party therefore suggested and recommended that this particular Amendment be taken up in advance of the discussion of the other Articles of the Charter.

The Chilean Delegate has referred to the Working Party which was set up to consider Articles 15 - 23 and Article 37 of the Charter. This also arose out of a recommendation of the Tariff Negotiation Working Party because it was considered that it would be useful if the text of these Articles was established on the same basis as the text for the other Articles had been established in London.

Now the text of Article 14 was established in London, and the only point which has arisen was the reservation which had been made by Chile at New York. When the Tariff Negotiation Working

Party found that this reservation and the subsequent Amendment of the Chilean Delegation was an obstacle to the progress of the tariff negotiations we recommended that the Committee consider this particular Amendment in advance of the other parts of the Charter.

I therefore think it would be a mistake to go further and consider at this stage Articles of the Charter which do not have a bearing on the tariff negotiations, such as Articles 13 and 38. I agree with what has been said by the Delegates of the United Kingdom and France that the proper course is to wait until we come to these Articles before considering the special case that has been put forward by the Delegations of Chile and Lebanon and Syria, and at this meeting all that is necessary for us to decide is whether or not the text of Article 14 should be amended as proposed by the Delegate of Chile and Syria and Lebanon or whether the text should stand. That would be sufficient so far as the tariff negotiations are concerned.

CHAIRMAN: The Delegate of Chile.

M. ANGEL FAIVOVICH (Chile) (Interpretation): I believe that from the remarks made by the Delegates two aspects of the problem emerge. There is an aspect of substance and an aspect of procedure. I feel that if we concentrate too much on the procedural aspect, we may lose sight of the aspect of substance.

Some Delegations have indicated that even the provisions of Article 14 seem immovable and constitute a kind of anticipated decision which has already been pre-arranged; but I do not think that any Article of the Charter is now in its final form. We have to approach Article 14 like any other Article. The discussions in London and New York are only considered as constituting a basis for discussion, and I think that alteration or even deletion of any Articles or paragraphs of Articles in the Charter is always open to us. This is, I think, the question of substance.

It seems now, from the discussion, that only the exceptions mentioned in Article 14 could be considered and that it could not be contemplated either to increase the number of exceptions or to delete or do away with some of them. Some Delegates have said that it was important not to complicate or delay the work of the Commission by creating more ad hoc sub-Committees or by overburdening the Working Parties already in existence. Thus we seem to break clear from the tradition as regards the respect due to all the Members of a Conference.

We are confronted by three countries which have proposed an amendment. Of course, the majority of this Conference may decide against this amendment, but, in any case, due consideration should be given to it, and we hope that the Conference will

consider the suggestion we made for the constituting of a special subcommittee to study our amendment in connection with Articles 13 and 38

The Delegate of France has said, as regards procedure, that by examining the Charter piecemeal we risk breaking the unity of the Charter. I agree with that, but I must observe that if the Commission had followed the order of the Charter, and started by examining it Article by Article, this situation in which we now find ourselves would not have arisen, and we would have arrived at the study of our amendment, in connection with Article 14, in its proper order.

I consider, therefore, that it is the duty of the Conference to solve the problem with due respect to the countries which presented the amendment. I also note that the Delegates of Australia and South Africa have spoken in favour of an ad hoc subcommittee to study Articles 13, 14 and 38, which have a link with tariff negotiations and may have repercussions on other Articles of the Charter. I think the Commission must now definitely decide to solve the problem and not embark upon a discussion of procedure.

Mr. E. McCARTHY (Australia): Mr. Chairman, the first point I would like to make clear is that the Australian Delegation's view is not that the Subcommittee should examine the proposals of Chile in relation to Articles 13, 14 and 38, but only in respect of Articles other than 14. Our view is that it is true that Article 14 has yet to be examined; but for reasons which we know, Article 14 was examined in relation to the proposition of the Chilean Delegation. The view of my Delegation is that the Chilean Delegation have not established a case for the introduction of their proposals into Article 14.

and that should be decided here and now. Further, that decision, if adverse to the Chilean Delegation, would, I hope, mean that they would decide their base date and proceed immediately with their negotiations. Now, that having been decided, the question then is whether they have established a case for consideration under other Articles.

One view is that we should wait to decide whether that is so until those Articles are reached. The other is that they have established a case for the submission of the material to a Sub-Committee so that, when those Articles are reached, this Committee will be in a position to have advice from a Sub-Committee. Those are the three points. Our view is really this, that the objections to going on with the examination of their propositions in relation to other Articles are purely technical. We've discussed the matter for two days and we have reviewed it extensively. Now, there will be a meeting next Tuesday to discuss Article 13. Are we to go all over it again and then make a decision as to whether there will be a Working Party for Article 13? There might be other Articles, but it is quite possible in practice that the solution will be met, not by Article 13 alone, but by a combination of Articles 13 and 38 and perhaps others.

I do not want to prejudge and start another discussion going, but there is a thin link between Article 13, 2(c), which refers to any protective measure. Now preference is a protective measure. The first question is whether a protective measure which is brought about by a preference is any protective measure? That is in 13, 2(c). Then 38 refers to preferences being admitted for neighbouring countries. Well, it is possible that if you get certain criteria laid down you can admit the Chilean arguments under that, but these are the things that we will start on at 13. If we are going to narrow it down to 13 we will still not be finished, and I suggest that the Chileans establish a case for review on Articles other than 14. Article 14 ought to be disposed of, and we ought to start then with the practical Working Party that will be able to inform the Committee when we reach 13 next Tuesday.

CHAIRMAN: The Delegate of Cuba.

Mr. J. GUERRA (Cuba): The Cuban Delegation feels that, as some Delegates have remarked already, we have been discussing this matter for two days and we do not seem to be making very much progress. There was a suggestion made by the Delegate for Australia that a sub-committee might be set up to consider whether there is any possibility of meeting the points raised by the Delegate for Chile, in the amendment proposed to Article 14, to the stage where that point can be met in connection with Articles 13 and 38. It would appear now that a decision has to be made as to whether or not the amendment should be accepted under Article 14 and in this manner clear the way for proceeding with the tariff negotiations. As the Canadian Delegate has said, the reason why the amendment to Article 14 was brought here was because of the bearing it has on the tariff negotiations.

On the other hand, the view has been expressed that no sub-committee should be set up at all because a question of procedure is involved and that we would be taking up Articles on which we do not know as yet whether any amendments may be proposed, and that would make it difficult for those Articles to be considered by the sub-committee.

I wonder whether it would be possible to find a temporary solution by setting up a sub-committee to decide on the consideration of the Chilean amendment in connection with Article 14 and Articles 13 and 38 together, giving the sub-committee a period of, say, twenty-four hours to report back to the Committee on whether the Chilean amendment to Article 14 should be discussed, or whether the correct way of dealing with the matter would be under Articles 13 and 38.

My idea is that the Chilean Delegate has stressed the right of having more consideration given to his amendment under Article 14. Of course, that consideration has been given for two days, but we feel that there will be no harm in taking the matter to a sub-committee, in order that the Committee may decide, on the basis of the report of the sub-committee, that the amendment should not proceed under Article 14, and that we might find, or attempt to find, a solution under Articles 13 and 38.

In this way we think that the aim of the proposal made by the Australian Delegation, of reaching a quick decision on the matter of Article 14 because of the bearing it has on the tariff negotiations, may be attained by the report the sub-committee might give to the Committee after a 24-hour^s period; and that sub-committee, or another, would raise the question of how to deal with the problems which interest the Chilean Delegation under Articles 13 and 38.

CHAIRMAN (Interpretation): Gentlemen, we must now close the discussion; this is the wish of the Chilean Delegate himself. I shall therefore put to the vote the following question: Can the Chilean proposal be accepted or not as an amendment to Article 14? Will those in favour of the amendment being accepted in connection with Article 14, please raise their hands.

(No hands were raised).

(At this point M. Moussa MOBARAK intervened on behalf of the Syrian Delegation).

(Interpretation): The Syrian Delegate has asked the Chairman whether it would not be convenient to put to the vote first the alternative proposal made by the Delegate of Cuba. The Chairman says he is going to make a new proposal.

CHAIRMAN (Interpretation): The amendment is therefore rejected.

I shall now submit to the Committee another proposal, that made by the Cuban Delegate. If I understand that proposal correctly, it means that we should appoint an ad hoc committee to study, within 24 hours, whether there is any possibility of meeting the proposal made by the representatives of Chile, Syria and the Lebanon by some other means than Article 14 of the Charter and that this sub-committee should report to us by tomorrow.

Mr. J. GUERRA (Cuba) : Mr. Chairman, I want to make a clarification to my proposal. The way that the Chairman has understood the proposal, that will be the second part of my proposal: in other words, it will be equivalent to the proposal made by the Australian delegate. What we had in mind was that the ad hoc sub-committee should decide, considering the amendment under Article 14 also, not only under 13 and 38, and then report to the Committee whether it should not proceed under article 14. Once we have that decided on the basis of the report of the ad hoc sub-committee, then the question of finding the solution under Articles 13 and 38 will come up.

CHAIRMAN (Interpretation): The Commission have already decided on the first point and have decided that the amendment cannot be considered in connection with article 14. Such being the case, it does not seem to be possible to give the sub-committee the terms of reference mentioned by the delegate of Cuba.

Mr. J. GUERRA (Cuba): Mr. Chairman, I have taken a different view of the matter. I thought that the vote was taken on the amendment itself, not Article 14. But my amendment covers only a point of procedure - whether the Commission will reject the possibility of an amendment to Article 14 right now, here, or whether we shall wait twenty-four hours for the report of an ad hoc sub-committee on that point.

M. ANGEL FAIVOVICH (Cuba) (interpretation): I must say that I am rather surprised to see the Chairman dealing with the matter in a way which I cannot qualify, by wishing the Commission to make an immediate decision and to decide that our amendment cannot be considered in the framework of Article 14; and after that accepts the

proposal and even proposed himself to appoint a ad hoc sub-committee to study this question in connection with other Articles. If the problem is to be solved as Chile, Syria and the Lebanon wishes it to be solved, we are prepared to accept the Cuban proposal, although it is not completely satisfactory to us, but at least it will enable the Commission to have a delay and be informed by the sub-committee on the question of whether our amendment can be considered within the framework of Article 14 or not. I wish to add that if we have proposed this amendment in connection with Article 14 and not in connection with any other Article of the Charter, it is precisely because Article 14 contains some exceptions and in particular one exception, that relating to the date and contained in paragraph 2 (c) of Article 14 which is in direct connection with our proposal.

CHAIRMAN (Interpretation): May I say to the delegate of Chile that I should be very sorry if any misunderstanding arose. We have always entertained excellent relations. If I put the proposal to the vote it was because I was urged to do so from various quarters, and also because I must confess I misunderstood the proposal of Cuba. I am quite willing to show that my purpose is to take into consideration all the wishes of all the delegates, and to put now the proposal of Cuba to the vote in spite of the vote which was taken just now. If I understand the proposal of the representative of Cuba aright, it aims at first setting up immediately an ad hoc sub-committee which would study whether the proposal of the delegate of Chile can be met in the framework of Article 14 or whether it is to be met in the framework of other Articles. This is its first task. After this, if necessary, the sub-committee might consider what Articles of the Charter should be used to meet the proposal of the representative of Chile. This is, as I understand it, the proposal of Cuba, and I would like to ask the Commission to decide now on this proposal.

CHAIRMAN (Interpretation): Will those in favour of the Cuban proposal raise their hands?

(Show of hands)

The proposal is not carried.

There now remains the proposal made by the Australian delegation. The proposal made by the Australian delegate is to appoint immediately a Committee which would as rapidly as possible study the means of meeting the request made by the representatives of Chile, Syria and Lebanon through some other Articles of the Charter, and more particularly by means of Article 13, paragraph 2(c) and Article 38. I put this to the vote.

Those in favour please raise their hands.

(Show of hands)

Those against the Australian proposal ?

(Show of hands)

We are now faced with the unfortunate situation that there are seven for and seven against, but that also means that all the delegates have not voted.

MR. E. WYNDHAM-WHITE (Executive Secretary, to the Preparatory Commission): Mr. Chairman, I think that as it is somewhat difficult from here to determine exactly who is voting and which way, it might be useful if we were to take a vote by roll-call round the table in order to be quite certain of the figures. We shall therefore ask every delegation whether they are in favour or against the Australian proposal.

(A vote was then taken by roll call.)

Vote in favour: Australia, Belgium and Luxemburg,
Norway, the Netherlands, New
Zealand, South Africa.

Vote against: Brazil, Canada, Chile, China,
Cuba, Lebanon and Syria, United
States, United Kingdom.

Abstentions: Czechoslovakia, France, India.

CHAIRMAN (Interpretation): The result is six for (Australia, Belgium and Luxemburg, Norway, the Netherlands, New Zealand and South Africa); eight against (Brazil, Canada, Chile, China, Cuba, Lebanon and Syria, United States, United Kingdom); and three abstentions (Czechoslovakia, France and India).

The Australian proposal is therefore rejected, which unfortunately does not solve the difficulty.

(Interpretation):

Mr. MOBARAK (Syria and the Lebanon): / I think, Mr. Chairman, that the intermediate proposal made by the Cuban Delegate would have been satisfactory for all concerned, without altering the substance of the problem, if the majority had shown a little more understanding for our Amendment.

This proposal means we should grant an extra period of 24 hours to make it possible for a Sub-Committee to examine whether our Amendment can be made within the framework of Articles 14, 13 and 33, and thus give a solution which would prove satisfactory for all.

I repeat I am sorry that the majority has not been in a position to show a little more understanding. However, if it is possible to reverse the vote and vote again, I think we should all be satisfied, and thus have 24 extra hours to settle this matter to our mutual satisfaction.

CHAIRMAN: (Interpretation): I may answer to the Delegate of the Lebanon that the vote has just been taken, and I do not see any possibility that in five minutes any Delegates might change their mind and another vote on the same matter yield different results. But it is the only possibility to find a way out of it.

Mr. NATHAN (France) (Interpretation): Mr. Chairman, we are faced with a very odd situation. The Australian representative made a proposal which would have allowed the study of the question as to under what conditions and in connection with what Articles, other than Article 14, could the Chilean proposal be made. However, the Delegates of Chile and Syria and the Lebanon voted against this proposal, which was made with a view to permitting the study of the possibility of meeting their wishes.

Therefore I think that the simplest way out would be to request the Delegates of Chile, Syria and Lebanon to explain their votes and perhaps to see their way to associate themselves with the Australian proposal.

Mr. FAIVOVICH (Chile) (Interpretation): I shall with pleasure answer the French request.

Our attitude in voting against the Australian proposal was not in contradiction of the request contained in our Amendment.

We cannot accept that it would be admitted by anticipation that our proposal cannot be examined as an Amendment to Article 14. This Conference is now studying the Articles of the Charter, and we cannot in that case decide that our Amendment cannot be examined in this framework. That is why we voted against the Australian proposal.

CHAIRMAN: (Interpretation): The only way out then, Gentlemen, is to request the Commission to continue its work and to invite the Delegates of Chile, the Lebanon and Syria to present any proposal they wish to move in connection with the discussion of Articles 13, 14 and 38, or any other Articles.

As to the setting up of a special Sub-Committee, the Commission shall decide this matter later, if necessary. Commission A, of course.

Mr. FAIVOVICH (Chile) (Interpretation): I have not understood clearly what is the present situation as a result of your last proposal.

CHAIRMAN: (Interpretation): The Commission A will continue its work and consider all the Articles of the Charter. You will be at

liberty to present your proposals in connection with the discussion of Articles 13, 38 or any other Article of the Charter.

Mr. FAIVOVICH (Chile) (Interpretation): May I say, Mr. Chairman, that the question is not quite clear.

The Conference has to decide as to an Amendment of Article 14. So far two votes have taken place. One, on the proposal made by the Delegation of Cuba, which we accepted, consisted in examining our proposal of a Sub-Committee, in connection with Articles 14, 13 and 38. This was rejected.

Another proposal, that of Australia, consisted in examining our Amendment in connection with Articles 13 and 38, which was also rejected; but we have not voted yet on the Amendment which was submitted.

CHAIRMAN: I am sorry to have to contradict the Representative of Chile. However, we did vote on the amendment in connection with Article 14. I was even reproached with having hurried the matter too much, and with not having taken a vote first on the proposal made by the Representative of Cuba, and as far as I can make out, the Commission has rejected this proposal.

M. ANGEL FAIVOVICH (Chile) (Interpretation): If the Chair interprets the two previous votes as indicating that the amendment has been rejected, this is a matter of interpretation; but I contend no vote rejecting our amendment has been taken.

CHAIRMAN: There were, in fact, three votes and the first vote was precisely on the question now raised by the Delegate of Chile and the amendment was rejected in connection with Article 14.

M. NATHAN (France) (Interpretation): Mr. Chairman, it seems to me that a few moments ago we took a vote on the question as to whether the Chilean amendment should be considered in connection with Article 14, and the Commission has rejected not the Chilean amendment, but the idea that this amendment should be considered with Article 14.

M. ANGEL FAIVOVICH (Chile) (Interpretation): After the explanation given by the Delegate of France, I declare myself satisfied, and I apologize that I perhaps misunderstood the previous vote; but I wish to make a formal reservation on Article 14 as it stands.

M. MOUSSA MOBARAK (Lebanon) (Interpretation): The Syrian and Lebanon Delegations associate themselves with the reservation made by the Chilean Representative.

CHAIRMAN: The Meeting is adjourned.
The Meeting adjourned at 12.45 p.m.