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

Chairman's Committee

(Heads of Delegations)

Summary Record of the Tenth Meeting held on
Wednesday, 2 July, 1947, at 10.15 a.m.

Chairman: Mr. Max Suetens (Belgium)

Agenda Item 3. Invitation of Non-Members of the United Nations
to the Conference on Trade and Employment. (E/PC/T/DEL/39)
(Continued).

1. The Committee continued its discussion of this item on the basis of the draft resolution to the Economic and Social Council distributed at its last meeting.
2. Dr. J.E. HOLLOWAY (South Africa) was of the opinion that countries having de facto control over their own trade should be full Members of the Organization, whether states or customs territories. In the case of Burma, Ceylan and Southern Rhodesia, the power to make laws governing the movement of goods was lodged in the local legislatures. Where de facto control of a particular territory's trade lay was a question of fact which could be ascertained by the Economic and Social Council in each case, once the principle had been enunciated by the Preparatory Committee.
3. Dr. Z. AUGENTHALER (Czechoslovakia), while not doubting the economic importance of the territories mentioned, did not consider the Preparatory Committee competent to decide whether or not such territories should participate in the World

Conference. Dr. Augenthaler therefore proposed that the Committee's recommendation to the Council should be along the following lines: "The Preparatory Committee, bearing in mind the United Kingdom's request to take into consideration the special situation of the Governments of Burma, Ceylon and Southern Rhodesia, countries which, in the opinion of the Committee, ought to be invited to participate in the World Conference, and taking into account the fact that the Committee's mandate is only to recommend the participation of state Non-Members of the United Nations, asks the Economic and Social Council to make a decision in this matter."

4. Mr. E. COLBAN (Norway) could see no reason why the Preparatory Committee should not express a definite opinion on this matter to the Economic and Social Council. He believed that the Council, in mentioning Non-Member states in its Resolution, had not intended to prejudice the Committee's decision. Mr. Colban proposed the following wording:

"The Preparatory Committee wishes to draw the attention of the Economic and Social Council to the position of a number of territories under the sovereignty of a Member of the United Nations which are self-governing in matters provided for in the Draft Charter and for that reason ought to be invited to participate in the work of the Conference." The Committee, by making this recommendation and leaving the final decision to the Council, would in his opinion, be fulfilling its mandate without exceeding its terms of reference.

5. Mr. J.R.C. HELMORE (United Kingdom), referring to the example cited by Dr. Augenthaler at the Committee's last meeting for representation of non-metropolitan territories on Metropolitan Delegations, as provided in the International

Labour Office constitution, cited a precedent for the participation of customs territories in their own right. The Postal Union, a functional body, had included representatives of Tunis, Morocco, Algeria, Curacao, Surinam, and the Netherlands East Indies, possessing full voting and membership rights, since 1874. There was a more recent precedent in the International Health Organization. As for the suggestion that the decision be left to the Council, he believed this would present practical difficulties with respect to the General Agreement on Tariffs and Trade which it was hoped to conclude at the end of this Session. The representatives of Burma, Ceylon and Southern Rhodesia had been negotiating tariffs as independent sovereign powers although their representatives were here under the auspices of the United Kingdom Delegation. If these customs territories were to adhere to the General Agreement, they would have to do so as sovereign governments. For this reason, he believed it was necessary for the Committee to make a decision in this matter. Mr. Helmore did not find Dr. Augenthaler's proposed text acceptable but felt he might be able to accept Mr. Colban's draft with some alterations. He proposed that the Delegates most concerned meet to devise a recommendation based on Mr. Colban's draft.

6. Dr. A.B. SPEEKENBRINK (Netherlands), while accepting Mr. Colban's proposal in substance, suggested mentioning Burma, Ceylon and Southern Rhodesia in the resolution since he was unaware of the existence of any other territories which would come within the category defined in this draft.

7. Mr. H. HAWKINS (United States) expressed some concern as to procedure. If invitations were sent to territories not fully self-governing, this would be tantamount to making

them full Members of the Conference and would be cutting across the work of the Sub-Committee on Chapter VIII dealing with this subject. He proposed that a decision as to the principle should be reached on this point in the Charter, the Charter forwarded to the Economic and Social Council as the annotation for the Agenda of the World Conference, and the question left to be settled by the Council on the basis of the Preparatory Committee's recommendation as embodied in the Draft Charter.

8. Mr. P. BARADUC (France) indicated that he might be able to accept Mr. Colban's proposed draft with some alterations, but the Chairman ruled that the wording as Mr. Baraduc proposed to amend it would differ materially from that submitted by Mr. Colban which had already received substantial agreement.

9. The CHAIRMAN (a) proposed amending Mr. Colban's draft text along the following lines to meet the point raised by the United Kingdom Delegate: "The Preparatory Committee, having in mind specifically the position of Burma, Ceylon and Southern Rhodesia in the tariff negotiations and Charter discussions in Geneva,", and (b) appointed a small sub-committee consisting of the Czechoslovak, French, Norwegian and United Kingdom delegates to prepare a draft on the basis of the text proposed by Mr. Colban as amended which would receive the general approval of the Committee. It was understood that the draft recommendation prepared by this Sub-Committee would be referred directly to the Preparatory Committee.

10. Mr. P. BARADUC'S (France) proposal that a member of the Brazilian Delegation be added to the Legal Drafting Committee was agreed.

Agenda Item 4. Report of the Second Session. (E/PC/T/DEL/43)

11. Since it was necessary for the Committee to adjourn so that members could attend a special meeting of Commission A, it was agreed to accept Mr. Wyndham White's suggestion that the Secretariat's Note on the Report of the Second Session be referred directly to the Preparatory Committee for consideration along with the Draft Report to the Economic and Social Council.

12. The meeting rose at 11.45 a.m.
