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

VERBATIM REPORT.

TWENTIETH MEETING IN EXECUTIVE SESSION  
HELD ON MONDAY, 7TH JULY, 1947, AT 2.30 P.M. IN THE  
PALAIS DES NATIONS, GENEVA.

MR. MAX SUETENS

(CHAIRMAN)

(BELGIUM)

Delegates wishing to make corrections in their speeches should address their communications to the Documents Clearance Office, Room 220 (Tel.2247).

CHAIRMAN:(Interpretation): The Meeting of the Executive Committee is open.

We have four items on today's Agenda which you will find in Document 145. The first item is the consideration of the Draft Report of the Preparatory Committee of the United Nations Conference, Document 117; the second Document is the Report of the Second Session and a note by the Secretariat, Document 115.

Both items are closely connected, and I shall now call on Mr. Wyndham White to open the discussion.

Mr. WYNDHAM WHITE (Executive Secretary of the Preparatory Committee): In Document No. 117, and the addition thereto which is being published as Document No. 117, Addition 1, we have endeavoured in as brief a compass as possible to draw up the report of the Preparatory Committee, taking strictly as our basis for this Report the Resolution of the Economic and Social Council which constituted the Preparatory Committee.

In most respects, the Report which you have before you, I think, covers adequately all the matters on which the Economic and Social Council charged this Committee with responsibility.

On one matter it might perhaps be argued that we have not complied with the strict letter of our instructions, but I would like to come back to that point and to demonstrate how I think we have managed to meet the spirit, if not the letter, of that particular part of the Resolution.

The Economic and Social Council instructed the Preparatory Committee to take into account the special conditions which prevail in countries whose industries are in the initial stages

of development.

The response to that request is also contained in the Report in which we refer to the Chapter which we have drafted in the Charter on Economic Development.

The Economic and Social Council instructed us to make recommendations as to the date and place of the Conference. A recommendation on that is contained in the Report. We were asked to recommend which countries, not Members of the United Nations, should be invited to the World Conference, and that Resolution is contained partly in the Report and partly in the Addendum.

The Addendum deals with the special question of certain territories which, though under the sovereignty of a Member of the United Nations, the Preparatory Committee may consider <sup>the</sup> should receive/special consideration of the Economic and Social Council, in that they are self-governing in the matters which will be covered by the Charter, and therefore it might be proper that these countries should be invited to the World Conference.

The addendum deals with the special question of certain territories which, though under the sovereignty of a Member of the United Nations, the Preparatory Committee may consider should receive the special consideration of the Economic and Social Council in that they are self-governing in the matters which will be covered by the Charter. Therefore, it might be appropriate that those countries should be invited to the World Conference.

The addendum also deals with the special question of the extent and nature of the possible representation at the Conference of the defeated enemy countries - Germany and Japan, and a resolution on that subject is incorporated in the Report in the addendum.

And now, Mr. Chairman, to terminate these brief introductory remarks, I should like to return to the point in which I said that we had not, perhaps, complied strictly with the wording of the Council resolution. The Council resolution, in referring to the Convention or Charter, instructed the Preparatory Committee to elaborate an annotated draft agenda, including a draft convention for consideration by the World Conference. That, I submit, Mr. Chairman, we have done, or shall soon have done. We shall send in this Report to the Economic and Social Council, an agenda which is very fully annotated indeed by the Reports of the First Session and of the Drafting Committee, and will be supplemented by the Report of the Second Session which we hope may be available to the governments concerned before many weeks have passed. When the Report of this Second Session is concluded we shall have made available, a considerable time before the World Conference takes place, a Draft Convention. However, the resolution of the Economic and Social Council contains a request to the Preparatory Committee to report, amongst other things, the agenda including a Draft Convention to the Economic and Social Council itself, and it is in that respect that we may, perhaps, appear to have fallen somewhat

short of the letter of our instruction in that Report, <sup>which</sup> although it will, I think, contain a fully annotated draft agenda, will not contain, the text of the Draft Charter or Convention completed up to the stage in which it will be left by the Preparatory Committee.

However, I regard that as being a failure to observe the letter rather than the spirit, because, in the Report, we have said that we propose to submit a text as a working paper under headings which we suggest. The sum total of the texts will constitute the Draft Charter or Convention that we shall work out here, and I will submit to the Committee that, considered from our point of view, we have in substance complied or completed the task which the Economic and Social Council entrusted to us. I do not think that it was the intention of the Economic and Social Council that the text which we should prepare, as the resolution itself says "For consideration by the Conference", should be the subject of detailed examination by the Economic and Social Council itself. In fact it would be somewhat illogical if the Economic and Social Council itself, which is a body of eighteen Members of the United Nations, should set up another body of eighteen Members of the United Nations to work for a considerable period of time on a Draft Convention or Charter, and then should, itself, at a later stage and without the advantage of the long time and study that we have been able to devote to it, take upon itself to review in detail the terms of the Working Party which we are submitting to the World Conference.

I therefore, suggest to the Committee that they would be justified in regarding the major matter of the Council as being the instructions to produce a draft agenda and Draft Convention for consideration by the Conference, the mere fact being that the wording of the later paragraphs requires that this Convention should itself be reported to the Council. It may well be that, at a later stage, perhaps during the meeting of the General Assembly, there may be a pro-forma brief meeting of the Economic and Social Council where it might be possible to complete the record by reporting to that pro forma meeting the text of the Charter as it will then be completed at the Preparatory Committee stage.

CHAIRMAN (Interpretation): Does anybody wish to speak?

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, just in order that I may know how we are going, are you inviting speeches on the general form of the Report now, or on particular points of the Report?

CHAIRMAN (Interpretation): No, on the general form of the Report. Does anybody wish to make any remarks on the substance of the document?.

Therefore, we shall consider the different parts of the Report. We shall start with Part A - Introduction. Does anybody wish to speak on that?

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I have a very simple point of drafting in point 3 called "Participants in the Work of the Preparatory Committee". It says there that "All Members of the Preparatory Committee with the exception of the Union of Soviet Socialist Republics took part in the work of the First and Second Sessions of the Drafting Committee. The Union of the Soviet and Socialist Republics indicated that it did not feel able to participate in the work of the First Session....." and then gives the reason. The next sentence says "The Soviet Union did not participate in the work of the Drafting Committee or of the Second Session". I suggest that that last sentence which I have mentioned could be left out as unnecessary, and one might begin the second sentence by saying that "As regards the Union of Soviet Socialist Republics, it indicated that it did not feel able.....etc.". I simply want to remove the repetition of the third sentence.

MR. E. WYNDHAM WHITE (Executive Secretary): Mr. Helmore, I did not quite understand the intrusion of the barbarism "as regards". Would that be necessary?

MR. J.R.C. HELMORE (United Kingdom): My colleague, the Delegate of the United States, has suggested to me that I should suggest an alternative barbarism. I think we might agree with the Executive Secretary to renounce that barbarism. It is just that third sentence.

CHAIRMAN (Interpretation): If I have understood you rightly, you simply wish to avoid the repetition of the fact that the Union of Soviet Socialist Republics did not participate in the work.

MR. J.R.C. HELMORE (United Kingdom): Yes, Mr. Chairman.

CHAIRMAN (Interpretation): Does anybody else wish to speak on the Introduction?

Monsieur Baraduc:

M. BARADUC (France) (Interpretation): Mr. Chairman, I simply want to stress that in paragraph 3 it says "The specialized agencies and two other inter-governmental organizations" and so on. I do not think we can speak of "The specialized agencies" since only two were present.

CHAIRMAN (Interpretation): I quite agree.

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, is that right? I had always understood that there were only two, and therefore "The specialized agencies" is correct.

CHAIRMAN (Interpretation): Yes. Does anybody else wish to speak?

Mr. J.P.D. JOHNSEN (New Zealand): Mr. Chairman, I am not sure whether you are confining the discussion to Part A - Introduction, as I have a comment I wish to make on Part B.

CHAIRMAN (Interpretation): We are only dealing with Part A at the moment.

Part A is, therefore, adopted.

Gentlemen, we now come to Part B - Recommendations of the Preparatory Committee -1. Annotated Draft Agenda and Convention for the Conference on Trade and Employment. Are there any remarks on the text here?

Mr. Clair WILCOX (United States): Just a minor point on paragraph 1 concerning the Chapter headings of the London and New York Drafts of the Charter. The United States has submitted a proposal for re-organization of some of the material in the Charter, which would involve, if adopted, the elimination of the Chapter on Membership, its inclusion in the Chapter on Organization, and the relegation of some of the material from the Organization Chapter to a new Chapter called "Miscellaneous".

Now, I do not want to urge any decision on that matter at this point at all, and it may well be that the Committee will see fit to reject our suggestions; but I would prefer not to foreclose that by recommending the Chapter headings indicated here as the agenda.

In a big conference like the World Conference, they might tend to set up committees according to the suggested headings that we give them, and I think it has been our experience in two meetings that the non-substantive part of the material goes into one committee and some re-arrangement is made.

CHAIRMAN (Interpretation): Are there any further remarks?

Mr. J.F.D. JOHNSON (New Zealand): Mr. Chairman, I wish to make reference to paragraph 3 of Part B, and Addendum to E/PC/T/117: "should make provision for the attendance of persons qualified to represent the appropriate authorities in Germany, Japan and Korea". It does not say in what capacity those representatives would be present: presumably it would be in the capacity of observers or advisers. We are of the opinion, also, that those representatives should be members of the Staffs of the authorities and not nationals of the countries concerned.

CHAIRMAN (Interpretation): Gentlemen, the remark just made by the Delegate of New Zealand applies to paragraph 3 of Part B. At present we are dealing with paragraph 1. Therefore, we shall consider his remark later on, when we come to paragraph 3. Is everybody agreed on paragraph 1, subject to Mr. Wilcox's remarks?

The Delegate of Norway.

Mr. Erik COLBAN (Norway): I think that Mr. Wilcox's remark is already covered by the words "As at present drafted the Charter is divided" etc. That clearly indicates that we may alter it, and if we do, of course, we will inform the Secretariat; but I think we can adopt the text as it stands without in any way prejudicing the proposal of the United States.

Mr. Clair WILCOX (United States): I should like to call Mr. Colban's attention to the fact that it also says "The Preparatory Committee recommends that these headings should be adopted by the Conference".

CHAIRMAN: Mr. Colban, I think Mr. Wilcox's remark is valid, according to that drafting of the text.

I think we can now pass to paragraph 2 - Date and Place of the Conference on Trade and Employment.

May I point out to you that this paragraph 2 has an Annexe numbered C, which contains the Draft Resolution to be sent to the Economic and Social Council.

EXECUTIVE SECRETARY (Mr. Wyndham-White): Mr. Chairman, I am grateful for your drawing particular attention to the Annexe, because in a footnote to the Resolution on date and place I have tried to do justice to the feelings of the Preparatory Committee about the Secretariat's suggestion which was defeated at the Heads of Delegations Meeting, that the Conference might take place at Lake Success, and as these are views that were voiced by the Heads of Delegations themselves, I should particularly welcome their careful attention to the expression which I have tried to give to them in the footnote.

CHAIRMAN: The Delegate of Australia.

Mr. COOMBS (Australia): Mr. Chairman, I think the suggestion of the Australian Delegation referred to this matter. I have no criticism to offer on this, Gentlemen, but I did hope that it would be supplemented with some information which perhaps could be obtained only from the Delegations themselves. It would I believe be very helpful to the Council and to its advisers when it comes to consider this question, if there could be added to this some information of an essentially practical character - the suggested number of Delegations - the probable total number of Delegates - the prospective sizes the Delegations could be, estimated by the representatives of the countries here - the

probable requirements in the way of office accommodation and a few items of that sort, which I think would tend to indicate the basis for the judgments embodied in this measure. I am not sure whether it would be possible for the Delegates here to provide the Executive Secretary with that information, but I believe if it can be done, even in an approximate and tentative form, it would do a good deal to clarify the reasons behind the views of the Heads of Delegations Committee.

CHAIRMAN: The Executive Secretary.

EXECUTIVE SECRETARY (Mr. Wyndham-White): Mr. Chairman, I think that the information to which Dr. Coombs has referred would be useful to the Economic and Social Council, but I wonder whether it really finds its place properly in this Report. We have tried to keep the Report as short as possible, and my own feeling would be that we ought to get this Report in the hands of the Secretary of the Economic and Social Council as quickly as possible; and perhaps we can meet Dr. Coombs' suggestion by preparing a supplementary document which could be forwarded at a later date, which would correspond to the footnote and which might perhaps be referred by the Council directly to some Sub-Committee or technical body which might set out to consider this.

It does not seem to me to find its place in a report confined mainly to principles.

Mr. COOMBS (Australia): That is quite satisfactory to me, Mr. Chairman.

CHAIRMAN: The Delegate of the Netherlands.

Mr. SPEEKENBRINK (Netherlands): Mr. Chairman, I have not a question on the Draft itself, but I have a question to ask. When we discussed this, the Delegate of Canada made a suggestion that it was very important that when we presented this Report to the Economic and Social Council, it should be explained in the best way possible, and steps should be taken by the Preparatory Committee to see that a Body should be present to do this work.

I would like to ask you whether this suggestion has been further considered and what conclusion was reached thereon.

CHAIRMAN: No decision has been taken as yet. The matter is still open.

Mr. SPEEKENBRINK (Netherlands): I raise the point here because I am wondering if the suggestion of Mr. Coombs and Mr. Wyndham-White would then be followed up by an explanation of the kind of information collected here by the Delegates.

CHAIRMAN: (Interpretation): I think we are all in agreement as far as principle is concerned. The only decision relates to the means of doing so, and who will be sent to the Economic and Social Council. Are there any other observations?

Therefore we come to paragraph 2 with Annexe C.

Paragraph 3. Gentlemen, we now come to the remark previously made by the Delegate of New Zealand.

Mr. CLAIR WILCOX (United States): Mr. Chairman, the draft of the Report and the Resolution relating to the representation of Germany, Japan and Korea was prepared by the Delegates of the United Kingdom and France and the United States. It is left deliberately obscure as to three essential points: one is, what are the appropriate authorities in Germany, Japan and Korea; the second point is, who is qualified to represent them, and the third point is, in what capacity would they attend the Conference? All of those matters, according to this draft, would be left to the Economic and Social Council to decide, because they are political matters which we should prefer to avoid having to consider in this body, and it does seem to us that the Economic and Social Council was a more appropriate body to answer these questions.

What we have, in effect, said here is merely that we do recall that there have been and are such areas in the world as Germany, Japan and Korea and that the Economic and Social Council ought to do something about some sort of representation.

CHAIRMAN (Interpretation): Does anybody else wish to speak?

May I take it we are all in agreement on Paragraph 3 and Annex D?

(Agreed).

We still have to consider Part C, the General Agreement on Tariffs and Trade.

Dr. A.B.SPEEKENBRINK (Netherlands): Mr. Chairman, I wonder whether, in Paragraph 2, we should speak of "The members of the Preparatory Committee are now engaged in the negotiations",

and so on, because it is the intention, as far as I know at the moment, that the General Agreement on Tariffs and Trade should be separate from the Charter and therefore also from the Preparatory Committee. Perhaps we could have something like "the nations interested", but not put it as "members of the Preparatory Committee."

CHAIRMAN: Dr. Coombs.

Dr. H.C.Coombs (Australia): Mr. Chairman, I would like to make a suggestion in relation to the third paragraph. As the paragraph reads there at present it assumes certain conclusions which have not yet been reached by the Committee and, whilst I have no reason to doubt the accuracy of the prediction, I suggest that it might save some of us a little embarrassment if the paragraph were worded: "It is anticipated that the concessions resulting from these negotiations, together with such other provisions as may be appropriate, will at the end of the Second Session be incorporated in a General Agreement on Tariffs and Trade."

CHAIRMAN (Interpretation): Gentlemen, I think it is very advisable to be cautious. Therefore I think we should consider Dr. Coombs's suggestion.

Dr. J.E.Holloway (South Africa): There is a small drafting point - the loose phrase "mutually advantageous negotiations" in line 4 of Paragraph 1. I suggest that those words "mutually advantageous negotiations" should go out there and after the word "preferences" the words "on a mutually advantageous basis" should be put in.

CHAIRMAN (Interpretation): The Secretariat will take Dr. Holloway's suggestion into consideration.

Are there any further remarks?

Part C is therefore adopted.

Document 117 is therefore adopted as a whole, subject to small drafting revisions which will be made in the light of the remarks presented here today.

We still have to consider Document T.116, Note by the Secretariat, which contains a report of the work of the Second Session. Does anybody wish to speak on that document?

M. Colban.

Mr. ERIK COLBAN (Norway): Mr. Chairman, in the Sub-committee the question was brought up, what would be the character of explanatory notes to the different Articles of the Charter, and I promised to submit that question to Commission A.

I have no definite proposal to make myself, but I might perhaps suggest that you refer the question to the Steering Committee on the Charter, and at the same time enquire whether the Steering Committee will consider if it is desirable to treat merely explanatory notes in a different way from reservations. My own view, for what it may be worth, would be that reservations should perhaps be inserted at the bottom of the page in which the text of the Article is given, more or less in the same way as in the New York Draft, and that explanatory interpretative notes might conveniently be put in an annex, as suggested by the Secretariat, but I do not make any proposals. I simply suggest that this question should be gone into by the Steering Committee on the Charter. We discussed it in Commission B, not very fully, but it was mentioned that explanatory notes may, in the hands of lawyers, be either very helpful if we indicate that they should be considered merely as the considered view of the Conference in due time, and they might also be very harmful if they are inserted without any indication as to what is meant by them.

Then I have a slight drafting suggestion to make on the penultimate paragraph of the Secretariat's paper.

It says "Insofar as it may be desirable to include some summary of the discussions themselves by way of explanation of the principal changes made in the Draft Charter at the Second Session ....." I would suggest that we strike out "of the principal changes made in the Draft Charter at the Second Session" because my experience is that explanatory notes may quite well be inserted without an alteration of the London or New York text.

Mr. WYNDHAM WHITE (Executive Secretary): Mr. Chairman, this paper has been considered informally by the Members of the Charter Steering Committee, who were in agreement with the paper in general. I wonder whether it would, in fact, save very much time to submit it to the Charter Steering Committee, as the point which Mr. Colban has raised seems to be a major point of principle for which this paper is designed.

On the first point, it was certainly not the intention of this paper to suggest that reservations should form a subject of explanatory notes. If they are reservations they should form an integral part of the text. They should, presumably, be placed opposite the Articles to which they refer, and the use of this phrase "explanatory notes" and the fact that they were relegated to an appendix, were designed to prevent reservations or interpretations which might confuse the agreed texts which have resulted from the discussions.

A certain confusion followed the publication of the Report of the First Session, because people asked which was the authoritative text. There were a number of statements of principle in the narrative portion of the London Report which were sometimes somewhat different from the text which was evolved in the appendix, and it was the hope of the Secretariat that, in presenting the problem in this way, we should get a clear mandate from the Preparatory

Committee as to what the form of the Report should be, and secondly what the form of the notes should be, and we had intended to suggest here that the notes should be what they purport to be, that is to say, explanatory notes which would explain how the text which figures in the Report has been arrived at, and which should not, at any rate, be regarded as an interpretation of the text. I think once that is adopted it is bound to lead to confusion, because some people would insist that the text and the notes should be read together, and that the text is not valuable without the notes. Others would argue that the explanatory notes which are not followed by the text do not clarify the text, and I think we should be very careful that there is no ambiguity about this point, and that is not possible if we incorporate the explanatory notes to interpret or form a glossary to the text which has been agreed.

CHAIRMAN (Interpretation): Dr. Holloway.

DR. J.E. HOLLOWAY (South Africa): Mr. Chairman, may I point out that if the explanation, not about reservations but about explanatory notes, that the Executive Secretary has just given is to be accepted, it will undo a large amount of the work which was done in the Working Party on Technical Articles, and subsequently in Commission A on the same Articles. A number of texts there were accepted by Delegates all round the table on the condition that an Explanatory Note was put in to show what they understood they had committed themselves to when they agreed to that text, and the Explanatory Note was sometimes given just as much examination as the text itself.

Now, I can foresee that if those Explanatory Notes are not to be inserted in the material of the Charter, then at some stage or other - probably in the Preparatory Committee - a number of delegations will have to come back and ask for some of the material in the Explanatory Notes to be put into the text. I think Mr. Colben, as Chairman of the Working Party and as Chairman of Commission A when these matters were being discussed can bear that out.

It had been my intention, when we came to an Article on Interpretation, to propose the insertion of a reference to Explanatory Notes something on these lines "The Notes appearing in Annexure X to the Charter shall be used as interpretative material as showing the intention of the contracting parties in agreeing to the Charter". I do not want to bring that matter up for discussion now, because it will come up for discussion in due course, but I must sound the warning that we may be landing ourselves into quite a large amount of re-hash of the Articles if we throw out all Explanatory Notes.

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I would like to suggest that this discussion has demonstrated to us at once the danger of Explanatory Notes and the necessity for them. The conclusion I draw from that is that there should be as few as possible, and that they should be confined to explanations where the existence of those explanations is, in the opinion of certain delegations, essential for the removal of the reservation.

I put that rather strongly, but it seems to me that we can distinguish three categories of material which might go in that Report. One is the Reservation, about which there is no question; the other is the Explanation - with a capital E - which removes the necessity for a reservation; and the other is material which we think would be helpful to people reading this Report, perhaps for the first time. If we think of the matter in those three categories we shall avoid certain dangers.

I would like to say a word about the third category. It seems to me that we have got far too much to do to undertake the task of agreeing on Explanatory Notes of the third category and writing them all in the Charter, and if we do so on some and not on others, questions will always arise as to why we left some out. I would very much prefer, if people think it necessary, to publish with the Report, but in a separate document, certain selected working documents of this Conference. That would be, for instance, the Report on Chapter III as approved by Commission A. Let that be published, but let it be published in the status which it has, that is to say, a document which this Conference used and approved, but do not let us attempt the task now of writing another Report all over again.

CHAIRMAN (Interpretation): Monsieur Speekenbrink.

DR. A.B. SPEEKENBRINK (Netherlands): Mr. Chairman, do I understand Mr. Helmore rightly that he proposes to have only the formal Reservations and those Explanatory Notes that are needed to prevent formal Reservations in the Report, and to have all other explanations in a separate document in which will also be included the reports formally approved by Commission A or B, because you will have these other notes as well in the Report, <sup>and</sup> you will have a repetition, but I simply wanted to be clear what he meant.

Mr. J.R.C. HELMORE (United Kingdom): I might just explain further, Mr. Chairman. My suggestion would be that the Report of this Preparatory Committee should consist of a brief Introduction, draft Charter, and printed with it and probably on the same pages (but that is a matter of typography which can be considered later) reservations and those explanatory notes which are necessary to enable people not to maintain reservations. Then I suggest that there should be published, not as a Report of the Preparatory Committee at all -- a publication consisting of interesting, useful, illustrative documents which we have already used, and we should not attempt to write anything anew for that separate publication.

CHAIRMAN: The Delegate of Norway.

Mr. Erik COLBAN (Norway): I entirely agree with the statement of the United Kingdom Delegate.

CHAIRMAN (Interpretation): Gentlemen, I think we can all agree on the suggestion of the United Kingdom Delegate.

Dr. H.C. COOMBS (Australia): May I make one minor suggestion, Mr. Chairman? I think it would be useful to include in the short introductory statement a reference to the London Report and the fact that it still, so to speak, provided the basis for the work of the Conference, and that therefore any further report of that kind was not necessary. That would facilitate the presentation of the Report in the form contemplated here.

CHAIRMAN (Interpretation): I think we can all take into consideration the remark just made by Dr. Coombs.

Are there no further remarks on Document T/116?

M. BIRADUC (France) (Interpretation): Mr. Chairman, I would like to raise a point of typography. Is it contemplated to have two documents or to have English and French versions in one document? As far as France is concerned--and I think the Delegate of Belgium will share my opinion--I would rather have one document with two columns, with the English version on the left and the French version on the right, because otherwise the French text will not be ready till after the termination of the World Conference.

CHAIRMAN (Interpretation): Gentlemen, we now come to the third item on our Agenda, Document T/113. It is a Note by the Executive Secretary dealing with "Consultation with Non-Governmental Organizations in Category A."

Mr. Wyndham-White.

Mr. WYNDHAM-WHITE (Executive Secretary): Mr. Chairman, there are two principal points on which I would like the instructions of the Preparatory Committee. The first is regarding the membership of the Consultative Committee, and this paper is evidence of the exhaustion of the Preparatory Committee owing to the very lengthy consultations which they have had to have with one of the non-governmental organizations, which has imposed on the members three meetings in one week and a series of weekly meetings before that. It is for that reason that I suggested that these members of the Preparatory Committee who have been carrying out this burdensome task should be reinforced.

I may say that the response to the invitation to Delegations to appoint members has been somewhat disappointing. It rather looks as if the Consultative Committee is about

the only sub-Committee of this Preparatory Committee, the membership of which does not confer any particular prestige! However, I do hope that other Delegations will appoint representatives so that the burden of the work can be shared more or less equitably between the various Delegations.

The second point is a somewhat more complicated one, and that is, how are we in fact to make this consultation effective? It is sometimes very difficult to carry out the consultations with the non-governmental organizations before the Preparatory Committee has itself, or through a sub-Committee, arrived at a very advanced stage of the work on a particular section of the Charter, and some consultations we have had have even post-dated the agreement of the Preparatory Committee on the section of the Charter concerned.

As regards those sections of the Charter, I am proposing to suggest to the Consultative Committee that they should make a Report to the Preparatory Committee on their consultations, drawing attention to the points which have been made by the non-governmental organizations, and ask the Preparatory Committee to consider those suggestions in relation to the Report which has already been adopted. That will put the Consultative Committee and the Secretariat in a position to send authoritative replies to the suggestions made by the non-governmental organizations.

On the other hand, the objective must be - and we shall endeavour to attain this - to take into consideration the comments of the non-governmental organizations before the reports have been decided upon by the Preparatory Committee, and I would like, therefore, to suggest that the Preparatory Committee instruct the sub-Committees, in their work on the various sections of the Charter, to take into account the

suggestions which have been put forward by the non-governmental organizations, together with such comments thereon as may be made by the Consultative Committee; so that when the reports of the various sub-Committees are considered by the Preparatory Committee, they will deal also with the suggestions of the non-governmental organizations and thus automatically provide the Consultative Committee and the Secretariat with the material for replying to the memoranda submitted by the non-governmental organizations.

However, I do hope that other Delegations will appoint a Representative so that the burden of the work can be shared more or less equitably between the various Delegations.

The second point is a somewhat more complicated one, and that is, how are we, in fact, to make this consultation effective? It is sometimes very difficult to carry out the consultations with the non-Governmental Organisations before the Preparatory Committee has itself, or through a Sub-Committee, arrived at a very advanced stage of the work on a particular section of the Charter. As regards those sections of the Charter, I am proposing to suggest to the Consultative Committee that they should make a Report to the Preparatory Committee on their consultations, drawing attention to the points which have been made by the non-Governmental Organisations, and ask the Preparatory Committee to consider those suggestions in relation to the report which has already been adopted.

That will put the Consultative Committee and the Secretariat in the position of returning authoritative replies to the suggestions made by the non-Governmental Organisations.

On the other hand, the objective must be - and we shall endeavour to attain this - to take into consideration the comments of the non-Governmental Organisations before the reports have been decided upon by the Preparatory Committee, and I would like therefore to suggest that the Preparatory Committee instructs the Sub-Committees, in their work on the various sections of the Charter, to take into account the suggestions which have been put forward by the non-Governmental Organisations, together with <sup>such</sup> special comments thereon as may be made by the Consultative Committee, so that when the Reports of the various Sub-Committees are considered by the Preparatory Committee, they will deal also with

the suggestions of the non-Governmental Organisations, and thus automatically provide the Consultative Committee and the Secretariat with the material for replying to the memoranda submitted by the non-Governmental Organisations.

CHAIRMAN: Dr. Coombs.

Mr. COOMBS (Australia): I should like to support the suggestion just made by the Executive Secretary. With regard to the adding to the Consultative Committee of representatives of countries not at present Members of it, I would like to suggest that that may be obligatory. It is not necessary that they should attend at all times - there will be occasions according to the nature of the subject matter when one representative of one country may be particularly interested, and others not: that would enable us to have a panel out of which fairly adequate numbers could be gathered together, having the time - but I feel we have got an obligation to these Organisations to demonstrate the interest in the work which they have done on our behalf.

I would very much support the proposal Mr. Wyndham-White has made for the method of making use of their work. It is a phase of the problem which has worried me a good deal. I myself and other Members of the Consultative Committee have from time to time passed on to individual Sub-Committees, or to the different Committees, suggestions which they felt to be of particular value out of those put forward by the non-Governmental Organisations, and no doubt Delegations themselves have taken their views into account, where they seemed appropriate. But I think some formal method of presenting them with a Report concerning the work of the Consultative Committee before the relevant Sub-Committees here would be advantageous both to the work of this Committee and to the goodwill

of the Organisations concerned.

I would only add that I hope it will be possible for the Secretariat to continue to make available the services of the very valuable Officer that they have already attached to the Consultative Committee, and that he would be available to prepare the Draft Reports on the work of the Committee which could be passed on to the relevant Sub-Committee.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. HELMORE (United Kingdom): Mr. Chairman, I would like to support the suggestions of the Executive Secretary, with one Amendment, and that is, instead of 7 Representatives of the Preparatory Committee constituting the panel, we should say 4, or perhaps 5. If it is 7 out of 17, that means that most people would have to do every other meeting, whereas 4 or 5 would give us one meeting in three. Otherwise, I think it is an admirable paper, and if I can follow up what I rather suspected the Executive Secretary and Dr. Coombs were hinting at, we might later on, if attendance at this Committee is not as good as we think it will be, impose something like a sanction, by which absence from this Committee would necessitate report and some other people attending.

CHAIRMAN: The Delegate of South Africa.

Mr. HOLLOWAY (South Africa): Mr. Chairman, I think with regard to the idea of a panel that the South African Delegation has already nominated two people. I want to draw attention, however, to another aspect of this note. It seems to me that the N.G.O. wants to muscle its way into full membership of

this Committee once more, and I want to oppose the suggestion of the first paragraph which is conveyed, to my mind, by the expression "consultations have been lengthy and unsatisfactory because of the absence of any provisions for bringing to the attention of the representatives of the organisations, the authoritative views of the Preparatory Committee on the points made by the Organisation". The authoritative views of the Preparatory Committee can only be decided after the text has finally been approved, and I do not think that the NGO are entitled to them any more than anybody else - any more than the Governments not here represented.

What would happen for example, in the delicately balanced agreement on what actual value is for customs purposes. The International Chamber of Commerce would come along and put new suggestions. Must we as the Preparatory Committee, having indicated to them the authoritative view of the Preparatory Committee, throw the whole thing into the melting pot again.

I have said before that they were entitled to speak but not entitled to insist that they be spoken to, and I still maintain that here. We should hear what they say and tell them we will communicate with them, and leave it at that.

CHAIRMAN (Interpretation): Are there any further remarks?

Mr. Colban.

Mr. Erik COLBAN (Norway): As nobody else wishes to speak on this rather important matter, I would say that I am in very great sympathy with the view expressed by the Delegate of South Africa. We have agreed to listen to the representatives of the non-governmental organizations and I do not think we should enforce upon ourselves any definite duty of telling them anything in answer to their observations. They can come before our Sub-committee, explain their views, criticise the document they have before them - which means the New York Draft - and I do not see that we should take upon ourselves as a regular thing the obligation of discussing it with them. We do it, of course, in these meetings privately. We try to give them reasonable satisfaction to get them to understand. We give their observations serious consideration, but to hand them a paper stating the official view of the Preparatory Committee is to go too far.

The real difficulty we have met in the Sub-committee has been that our discussions with representatives of certain of these non-governmental organizations have definitely taken place after the question has already been thrashed out and made the subject of a full report by the appropriate Sub-committee, and then, of course, if a representative of a non-governmental

organization knows that, it gives rise to some criticism on his part and, for instance, he might say, "What is the use of me coming here if you do not give me an opportunity of being heard." So I would insist on doing our utmost to give them an opportunity of being heard. As to the second point, of answering in an official form, committing the Preparatory Committee, I would be very doubtful.

Mr. WYNDEHAM WHITE: Mr. Chairman, I think perhaps some of the misunderstanding may arise from the use of the word "authoritative". I did not mean that to imply that it was a formal statement of the Preparatory Committee's view, but merely that the Consultative Committee should be in a position to explain intelligently and knowledgeably to the non-governmental organizations in the consultations which take place what has, in fact, taken place in the Preparatory Committee. I think I entirely agree with what Mr. Colban has said as to the scope of the consultations.

CHAIRMAN (Interpretation): Are there any further remarks on that point?

Mr. J.P.D. JOHNSEN (New Zealand): Mr. Chairman, could the Secretary explain just at what point the view of the Preparatory Committee would be expressed after the various matters have passed, <sup>with</sup> through the Executive Session or through the Commission.

Mr. WYNDHAM WHITE (Executive Secretary): I think, in general, what I had in mind was that, if you could get the consultations before the Sub-Committee completed the work, it would be possible for the Consultative Committee to say on those points "We have had that in consideration" or "We have put your views forward" or "We think that you are covered by the form of the Report which is being evolved" and generally give the impression to the non-governmental organizations that their views were being seriously considered in the framework of the general discussion.

I think that it varies with the work and the exact stage at which you get the information.

Dr. H.C. COOMBS (Australia): Mr. Chairman, I think it might help, on this particular point, to refer to what becomes a real problem in the Consultative Committee. The Members are becoming aware of the great difficulty that the Committee has experienced in drawing the discussion of any particular point to a conclusion, and I, as Chairman, realised this particular difficulty. When we come to look at the problem, it seems to me that we only finish the discussions in one out of three cases. We can say "We understand the point that you have made", "We believe that is not covered in the present draft" and "We understand the point you made. It was considered, and the Committee does agree with you and we certainly will put your views before the appropriate body. You may rest assured that they will take them into account".

The first is quite satisfactory where it is possible to do it, and in the third one the difficulty arises that, if there is a procedure laid down by which the Consultative Committee can formally draw the attention of the appropriate body to the views of the Committee, then it is not honestly possible to say to the representatives of the Organization "We have listened to what you have got to say, and we will draw the attention of the appropriate body/and they will take them into account". But if we do, as the Executive Secretary says, then I can see some possibility of the discussions reaching a conclusion.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, did the Committee express any view on my suggestion that, instead of seven Members, we agree on five?

CHAIRMAN (Interpretation): Since no Delegation has made any objection, and since Mr. Wyndham White did not say anything, that suggestion is adopted. Therefore, Gentlemen, the whole of document 113, subject to alterations which have been submitted and approved, is adopted.

We now come to the fourth item on our Agenda, which is a note by the Executive Secretary - Verbatim Records - document T/121 of 4 July.

Mr. WYNDHAM WHITE (Executive Secretary): Mr. Chairman, I must apologise to you and the Committee for bringing procedural matters before you, but there is a point of some importance involved in this question of verbatim records, and it has arisen because there have, recently, been one or more requests for corrections in the text of the verbatim record of interpretations of speeches made in the Preparatory Committee, and if we were to indulge generally in the corrigenda of those interpretations, it

would mean that we should have to try to make exact interpretations of all speeches from the original language into the other working languages, and that would be rather a long and costly business.

On the other hand, I can understand the anxiety of the delegates that any record which has been taken on important questions should be accurate, since there is the possibility that the text will be read by some governments in the interpretation and not in the original, and it is for that reason that I have proposed these two alternatives: the continuation of the present system, but with a clear understanding in the statement that only the original text is an authoritative record; and the alternative, to restrict the record to the text in the original language. As I have pointed out in the paper, there appears to be a considerable advantage in the second course, because it does mean that the record is authoritative and clear and that there will be no misunderstanding about what was, or what was not, said. It has certain other advantages, of which I am particularly conscious, in that it results in economy, but I think I would be grateful for the instructions of the Committee on the alternatives (a) and (b), and if (a) was adopted for the approval of the Committee, to the texts in the interpreted language remaining somewhat inexact and not being subject to detailed corrigenda, it must be recognised that it is impracticable to issue corrigenda of the interpreted text.

M. A. FRIVOVICH (Chile) (Interpretation): Mr. Chairman, we would prefer maintaining the present system in spite of its deficiencies, because it facilitates a great deal of the work of the delegations which have to use documents in both languages, in English and in French.

CHAIRMAN (Interpretation): Gentlemen, what are your views on the subject?

M. BARADUC (France) (Interpretation): Mr. Chairman, I am in favour of the first alternative, it being understood, of course, that the interpretations will not have the same strength as the original text.

DR. H.C. COOMBS (Australia): Mr. Chairman, it seems to me that the difficulty associated with the first alternative is that if that is done the record will continue to be relied upon by those who rely upon the documents as a record of what was said. If the differences were solely verbal ones, that would obviously be unimportant. I do not think it is reasonable to require that these texts should be precise translations of what was said in the other language.

I think these difficulties arose partly from certain requests made by the Australian Delegation for amendments. It will explain how that situation arose, I think, if I explain the sort of difficulty which can arise. My attention was drawn to a report of one of the statements, which we had made, by one of the French-speaking Delegates when he informed me that what I had said was not accurately reported. I had the report examined and what appeared there in the French language was not merely different in wording but was seriously different in sense. Since I felt it was possible that some Delegates would be relying upon that record

for an understanding of the proceedings, and since the statement to which he referred was a particularly important one, from the point of view of the attitude taken by the Australian Delegate on a quite important issue, I felt it necessary to ask that it should be corrected.

If the first alternative is adopted, it seems to me that delegates who make statements here, which they are anxious should be available to the delegates speaking the other language, will feel it is necessary to examine that record in order to assure themselves that it is a reasonable repetition of what they said.

On the other hand, if the verbatim records are confined to the text of the language in which the statement is made, then it would be necessary, of course, for the <sup>delegates</sup> speaking the other language, if they wish to read the verbatim account, to obtain a translation of the text. I am not sure whether it would be possible for that in individual cases, but it would be advisable, if a delegate is not content to rely upon the summary, for him to see a translation of the actual statement rather than to rely upon the verbatim report of the interpretation, which is subject, naturally in view of the circumstances in which it is carried out, to difficulties which it is almost impossible to overcome.

I would, Mr. Chairman, therefore, wish to support the second alternative, if only because that would relieve me and my Delegation of the necessity of examining the record of the interpretation of statements, which we thought was of sufficient importance, to assure that there was an accurate record in both languages.

M. F. de LIEDEKERKE (Belgium) (Interpretation): Mr. Chairman, in spite of the considerations just put forward, the first solution presents such great advantages for the French-speaking Delegations that I must declare myself in favour of it.

CHAIRMAN: The Delegate of Brazil.

Mr. H.E.A. de V.F. BRAGA (Brazil) (Interpretation): Mr. Chairman, I think that in spite of all the drawbacks which have been explained here, the first solution is still more acceptable to us, as it proves a great help in our work.

CHAIRMAN: The Delegate of France.

M. BARADUC (France) (Interpretation): Mr. Chairman, as I think I have already said, I am in favour of the first solution, because I think it saves time and work not only for French-speaking Delegations, which is quite obvious, but also for English-speaking Delegations, because if the second alternative were approved, it would mean that whenever a French Delegate made a speech, the English-speaking Delegations would have to procure the translation of it, which would mean a lot of extra work.

CHAIRMAN: The Delegate of Czechoslovakia.

M. Stanislav MINOVSKY (Czechoslovakia) (Interpretation): Mr. Chairman, I also am in favour of the first alternative - first, because we are nearing the end of very long discussions and since we have used this procedure for a month, I see no reason for changing it now. Furthermore, I think that the discrepancies which may exist between the two texts are not due solely to the interpreter, but may also be due to technical reasons.

CHAIRMAN: The Delegate of the United States.

Mr. Clair WILCOX (United States): So many Delegates have spoken in favour of the first solution, I think that is the one we must accept. I suggest, however, that in each issue of the verbatim text, the only authentic part of the text is that in the original language.

CHAIRMAN: The Delegate of Norway.

Mr. Erik COLBAN (Norway): Mr. Chairman, I entirely agree with the statement of the many Delegates who favour alternative (a), and I also agree with the suggestion made by the Delegate of the United States; but I would like to emphasize that we should not, in this discussion, take it that the implications are in principle incorrect. We must take it that in principle they are correct. At any rate, in all my work during the many years I have been connected with international work, I have based myself without hesitation upon a translation, and very seldom have I been let down and I would like that we should be able to continue to do that. We understand the technical difficulties, in making translations in a hurry, to make them perfect; but I would not like this discussion to imply that we accept that the interpretations are of necessity wrong, because they are not.

CHAIRMAN (Interpretation): I am sure Mr. Colban's remarks were very favourably received by the interpreters.

I think that, in the light of all the remarks which have been passed here, we must consider that we have decided to adopt the first alternative, it being understood, of course, that every record will be preceded by the mention that only the original text is authoritative. Gentlemen, we have now come to the end of the agenda of the Executive Committee, and I declare that the Session of the Executive Committee as such is closed.