

UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL.

PREPARATORY COMMITTEE

of the

INTERNATIONAL CONFERENCE ON TRADE AND EMPLOYMENT.

Verbatim Report

of the

SIXTH MEETING

of

COMMITTEE V

held at

Church House, Westminster, S.W.1.

on

Monday, 4th November, 1946.

at 10.30 a.m.

CHAIRMAN: Mr. LYNN R. EDWINSTER (U.S.A.)

(From the Shorthand Notes of
W.B. GURNEY, SONS & FUNNELL,
58, Victoria Street,
Westminster, S.W.1.)

THE CHAIRMAN: Gentlemen, I wish to refer first to the matter of translation. The French speaking Members of the Committee have asked that we continue to have successive translations of the remarks made in the Committee. That, of course, does not mean that we will not also have simultaneous translations, since we have the facilities available in this room. Is that agreeable to the Committee? (After a pause:-) I take it that that is satisfactory. The Secretary has distributed this morning a statement with reference to the progress of the work of this Committee thus far, the present status of our programme of discussion and an agenda for today which was agreed upon on Friday, and some further suggestions with reference to future discussion. Since the Committee has not had opportunity to examine this paper in detail, I think it would be well if we pause for a few moments to give that opportunity; but before doing so, it might be well if I called attention to the major plan of this memorandum. You will notice that the first part of it under point 1 summarises what has been agreed upon thus far, with here and there a notation concerning some delegation's reservation. The second part lists the articles which have been discussed but which await further consideration before they can be disposed of. The third part on page 3 indicates what it was agreed on Friday would be the next order of business before we resume discussion of the matter of voting which was scheduled for our Wednesday meeting.

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On page 4 you will see indicated, beginning at the middle of the page, the Articles which will yet remain for discussion after we have disposed of the items which have been held over from earlier discussions and which are on our agenda today.

On page 6, under point 5, there are some suggestions with reference to our procedure in connection with today's discussion, as well as a reiteration of our agenda for today. I think you might wish to look through it for a moment in silence, and then I wish, if it is agreeable, to proceed directly to page 6, "Future procedure", which deals with the matters which we shall discuss today and where there are some suggestions with regard to the setting up today of two Sub-Committees.

MR HOUTMAN (Belgium)(Interpretation): Mr Chairman, I should like to insist once more on the necessity for the Secretariat of the Committee to submit to us documents in the two languages adopted by the Conference, and particularly in French. I have here the two texts you have mentioned, but only in the English language. I apologize for troubling you but I should like to bring this subject to your attention once more. It would be easier for delegates to follow the proceedings if the documents could be made available in French. As I have raised a point of order, I would like to add that it is exceedingly difficult for us to follow the agenda of all the different Committees because the Journal does not reach us in time. For instance, the Journal for Saturday did not even mention the fact that the Fifth Committee had been called together for that day; and again, this morning the secretariat of the Belgian Delegation had not received the Journal for today. I believe other delegations may be facing the same difficulties. The result

is that delegations are forced to telephone Church House, call for transport, and rush to the meeting. Many delegates are absent this morning, and I am certain it is for some such reason, independent of their will. I quite understand that all these problems do not really appertain to the work of this Fifth Committee alone but I would be grateful if my request could be submitted to the Secretariat.

COMMITTEE SECRETARY: Mr Chairman, I understand the first point raised by the delegate of Belgium was the question of these papers being made available in French as well as in English. You should have the French paper; it has been done in French as well as in English. As regards the second point, I am aware that there is a good deal of difficulty encountered by some delegations in getting sufficient advance notice of the times of these Committee meetings, a difficulty which is made greater by the fact that usually Committee schedules for the following day are not finalised until six o'clock or after six o'clock the evening before. As regards today's meeting, the Journal containing the announcement was issued on Sunday. I do not know what the arrangements are for delegations to receive copies of the Journal. The only suggestion I can make is that any delegate is always at liberty to contact my office and is entitled to receive and may expect to receive such information as we have regarding Committee meetings, and if I cannot be reached at my office I can usually be reached at the Royal Hotel. I will take this matter up with the Executive Secretary's office to see if some better provision can be made for longer advance notice to delegations of Committee meetings.

MR HOUTMAN (Belgium)(Interpretation): Mr Chairman, I do not want to insist any further on this point of pure detail, but in order to facilitate the work of this Fifth Committee.

which interests us most of all, I would suggest that the Chairman arrange with the other delegates the date of the future meetings, so that we might not find ourselves obliged to miss meetings because we do not know the date of them.

THE CHAIRMAN: I would say to the delegate from Belgium that the Chairman will certainly do his best to arrange for the times of meetings to be made known sufficiently in advance for the various delegates to make arrangements to attend. I should like to add, however, that we are working on a rather pressing time schedule. We are supposed to complete within two weeks our work on the organisation parts of the Charter, except in so far as there may be a few things that cannot be definitely closed until the completion of the work of the other Committees, notably, the work of Committee II, which is somewhat more delayed than the other Committees. In view of the fact that we are working on a rather pressing schedule, it will not always be possible to give as much advance notice of meetings as would otherwise be desirable. I hope the members of the Committee will bear with us and thus help us to proceed with our work at as rapid a pace as possible. I am afraid we cannot have a state of perfection in this matter, much as I should like to have it.

There are no doubt portions of this document which has been distributed upon which members of the Committee will wish to comment, if not this morning at some later time. The document, of course, discusses future plans and is one which will be useful for reference for some little time to come. I should, however, like to avoid discussion of the other parts of the document if possible this morning and proceed at once to the point on page 6, "Future Procedure", and begin our substantive work this morning with that topic. On the first page of the document the word "amended", in parenthesis, should be inserted after the words "Article 70".

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Now, turning to the item Future Procedure, I should like also to call attention to a correction there. Under (a), the last line, where it says, "Article 2 (except last part of paragraph 1)" there should be added the words, "and Article 66." It was agreed on Friday that we should proceed this morning with the discussion of Articles 59, 60 and 62, and if time permits Article 2, except the last part of paragraph 1, and Article 66. I have it in mind that after we have completed that discussion, or so much of it as we cover this morning, I should appoint a sub-committee to consider the suggested changes made with reference to our discussion of those Articles and also all of the suggested changes in connection with the Articles which we discussed last Friday. I would also suggest that if such a sub-committee is appointed, the Chairman of the sub-committee on Procedure of Committee II might be invited to designate a representative or representatives to sit in with the sub-committee during their consideration of the relevant paragraphs of Article 55.

MR COLBAN (Norway): Mr Chairman, I am sorry to make another point of order, but it is almost impossible to work with this noise. Would not it be within the powers of the Secretariat to stop it while we are sitting here?

THE CHAIRMAN: I very much hope the answer is Yes, but I personally cannot answer.

THE SECRETARY: Mr Chairman, I have some doubts, because I do not think that the United Nations has any control over the operations that are going on in this building; but we will make immediate inquiries and, if it is possible, it certainly will be done.

MR COLBAN (Norway): Very well; let us try.

THE CHAIRMAN: I might say that I have been meeting in various committee rooms, and it seems that these fellows with the hammers just follow us around! They must be opposed to international co-operation!

Is it agreeable to the Committee that such a sub-committee should be appointed at the close of our meeting this morning? I take it that is agreed to. (Agreed)

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I pass now to Item C in the English version, the top of page 7, under the topic of Future Procedure. I should like to clear that matter up before we start our discussion. You will notice that the suggestion there is that "a further sub-Committee be set up to consider the suggestions that have been made with reference to Article 75 (Amendments) and Article 79 (Withdrawal). A document collating and summarizing these suggestions is being circulated." Now the Chair is aware of the fact that it had been decided that discussion of these articles should be resumed in full committee following consideration of voting, but it seems to us that "the substantive points that have been raised in connection with the procedure for withdrawal have no necessary or direct connection with voting arrangements. If this is so, it might assist the Committee and save much time if these particular points could be referred immediately to a small technical sub-committee whose job would be to work out a re-draft of these provisions, which re-draft, of course, would be subject to further consideration in the light of any decision reached in the matter of voting or other relevant Charter provisions." What is the opinion of this Committee with reference to that suggestion? In the absence of any comment, I take it that suggestion is also agreed to. (Agreed)

We are now ready to pass to a consideration of Article 59.

MR COLBAN (Norway): Mr Chairman, as nobody else wants to speak about it, I would just like to suggest that we strike out, in the second paragraph, the three last words, "and other officers." In that way we would get a simple and quite clear statement that we elect one Chairman. As to the other officers, to my mind it would probably be mostly the secretariat, and the secretariat staff will be changeable and differently composed as occasion may arise. So that I do not think there is any necessity to provide for that. We have separate rules for the secretariat. If the words "other officers" mean the Vice-Chairmen, it would be preferable to say so specifically.

Mr HOUTMAN (Belgium) (interpretation) Mr Chairman, I wonder whether we could come back to Article 59, Constitution of Executive Board, in the case where, according to paragraph 1, a majority can ask for a meeting to be called. I rather think that the many problems mentioned in the Charter are very important from the economic point of view; many of them, however, would not, of necessity, be of interest to most of the members of the Executive Board. This applies, in particular, to the implementation of Article 29, which speaks of unforeseen cases concerning importation of the products there mentioned, and it is clear that even if only a minority of members of the Executive Board found an interest in these problems, it would be wise, in view of the influence these problems may have on the economic situation in other countries, to have a meeting convened. This is perfectly well foreseen in the section dealing with private affairs, where particularly in any limited company one-fifth of the shareholders is sufficient to have a meeting of the Executive Board convened. I think it would be wise to provide and to give power to a minority to convene a meeting of the Executive Board if it had sufficient reasons.

THE CHAIRMAN: Is there any discussion on that point?

MR PIERCE (Canada): Mr Chairman, as I read the draft, the Executive Board can draw up its own rules. Those rules can include a provision for convening on the request of less than a majority of the members. All this section says is that those rules must include a provision for convening at the request of a majority. I think that our choice is between leaving the draft as it is, which does prescribe the least that we would like to see in the Executive Board's instructions, or leaving everything to their own discretion, and letting them draw up their own rules. I think it would be a waste of time to go into the detail of those rules here.

MR HOUTMAN (Belgium)(interpretation): Mr Chairman, I do believe that the (shall I say) interim solution suggested here by the Canadian Delegation might very well be considered. If we could delete the second paragraph of paragraph 1, we should thus allow the Executive Board to be the sole judges of whether there is or is not good reason for convening a meeting; whether it is a majority, or only a minority which has certain serious and economic interests to present which would justify such a meeting.

THE CHAIRMAN: The Committee has heard the suggestion made by the Canadian Delegate and the comments of the Canadian Delegate. Are there any further comments?

MR MALIK (India): Mr Chairman, the Indian Delegation would support the proposal of the Canadian Delegation. I think we might well leave the Executive Board to make its own rules regarding the periods after which it shall meet, provided there is that provision, as suggested in this Article. We think the Article, as drafted, is adequate.

MR ALAMILLA (Cuba): Mr Chairman, I am quite in agreement with the proposition of the Canadian Delegate. The only thing is that when we take out that part, what is left of paragraph 1 would become practically a repetition of what is in paragraph 2. Therefore, I would suggest that we just merge both paragraphs in one, saying that the Executive Board shall draw up its own rules in order to fix the frequency of their meetings, and the rules of procedure. What is left of paragraph 1 is practically nothing at all, except the

fixing of the date, which could also come in the rules of procedure.

MR COLBAN (Norway): I simply wanted to support the text as it reads, and to draw attention to the fact that the request of a majority of the members of the Executive Board is only a safety measure, because in fact if in the Executive Board, which consists of, say, 15 members, two or three were to say: "We must have a meeting, Mr Chairman", then I cannot imagine that there would be any difficulty at all in getting the necessary majority if the Chairman tells the other 12 or 13 members so-and-so about the full meeting. So it is not of very great importance. For that reason I think we should stick to the draft, which certainly has been very carefully considered.

THE CHAIRMAN: I take it that the issue is simply whether this Committee wishes to retain a constitutional provision requiring that if a majority of the Executive Board wish to have a meeting, there must be one?

This is a matter that the Drafting Committee, which I shall designate at the end of this meeting, can wrestle with further. Is there any further discussion?

MR PIERCE (Canada): We question whether it is wise to have a Chairman elected annually. We think it would make for a stronger and more effective Organisation if the Executive Board (the Board responsible for carrying out the policies of the Organisation) had a Chairman in office for longer than one year. It seemed to us that if the body is to carry out the policy, it needs to be thoroughly familiar with the machinery and with the people that are available in the Organisation to carry out that policy; and it seemed to us that it would be extremely wise to provide a measure of continuity for the Chairman. It was this consideration that led us earlier to suggest that we might explore the possibility of having the Director-General ex officio non-voting Chairman of the Executive Board; but that suggestion did not receive consideration. If we are not to follow that line, we would suggest that we consider very carefully whether it might not be advisable for the Chairman to be elected for a period of, say, three years.

MR HOLMES (United Kingdom): Mr Chairman, I would not wish, here and now, to express a view on the very interesting suggestion by the Canadian Delegate. I would like just to point out that the Article as it is at present drawn does not provide that someone who has been Chairman for one year is ineligible to be re-elected. I wondered whether the point made by the Canadian Delegate would not really have been met by that fact. If the Board came to the conclusion that it had been very fortunate in its choice of Chairman for one year, it could always be open to it, could not it, to arrange that he be re-elected?

MR LAURENCE (New Zealand): Mr Chairman, there is just one point arising from paragraph 1 to which I think a Committee to which this Article is referred might give consideration, and that is, whether there is merit in having a provision that a certain number of members of the Organisation who are not represented on the Executive Board could, in certain circumstances, cause a meeting of the Executive Board to be held.

We have the express provision that a meeting can be convened on the request of a majority of its members, but, as Article 57 is drafted, 15 members are envisaged. Now if the Organisation is a success, which we hope it will be, it is probable that the membership of the Organisation will be very much wider than the representation on the Executive Board.

Mr H.S. MALIK (India): Mr Chairman, with reference to the proposal to have a Chairman for three years, I would like to draw attention to a point which may possibly have some relevance. In paragraph 2 of Article 57 one-third of the membership of the Executive Board is to be elected each year. This means that during the second year of his term as Chairman the Chairman may possibly have been elected only by two-thirds and for the third year by only one-third of the membership of the Executive Board.

Mr. DAO (China): Mr Chairman, on the question of electing the Chairman for three years, besides what the delegate for India has pointed out, I think there are two other considerations which may make this proposal rather difficult to be accepted. One is that a Member of the Executive Board will be the representative of a Member of the Organisation and as such he may not represent a particular country for three years. If he were elected for three years, then the question would arise as to whether the representative of the Member of the Organisation should be ipso facto the Chairman of the Board. This is one of the considerations we have to take into account. The second consideration is that if the proposed provisions of Article 57 were adopted, then only five of the Members of the Board would be elected for three years or will remain for three years in the initial period. Then the choice of Chairman will be limited to the first five Members, who will have to serve for three years during the initial period.

Mr ALAMILLA (Cuba): Mr Chairman, I would like to support the views presented by the United Kingdom, Indian and China delegations and to propose that the Charter should remain as it is: that the election of the Chairman should be for only one year.

Mr PIERCE (Canada): Mr Chairman, I think there is a way of giving effect to the considerations that we have put forward and also taking into account the valid points which have been raised by other delegations; that is, to take a lead from the observation of the

United Kingdom delegate that there is nothing in this wording that prevents the re-election of the Chairman, and to go a step further and to say that the Chairman shall be eligible for re-election for two successive terms. Now, that would indicate that the drafters had in mind the desirability of continuity of chairmanship for three years, but would not bind them for the three years period and would not raise the complications that spring from other sections of the draft Charter.

Mr ERIK COLBAN (Norway): Mr Chairman, I still feel that we should stick to the text as it reads, because the Members of the Executive Council are Government representatives, and, although we may say in our Charter that the Governments who appoint representatives on the Executive Board must be prepared to let the same man stay at any rate a year in case he should be elected Chairman, we cannot impose the burden upon the conscience of the Members, in view of the possibility of their member being elected Chairman, that they should place him at the disposal of the Executive Board - the same person - a person of very high qualities who may be needed for many other functions - for as long as three years. I think it is a much more elastic rule that we have in the Charter as drafted.

(Interpretation)

M. HOUTMAN (Belgium): /Mr Chairman, after having heard the different opinions of various delegations, I think I can make the following proposal which I think will meet with unanimous approval, or, at least, I hope it will. I think one should simply add to paragraph 2 as it exists now the following sentence: "All Members of the Board can be re-elected". That would allow the delegates of the Executive Board representing the different Governments to judge whether this re-election is desirable or not; but the opportunity of free election would allow us to benefit by the experience of a Member of the office who would have satisfied his obligations during his period on the Executive Board, so that his re-election could be assured.

Mr. KELLOGG (USA): In reply to the suggestion of the delegate for Belgium, I think your point may be covered by the last sentence of paragraph 2 of Article 57.

Mr. HOUTMAN (Belgium): Article 59 (2) refers to the Members of the office and not only of the Executive Board.

Mr. ERIK COLBAN (Norway): I suggest that the reference to "other officers" should be omitted from the draft. That has not been discussed and I still think it is wrong to keep it in. I do not remember now any other important international Charter making such a statement. They say that they can elect their own Chairman, but they do not talk about "other officers". They can save time if they like, but "other officers" is too vague and I think rather dangerous.

Mr. MALIK (India): Mr Chairman, may I ask for a clarification from the United States representative of this phrase "and other officers".

Mr. KELLOGG (USA): On that point, Sir, we did not have anything in particular in mind except possible Vice-Chairman or Rapporteur. I notice that F.A.O. has provision for more than one officer. But we do not feel strongly about it, and if this Committee would like to remove it, we should be perfectly happy to do so as far as we are concerned.

MR PIERCE (Canada): Before we finish with Article 59 (I do not want to speak if there are any other delegates who would like the floor) I would like to have a word in rebuttal of the delegate from Norway.

THE CHAIRMAN: Are there any other comments on Article 59 before we proceed with this rebuttal?

MR PIERCE (Canada): Mr Chairman, there was only one objection, I think, that was raised to the suggestion that we include in Article 59 a provision that would make it clear that the Chairman was eligible for re-election, and that was the objection raised by the delegate for Norway. He raised it on the grounds that first he wished to retain the elasticity in the present Article. I would point out that I do not think that this inclusion would make that Article any less elastic, because as it is now worded the Chairman would be eligible for re-election. In spite of that, I think it worth while to emphasise that, all things being equal, we see some advantages in continuity, and that is why, although that action can be taken here, I still think it important to spell it out and make it specific.

The second point he raised was that a member might be willing to run for one year but would not wish to stand for longer than that, and that his Government might in turn not be willing to have him act for longer than one year. I think that is a very sound point, but I do not think that the wording I have suggested would in any way increase the obligation on the Chairman who, if he found that he could accept re-election, would say so when he was proposed, and if he found his Government could not allow him to serve for more than one year, then he would make himself ineligible for re-election. I would think it valuable to go at least to the length of indicating that we saw some very obvious

advantages in a continuity of Chairmanship, because otherwise in this present structure we are going to have the Director-General and the Secretariat off on one side, and there will be continuity there, but I see no provision for continuity in the Executive Board, which is the business arm of the organisation.

MR COLBAIN (Norway): I thank the delegate of Canada for his remarks. I feel considerably impressed by what he said and I leave the matter to the Drafting Committee. I am quite sure that in fact we all agree as to the aim we have in view.

BARON VAN TUYLL (Netherlands): There is another point which I would like to raise in connection with Article 59. In that Article there is no provision for the Chairman of the Executive Board to participate in the deliberations of the conference. Such a provision exists, however, with regard to the Chairmen of Commissions, in the fourth paragraph of Article 62. Now, as the Chairman of the Executive Board from the organisational point of view is a more important person than the Chairmen of Commissions, it may be wise to give him the same privileges as the Chairmen of Commissions. I realise that there is an explanation for the difference in that the Commissions shall be composed of experts while the Executive Board consists of member countries, but even then the situation may arise that a member country for certain reasons does not appoint as representative at a conference one of its delegates who happens to be the Chairman of the Executive Board, and in that case there may be advantages in having the Chairman of the Executive Board take part in the deliberations of the conference, without, of course, the right to vote, as mentioned in Article 62(4).

MR KELLOGG (USA): In reply to the suggestion from the delegate of the Netherlands, it would seem to us quite

unlikely, if a country had such a distinguished man that he was appointed as Chairman of the Executive Board, and acted successfully as such, that they would fail to appoint him as one of their delegation to the conference. If he had suddenly become persona non grata to his country it might be undesirable to have him there. If the Conference wanted the advice and assistance of such a person they could request that he come and consult with them. I would like, however, to hear the comments of the other members of the Committee on this point.

THE CHAIRMAN: Before I hear further comments on this I should like to say that the point has been made off the record and been commented on that we are proceeding at, I think, a rather slow pace this morning. We are going to have a Sub-Committee to discuss these matters further. I do not want to forestall suggestions or debate, because that is the purpose of the Committee, but I would like to suggest that, when the point has been made and discussed sufficiently so that we can get some idea of the pros and cons, it would be well to leave the matter on record and pass on to the next matter, and allow the Sub-Committee to wrestle further with it. We have been a long time on this Article and I should like to get on to the next as soon as possible.

BARON VAN TUYLL (Netherlands): I quite appreciate the remarks of the United States delegate, but there may be another point there. The Chairman of the Executive Board may be too busy to attend a meeting of the conference but he might wish to speak on some specific point at some stage of the conference, and in that case it should be possible for him to attend. But I would leave it to the Drafting Committee to consider this matter further.

THE CHAIRMAN: Then if there are no further comments on Article 59 we will pass on to Article 60.

MR BURY (Australia): Mr Chairman, it is difficult to deal with Article 60 without perhaps referring, to some extent, to Article 62 and the relationship of commissions to the rest of the Organization. Therefore, before we begin this discussion of Article 60, I should like some clarification from the United States delegate as to the position which he envisages these commissions will occupy. As the Australian Delegation sees the question it is this: You have the Executive Board of the Conference on the one hand and the Secretariat on the other. These commissions consist of experts. It has been our idea on the commissions, that the point of setting them up was that there would be a certain number of people expert in their own spheres who would be not available to the Organization full time but who would be brought in for advice on their own subjects from time to time and would, as a consequence, be in a position to see that the commission should give good advice to the Executive Board. But we feel that there is in one or two places a tendency to give these commissions a certain kind almost of executive functions, particularly in regard to the form of Article 65, concerning business practices, and Article 66, which almost suggests that the Executive Board could not move in a certain direction without prior advice of these commissions. It is our view that anything approaching executive functions must be exercised by the Executive Board, and that the function of these commissions would be limited to giving advice to the Executive Board which would refer questions to them. That applies in general, but we recognize that there would be exceptions to that: for instance, in the case of the commodity commissions it might be necessary to set up some different kind of structure to have an over-all view of the work of the Commodity Council; but if this had any functions in our view these should be exercised by governments and, in the case of the Commodity Commission, would have to consist of government representatives rather than independent experts. I am addressing myself mainly to the view that these would be just experts; and in that case we should feel it necessary to resist any idea that

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that they should perform executive functions. Perhaps, if the United States delegate would elaborate his view of this commission, it would help in the discussion of Article 60, to which I would make specific amendments, following his remarks.

MR KELLOGG (USA): Mr Chairman, the impression of the Delegate of Australia is correct, that in the American view we had considered the commissions as primarily advisory bodies acting through the Executive Board. As you will notice by looking at the three paragraphs, Articles 64, 65 and 66; nearly every one of these Articles covers a recommendatory or advisory function. In such a case as a Commission would find it appropriate to act without going through the Executive Board, such as possibly in the case of Article 66 (5), the Commission would be subject to the review of the Board under Article 61; so that no commission could ever take action without being subject to an immediate review by the Board. In such a case as Commissions would want to perform other activities, not purely advisory to the Board and would need outside assistance, they would be required to enlist the assistance of the Secretariat by directing the Director-General to supply the information they wanted. To stress our feeling upon this, we have put into Article 72 the statement that the members of Commissions would be purely international in their employment.

MR HOLMES (UK): Mr Chairman, may I say that I agree very generally with the remarks made by the Australian delegate?

MR BURY (Australia): I should like to thank the American delegate for his advice; but there is one point I will come to on Article 62. In view of his explanation of the fact that he does envisage them purely as advisory bodies, I should like to suggest that in Article 60, in order to make quite clear what the position is, that is, that they are quite subsidiary to the Executive Board, the second sentence should be amended. It now reads: "It shall review the activities of the Commissions provided for in this Charter." That rather suggests that they are bodies set up and acting to a large extent on their own, and although they are acting

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on their own they should be subject to review. I should like to alter it, without being very specific as to the exact wording, to read roughly as follows: "It shall refer such matters to the Commissions for advice as it seems appropriate and shall take such action upon their recommendations as it may deem advisable."

MR KELLOGG (USA): I am not quite clear as to the Australian delegate's suggestion. Does he want to take paragraph 4 of Article 60 and incorporate it with the second sentence of paragraph 1?

MR BURY (Australia): Mr Chairman, that might be a way out; but the idea I want to bring out is that the activities of the Commissions should - and in fact do - proceed, as it were, from the Executive Board, and, although they may have to be modified in certain cases, particularly in the case of the Commodity Commission, these commissions shall function sort of completely and under and subservient to the Executive Board, but it shall not be just a matter of review.

MR KELLOGG (USA): May I ask the Australian delegate whether he would prevent any commission from taking the initiative to investigate any matter whatever without first obtaining the permission of the Board?

MR BURY (Australia): No, Mr Chairman, that would be going too far. We are not clear in our own minds quite at this stage what should be substituted. There is one thing we might do: that is to cut out the first part of that sentence and insert paragraph 4 as at the beginning of that sentence. We would not like to proceed too far. On the other hand, being put in the form of reviewing activities rather gives the impression of perhaps a little too much discretion being given to the Commissions.

MR KELLOGG (U.S.A.): In an earlier draft we had the word "supervise". Would that meet the Australian Delegate's point?

MR BURY (Australia): That would meet the point I made, to a very large extent.

THE CHAIRMAN: Is there any further discussion on this point? If not, are there any more suggestions with reference to any part of Article 60?

MR COLBAN (Norway): There is one very small point: In paragraph 3 it says: "The Executive Board shall recommend"; I would suggest "may" in order to make it perfectly clear that the Conference itself can take the initiative.

MR MALIK (India): It takes it it is quite clear that we are for the moment not touching the last sentence of paragraph 1 of this Article?

THE CHAIRMAN: I think that is undoubtedly the case: that it will not be possible to decide finally on the wording of that sentence, or indeed as to whether there is to be a sentence at that particular place, until more is known as to the conclusions of the Joint Committee on Industrialization.

MR BURY (Australia): I should like to support the Delegate from Norway's suggestion with regard to paragraph 3, that "shall" be amended to "may".

MR KELLOGG (U.S.A.): I would like to point out to the Delegate of Norway that, although we have no strong feeling one way or the other on this suggestion, the U.N. Charter provides that new Members must pass through the Security Council. I suppose that might not be a complete authority in this case.

MR BURY (Australia): I realise that in supporting the Delegate of Norway, we are rather reviving an old issue, but it is a point on which we do feel rather strongly. We feel that in the case of security matters there is a lot more to be said for it in that case than there is in this.

THE CHAIRMAN: If there are no further comments on Article 60, let us proceed to Article 62.

MR COLBAN (Norway): I have a question of principle. I do not quite visualise the character of the members of the Commissions. I agree entirely, of course, that they must be experts, and the best possible experts, but I do not quite see whether the Commissions shall be bodies independent of their Governments, or whether they will be invited by the Executive Board to join certain important administrative Commissions, still being representatives of their governments. I have no definite opinion either way, but I must have this perfectly clear: whether the Executive Board will simply make a list of well-known experts in the particular matter and invite a certain number of such experts, irrespective of nationality, and also, for instance, irrespective of whether that nation is a Member of the Executive Board, or, on the other hand, whether the Executive Board shall send invitations to the persons and inform their national governments, to enable them to be placed at the disposal of the Executive Board for a specific task. I do not quite see what is intended. But, to come down to a test, it is said in paragraph 2 that the "conditions of office of the members of each Commission shall be determined in accordance with regulations", etc. Will these conditions of office, for instance, contain contracts, conditions, travelling expenses, salaries and that sort of thing, or will that be the business of their respective governments? As I say, I do not insist either way; I just want to be perfectly clear what is the intended solution.

MR KELLOGG (U.S.A.): It has been the United States position in this matter that Members of the Commissions should have no connection whatever with their governments. They will be acting, as is stated in Article 72, exclusively as international employees. In that way, they would receive their travelling

expenses, salaries and so forth from the Organisation, so as to make it quite clear that they owed no allegiance to any particular government. If a matter were presented to a Commission which might have political significance, then it was rather thought that such a matter would be handled on the level of the Executive Board, where political representatives would be present competent to deal with it.

THE CHAIRMAN: The Chair, of course, desires to take no position on these matters whatever. It is not its prerogative to appear as an advocate or an opponent of anything which the Committee discusses. I think, however, for the purposes of clarification only, that I might suggest, in reference to the matter of Commissions (and perhaps the United States Delegate will correct me if I am wrong) that on one point there may be some lack of clarity and some lack of understanding as to what was assumed with regard to the work of the Commissions. I believe that the conception of its functions was that the members of these Commissions would be full-time servants of the International Organisation. Something has been mentioned in the Committee this morning that gave me the impression that it may be assumed by some here that a member of the Commission is somebody who is drawn in rather casually from some other work to do a sort of ad hoc job, and then he goes back to his other work. I do not believe that is the assumption. I think it is assumed that the work of serving on these Commissions will be very onerous and that it will be full-time, expert work. I cannot conceive, for example, of membership on, let us say, the Commercial Policy Commission, being such a light task that a man could just devote an incidental part of his year to that, while he does something else that may interest him more. I believe that that is a correct interpretation, but if I am wrong, I would be glad to have the Delegate from the United States correct me. I am not taking any position as to whether that ought to be the case, but I believe that is what is assumed in connection with the preparation of these projects.

Mr BURY (Australia): Mr Chairman, I am very grateful to you for your explanation, which certainly has cleared my own mind on the matter; but it does occur to us that there may be some confusion between these Commissions and the secretariat if the members of the Commissions were just part of the secretariat. Their position as against the Director General would be quite clear cut. If what you have in mind is that they shall be just part of the secretariat under the Director General, in that case it seems perhaps unnecessary in one or two places to spell out in such great detail the kind of people that the members of the commission should be. Mr Chairman, the Norwegian delegate out of his experience might be able to help us in this matter; because it does occur to us that if they are part of the secretariat, if you have something different spelt out distinguishing the members of this commission from the rest of the secretariat some weird kind of distinction might arise in practice which would not be justified; and if the qualifications are spelt out for these commissions, then perhaps they should be for the other members of the secretariat, because one would presume that in any case the members of the secretariat would be chosen because they were experts in the particular job which they would have to perform within the organisation.

Mr ERIK COLBAN (Norway): Well, in my experience we have never had expert committees with a full-time job. That was done in the League of Nations secretariat by the expert staff of the secretariat, and the delegates, even those who did not represent their respective governments but were chosen because of their international standing in certain matters, met from time to time and got the materials submitted to them fully prepared and almost digested by the secretariat. So I would like to follow up the idea of the Australian delegate and say that the commissions as provided for by the draft Charter really constitute separate

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expert branches of the secretariat, and I have no objection at all to make. They must only note that there they are, and we should get back what we are going to spend on salaries and other emoluments for all these experts by avoiding the setting up of corresponding expert branches of the secretariat proper. We cannot burden the world with two competing secretariats, one under the name of the secretariat and the other under the name of such-and-such a technical commission. If we only have clearly in mind the work to be done and appoint the right persons to do it, I do not care whether you call it a commission or a secretariat.

M. PALTHEY (France) (Interpretation): Mr Chairman, I would like you to allow me to add my doubts to those of the honourable delegate of Norway. I think that in this matter of the organisation of the commissions we touch upon one of the essential points of the future organisation for trade and employment. As a matter of fact, in my mind two doubts arise concerning this organisation of the commissions. The first doubt is concerned with the relationship between the commissions and the secretariat. If the organisation is constituted of permanent commissions composed of experts who are also permanent and salaried by the organisation, and, if, on the other hand, these commissions, as is foreseen in Article 61, are directly responsible to the Executive Board, I do not see very clearly what will be the function from the point of view of administration of this unity of commissions and secretariat. Is this Committee not afraid that there might be friction between the Directors General, who have very clear responsibilities for a department, and the Presidents of the commissions, who will bring to the commissions' attention various problems? Will the secretariat be informed of this by the secretariat? To whom will the Directors General and their associates be responsible when the Executive Committee have asked for the study of a problem, and who will be responsible for the study of this problem: will it be the Chairman of the interested

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commission or the Director General and his associate. With regard to this creation of two different levels of different and independent organisations, one set up with permanent appointees dependent on the Director General and the other by other groups which are dependent on the organisation and dependent on the Executive Board, I for my part have not yet seen very clearly the function and the relationship between the various organisms. The second doubt which arises in my mind is as to whether it is opportune to have experts of a permanent nature in these commissions. I think one of the advantages of the commission or of the committee and of anything which is collective is that it brings together men who know a problem and who come to discuss it in a temporary manner. Actually members of a committee have to be and are in principle individuals who possess occupations of their own and who bring to the organisation to which they have been sent as experts or advisers a much more general point of view than would civil servants within the organisation. If one makes these experts into civil servants who are located within the organisation and who take the problems of the organisation to heart, do you not think that they will lose contact with whatever is outside the organisation, that is to say, the country of which they are citizens, and, beyond the matter of mere citizenship, with the multitude of organisations and activities which they might have as individuals, which are of the essential nature of their value, and which would allow them to come with much broader views and without any preconceived notions? These are the two points of view which I wish to express before the Committee. I for my part am not opposed in principle to the creation of this system of commissions. It is a very interesting attempt, because I do not know of any other organisation where they exist; but I would like the Committee to study this problem very much, and that our colleague of the United States should put before us some comment on these points which I have just raised.

THE CHAIRMAN: Gentlemen, the time is now a quarter to 1. We have come upon a phase of the discussion that is very interesting and which would I think deserve more mature discussion than we have yet given to it. I think this matter of the basic conception of what a commission is, how it should function and how its operations should be related to the secretariat, on the one hand, and the Executive Board, on the other, is a very difficult searching matter. I know enough about the way in which this Charter was drawn to feel that a rather full statement should be made by the representatives of the United States with reference to their basic thinking in this matter, or perhaps you may say basic lack of thinking, if you prefer; but there is not time to do that before lunch. So I suggest that we continue our discussion of this matter at our next meeting.

be excluded from consideration by the Sub-Committee until we have discussed it further. It may be that there should be a special Sub-Committee set up later on to consider that matter exclusively; so for the present I am suggesting that Article 62 be eliminated from the terms of reference but that the other Articles I have designated should be included in the terms of reference. The countries which I suggest be represented on this Sub-Committee are as follows:-
Australia, Belgium, Canada, India, Netherlands, the United Kingdom, and the United States.

Coming now to the Sub-Committee to consider amendments and withdrawals, I suggest for membership the following countries:- Cuba, France, Norway, the United Kingdom, and the United States. I am sure the Committee understand why I suggest the United States each time. It is, of course, their document that seems to be the subject of consideration.

If there is any delegate here who wishes to have some change made, either to be on a particular Sub-Committee instead of the one to which I have assigned him, or to withdraw from membership, I shall be pleased to comply with his wishes on the matter.

COMMITTEE SECRETARY: Mr Chairman, if members who will be serving on these Sub-Committees could stay for two or three minutes at the end of the meeting, I would appreciate it very much.

THE CHAIRMAN: If there is no further business, the meeting is adjourned.

The meeting rose at 12.57 p.m.

With reference to our next meeting, I suggest that we endeavour to meet tomorrow to continue the discussion at the point where we break off today.

COMMITTEE SECRETARY: May I say that the tentative programme for tomorrow, subject to changes later today, is as follows. There is a meeting of the Joint Committee in the morning, and there are meetings in the afternoon of the Sub-Committee of Committee III and the Drafting Sub-Committee of Committee IV. It would appear that there is a fairly good prospect of our being able to arrange a meeting either in the morning or the afternoon, depending upon the wish of the members of this Committee.

THE CHAIRMAN: There are indications that some members would like to meet in the morning and others in the afternoon.

MR PALTHEY (France) (Interpretation): I would prefer that the Committee should meet tomorrow morning.

MR KELLOGG (USA): We must bear in mind that the Indian delegate is the Chairman of the Joint Committee.

COMMITTEE SECRETARY: The only other possibility would seem to be a meeting this afternoon.

MR MALIK (India): If you wish to meet tomorrow morning I shall be happy to send my substitute, as I will be busy with the meeting of the Joint Committee.

(On a show of hands, the majority of the members were in favour of a meeting in the morning.)

THE CHAIRMAN: Very well. We shall meet again tomorrow morning.

Now comes the question of appointments to the two Sub-Committees which it was agreed at the beginning of our meeting should be set up. I suggest that the first Sub-Committee devote its attention to Articles 52, 54, 55, 59 and 60, but that Article 62, which we have just been discussing,