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

VERBATIM REPORT

THIRTY-FIRST MEETING OF COMMISSION "B"  
HELD ON SUNDAY, AUGUST 17, 1947 AT 2.30 P.M. IN  
THE PALAIS DES NATIONS, GENEVA.

The Hon. L. D. WILGESS (Chairman) (Canada)

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CHAIRMAN: The meeting is called to order.

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, before we begin business today, I wonder if you would allow me to suggest, as one who did not suffer from it, that the Executive Secretary should have informed those responsible for the locking and unlocking of doors in this building that when we work on Sunday afternoon we expect some facilities to be available to us to get into our offices and from our offices to this room.

MR. E. WYNDHAM WHITE (Executive Secretary): Mr. Chairman, as one who has suffered from this, I shall be most happy to convey this opinion to the authorities concerned.

CHAIRMAN: We have still a very heavy programme of work before us, so we will have to make speed if we intend to get through our work today. Therefore, I would urge all Members of the Commission to use the utmost economy of words in putting their arguments.

We will first of all consider the proposal for Voting which we agreed upon yesterday and for which the Secretariat have prepared a text for our consideration. The text has been circulated in English and French and it is now presented to the Commission for approval. Are there any comments on the proposal so far as it relates to the insertion in the Charter?

Members of the Commission will note that Alternatives A and B will be set out, and they will be followed by a Note setting forth the proposal of the Chinese and Canadian Delegations.

Is that agreeable to the Commission?

MR. H.F. ANGUS (Canada): Mr. Chairman, the Chinese Delegation is, at this moment, considering a possible variant of the Note, which

would make it possible for it to appear, if so desired, as an integral alternative. It is a matter of some words of drafting and if we could have a minute or two and then come back to this it would be a great help.

CHAIRMAN: We will come back to this Note then when the Canadian and Chinese Delegations are ready to submit an alternative.

In the meantime, we might consider the wording of the Appendix A, which is given on page 2 of the document.

Are there any comments on this Appendix?

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I will not press this point, but simply for the purposes of explanation I wonder if we could include with formulae A and B words equivalent to those which appear at the top of page 2 of document E/PC/T/W/293. There are two paragraphs there that explain the initial allocation of votes based on factors (b), (c) and (d) in one case, and on (a), (b) and (c) in the other case, which would be calculated on the average of the last three pre-war calendar years and the full calendar year preceding the entry into force of the Charter. The succeeding calculation would be made at the time of the periodic revision.

CHAIRMAN: I take it that the United Kingdom Delegate is referring to document E/PC/T/W/298, which is wrongly numbered as E/PC/T/W/293 on the second page?

MR. J.R.C. HELMORE (United Kingdom): Yes, Mr. Chairman, I apologise for that but I merely read the reference at the top of the second page.

CHAIRMAN: I take it that if those two paragraphs are inserted under Formula A, they should also be inserted under Formula B?

Mr. J.R.C. HELMORE (United Kingdom): I would be content to have it that way, Mr. Chairman, or, for shortness, the Secretariat might put it in after both formulae, saying in each case "for the purpose of the initial allocation of votes the factors (b), (c), (d) (or (a), (b), (c) respectively)..."; but that is purely a matter of drafting which I would be very content to leave to the Secretariat.

CHAIRMAN: Is the proposal of Mr. Helmore approved by the Commission?

(Agreed)

Are there any other comments on the Appendix?

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, as the term "Secretariat" used at the end of the annex might be a little ambiguous as to whether it refers to the Secretariat of this Conference or the Secretariat of the United Nations, I wonder if it would be helpful to add: "More accurate material to be supplied at the World Conference by the Secretariat of the Organization after consultation with the Statistical Office of the United Nations".

Mr. WYNDHAM-WHITE (Executive Secretary): I doubt whether it is really necessary. The Secretary-General of the United Nations has agreed to supply the Secretariat for the World Conference, and I think the consultations which would take place within the Secretariat of the United Nations are not a matter for discussion in a document such as this. It would, naturally, be a matter of course that the Secretariat of the United Nations would make use of the statistical resources of the United Nations.

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, I do not want

to make this matter the subject of a debate, but I would like to explain the reason for our suggestion.

The figures to be used in this table are of utmost importance, because if there is an inaccuracy, it changes the weighted vote from beginning to end. India has presented a paper showing a difference of opinion regarding the figures presented in the table, and Cuba would also have to present figures. If we could make sure that these statistical figures have been forwarded by the Statistical Offices of the United Nations, we should all take it as something that could not be argued against; but if you say "the Secretariat" only, there will be doubt as to whether the Secretariat had enough statistical material for the purpose.

CHAIRMAN: Perhaps such words as these would satisfy the Delegate of Cuba: "More accurate material will be supplied to the World Conference by the Statistical Services of the United Nations Secretariat".

Dr. Gustavo GUTIERREZ (Cuba): Perfectly.

CHAIRMAN: Is that agreed?

(Approved).

Mr. O. PARANAGUA (Brazil): The Secretariat is having an easy task to ascertain about certain factors like external trade; but, I wonder, how can we accept the figures for national income? The figures of the Secretariat are, I think, private figures for the purpose of paying the quota of the United Nations. They have other figures for the purpose of UNRRA, for relief.

Mr. WYNDHAM-WHITE (Executive Secretary): I think that point was covered by the use of the words "Statistical Services of the United Nations". That, after all, is the body to which

the United Nations have entrusted the task of producing the most reliable statistics available to the United Nations, and if reliable statistics are not available, or unequivocal statistics are not available, I think we can rely on the Secretariat of the United Nations to say so.

Mr. O. TARANAGUA (Brazil): I have full confidence in the Secretariat, but sometimes a task may be an impossibility. I can give you an example: the figures we have for the National Income of China. To find out the figures, you must go to the Review of the University of Chicago: it was only calculated in 1933 - 1935. There is no special service. They are private calculations. There are about half-a-dozen countries having national figures. All the others mean guesswork. I do not know what the Secretariat will put as a source.

Dr. J.E. HOLLOWAY (South Africa): On a point of order, are the merits of these matters under discussion?

CHAIRMAN: I was just going to remark upon that. We agreed yesterday, more or less, on all these points. We were simply to approve this paper prepared by the Secretariat. I do not think the Delegate of Brazil is making a proposal - he is just pointing out some of the difficulties. But the Secretariat of the United Nations, so I am informed by Mr. Wyndham White, are prepared to undertake this responsibility we are putting on them here, and it will be up to them to decide whether or not they can provide the figures. Therefore, I do not think there is any purpose in discussing this matter further here.

CHAIRMAN: Any other comments on the Appendix.

Is the Appendix approved with the changes suggested?

Agreed.

Are the Canadian and Chinese Delegations now in a position to submit an alternative to the note?

Mr. ANGUS (Canada): Yes, Mr. Chairman. At yesterday's meeting it was decided, I think, that the Canadian and Chinese proposal should take the form of a note, because the draft submitted by my Chinese colleague referred to the World Conference, and in that sense was unsuitable for inclusion as a draft Article.

We have agreed on an alternative to the note prepared here which would be a draft Article. I regret that the pressure of time has made it impossible for us to have a French translation available, or indeed a text for circulation, but if the general idea is approved both these difficulties can be met later in the afternoon.

The alternative (c) would be the text of alternative (a), followed by these words:-

Provided that at the instance of any Member any such decision shall require corroboration by a second vote taken by a simple majority of the votes cast in accordance with the plan of weighted voting set out in the Annexes --- to this Charter.

With such a draft any plan of weighted voting - either of the other two - could be inserted, and the effect would be this: That if a decision were made by a simple majority on the basis of each State one vote, and no one challenged the decision, it would be final. It would be open to anyone to ask that there should be a second vote with a roll call, in which case a weighted

majority would be required.

Now I am not asking to consider the merits of that at the moment, but as a method of bringing this suggestion clearly before the World Conference, we think that this formula might have some usefulness.

If it is desired, or if the Committee is agreeable to replace the note by alternative (c) along these lines we shall be glad to have the documents put in form immediately; if, on the other hand, it is preferred to keep the note, then we simply leave it at having brought forward the suggestion.

CHAIRMAN: The proposal of the Canadian and Chinese Delegations is that in place of the note I have given on the paper before us there should be set forth alternative (c), which would read the same as alternative (a) with the addition of the following words:-

"Provided that at the instance of any Member any such decision shall require corroboration by a second vote taken by a simple majority of the votes cast in accordance with the plan of weighted voting set out in Annex A --- to this Charter."

Subject to refinement in drafting by the Legal Drafting Committee, I would like to know if this proposal would meet with the approval of the Commission.

Mr. COLBAN (Norway): Mr. Chairman, I beg to support the Canadian and Chinese proposal.

CHAIRMAN: The Delegate of Australia.

CHAIRMAN: The Delegate of Australia.

Dr. H. C. COOMBS (Australia): Mr. Chairman, I am sorry to differ from what has been suggested, but as I understood the intention of putting in alternatives it was that the alternative put in should, so to speak, be representative of varying approaches to this problem. In its original form, the Canadian-Chinese suggestion - quite apart from whether it had sufficient support in the Commission to be adopted - was quite clearly a separate alternative in the sense that it did indicate a third type of approach; that is, that you could have weighted voting for certain specified questions. In that sense, I was willing to support the proposal that an alternative of that kind should be included.

But the proposal which the Canadian Delegate has just outlined - if I understand it correctly - appears to me to be so close in principle to the system of weighted voting that it is not, in essence, a third alternative at all. If I understand his proposal correctly, it would mean that one country could obtain a weighted vote on any question if it was dissatisfied with the result of a vote on the basis of one country - one vote.

It seems to me it is natural to assume that in all cases where a country on the losing side of a vote on the one country - one vote principle believed that the result would have been different on a weighted voting principle, it would obviously ask for a weighted vote on that question, and therefore all questions would be decided by weighted voting unless they were decided in the same way by a system of one country - one vote.

Therefore, Mr. Chairman, whilst I am not expressing any judgment on the merits of these proposals, it does seem to me that we are not including a different approach to this question by putting in an alternative in the form which the Canadian Delegate has just outlined. On the other hand, I do believe there would be some merit in putting in the alternative in the form in which it was originally suggested; that is, there will be specified questions on which it could be understood beforehand that a weighted vote was desirable.

I do not support that proposal myself, but I believe it is a possible alternative for which good arguments could be advanced, and I would suggest that we do include an alternative of that kind. One objection against including it, which was raised yesterday, was that you would have to specify the Articles. I do not believe that is necessary at this stage.

If what we include is the third alternative, it would have the effect that a system of weighted voting would ordinarily be used and there would be votes on the system of one country - one vote except for decisions as specified, and that the specifications of the decisions could be done at the World Conference and not here. We would then be putting in actually a third alternative and not a variation in wording of one which is already there.

CHAIRMAN: In order that we should get through our heavy programme today, I cannot permit the re-opening of a debate on the merits of any of these proposals for voting. We agreed yesterday on the substance of the proposals before us. We simply introduced the question of voting today to consider in what manner the various alternatives should be set forth.

Members will recall that the Chinese Delegate had proposed a draft of the Canadian-Chinese proposal for insertion under alternative (c), but that we could not accept that draft because it referred to the World Conference.

The Canadian and Chinese Delegations have now submitted their proposal in the form of a draft. I think Dr. Coombs is possibly misled by what is set forth by the Secretariat in this Note, which may not convey the idea which was the basis of the Canadian-Chinese proposal. This is set forth at some length in Document E/PC/T/143, Appendix 2. If Dr. Coombs will consult that document he will see that it does not differ in essence from the draft which is now submitted by the Canadian and Chinese Delegations. The question really before us is not the merits of the Canadian-Chinese proposal, but whether it should be submitted in the form now suggested by the Canadian and Chinese Delegations under alternative (c), or whether it should be in the form of a Note.

The Delegate of Australia.

Dr. COOMBS (Australia): I understand the United Kingdom Delegate has a suggestion to make.

Mr. J.K.C. HELMORE (United Kingdom): Mr. Chairman, it is painful for me to suggest that your last speech did not represent the facts quite as closely as your speeches usually do. If we look into the Chinese and Canadian paper, in paragraph 2, the suggestion was that in certain designated cases the system should be combined, and in paragraph 3(b) we see that it says "What issues should be designated as requiring a combined majority?" and I would agree with Dr. Coombs that there is an essential difference between, say, one State, one vote, and weighted voting on any issue; and one State, one vote, and weighted voting on certain critical issues. I have written out hurriedly a rather simple amendment to the text that has just been submitted by the Canadian and Chinese delegations which I believe would give effect to the decision that the Committee came to yesterday, which was to present the Canadian-Chinese proposal in our report as alternative C., and with your permission I will read it. It is this. Instead of saying as in the text appended: "Any such decision shall require collaboration which allows weighted voting to be asked for on any issue", we should say: "Any decision reached by the Organisation on the matters provided for in Articles ..... of this Charter shall require..." We should obviously have to include a note "what those issues should be is a matter for determination by the World Conference."

I do believe, Mr. Chairman, that that does represent correctly the decision that we reached yesterday.

CHAIRMAN: I want to thank Mr. Helmore for having called my attention to the inconsistency of what I said, and what we agreed to yesterday. I apologise to Dr. Coombs for having misinterpreted that point, but it is only because I wanted to save the time of the Commission. I think that the proposal made by Mr. Helmore does conform to the Chinese-Canadian delegations' proposal. I would like to know if it would meet with the approval of those delegations.

Mr. H.F. ANGUS (Canada): Mr. Chairman, we should even prefer it to the draft we submitted as being in closer conformity with the original proposal. I think that perhaps while speaking I should remove one misapprehension that Dr. Coombs seemed to have. This does not substitute weighted voting for simple voting on those points. Any decision would require both types of majority.

CHAIRMAN: If this is approved by the Commission then it will be inserted in the Charter as alternative C.

Before we leave the question of voting we have to decide on a consequential question. In the report of the Committee on Voting covering Article 69 which was voting in the Conference, Article 73 - Voting in the Executive Board, and Article 78 - Voting in the Tariff Committee, we have decided the question which relates to Article 69, but it will be necessary for Commission B to decide whether the alternatives which are inserted in Article 69 could also be inserted in Article 78, that is, Voting in the Tariff Committee, or if they are not to be inserted what the text of Article 78 will be.

With regard to Article 73 it will be noted that the Report of the Committee recommends the text of Article 69 of the Drafting Committee's Report. Perhaps it might be better to leave this until we come to Articles 73 and 78. I would simply like to draw the attention of the Commission to make it clear that we have not yet finally disposed of all questions pertaining to voting.

We now come to Article 72: Composition of the Executive Board. In addition to the Report of the ad hoc Sub-Committee which was presented to us yesterday, we have a re-draft of Article 72 furnished by the Legal Drafting Committee and given in paper E/PC/T/159.Addendum 1. We also have a paper circulated by the Delegation of India, which is E/PC/T/173.

We shall therefore take as our working paper for the purposes of this discussion the Report of the Legal Drafting Committee, and I think we had better proceed with this Article paragraph by paragraph, commencing with paragraph 1.

The first speaker on my list is the Delegate of India.

Dr. GUSTAVO GUTIERREZ (Cuba): I wish to raise a question of order, Mr. Chairman. There is the proposal made by the Norwegian Delegate which has been circulated, which I suppose is official - -

Mr. Erik COLBAN (Norway): Yes.

Dr. GUSTAVO GUTIERREZ (Cuba): - - and if it is official, I think, according to parliamentary usage, it should be considered first, because if it is approved there is no need to go into the discussion of the proposed Article 72.

CHAIRMAN: I thank the Cuban Delegate for calling my attention to the Norwegian Delegate's proposal which has just been circulated this morning. The Norwegian Delegation have proposed an alternative text and this can be considered in connection with the proposal of the Sub-Committee. It is, as the Cuban Delegate states, an amendment to the proposal of the Sub-Committee and therefore he is quite in order in stating that it should be considered at the same time as the Sub-Committee's Report and disposed of first before we deal with the Report of the Sub-Committee.

According to our Rules of Procedure, Rule 27 reads: -

"When an amendment revises, adds to or deletes from a proposal, the amendment shall be put to the vote first, and if it is adopted, the amended proposal shall then be put to the vote."

So if we considered this question and came to a vote we should have to put to the vote first the proposal of the Norwegian Delegate; but I do not think we should limit the discussion simply to the proposal of the Norwegian Delegate. We should discuss the Report at the same time. But we will not be able to pass paragraph 1 of the text as given by the Legal Drafting Committee until we have disposed of the Norwegian amendment.

H.E. Mr. WUNSZ KING (China): Mr. Chairman, on a point of order: if I recollect correctly, the Delegate of Norway submitted this same proposal at one of the meetings of Commission "B" and this proposal, together with quite a large number of other proposals, was referred to the Sub-Committee for examination, and, after careful examination of all these proposals, the Sub-Committee unanimously recommended a new Article which is the present text of Article 72. Therefore, if there is any question of amendment at all, this new Article 72 is really an amendment to the original Norwegian proposal! And, besides, the Norwegian proposal represents the view of only one Delegation, while Article 72, according to the present text, represents the view of the Sub-Committee, the unanimous view of the Sub-Committee, which was set up by this Commission to study this question.

CHAIRMAN: I think what we should do is first of all to have a general discussion on the Report of the Sub-Committee and their proposal as set forth in the Legal Drafting Committee's text. We can consider, along with that Report, any amendments

such as that submitted by the Norwegian Delegate, and it is possible that we may have other amendments in the course of our discussion, and the question of procedure will only arise when we come to vote on the various proposals.

I will read the Norwegian proposal, which has just now been circulated in the English text. The Secretariat are preparing the French text, which will not be available for some little time but will be circulated as soon as possible.

The text reads as follows: -

"The Executive Board shall consist of the representatives of not more than fifteen of the Members of the Organisation, elected by the Conference by the affirmative vote of two-thirds of those present and voting. Seven of the Members may be immediately re-elected on the expiration of the term for which they have been elected."

CHAIRMAN: Before this question was raised, the Delegate of India had asked for the floor and then the Delegate of Norway. I propose to call on them in that order.

The Delegate of India.

Sir R. PILLAI (India): Mr. Chairman, I venture to submit, in all modesty, a proposal in connection with the composition of the Executive Board, and that proposal is that India, that is, the Dominion of India should be given a permanent seat on the Board. I start from the position - a position which, I think, is incontrovertible - that had there been no partition of the country no one would have found any difficulty about the inclusion of India amongst the countries to be allotted permanent seats on the Board. I say this because even if we leave out population - a factor which must tell heavily in favour of China and India - and take into account only national income and foreign trade, we shall find that India, as constituted before the 15th August, stood seventh among the countries of the greatest economic importance.

Now, how has the position been affected by the partition? The Dominion of India still covers a vast expanse of territory, being more than three-quarters of the size of the old unitary India; it is rich in natural resources, especially in coal and iron; and within its frontiers is concentrated practically the entire industrial potential of Greater India. It is against this background that the economic importance of the Dominion of India is to be assessed. But first let us apply, for purely statistical purposes, the criteria hitherto adopted for the determination of the economic importance of a country, namely, national income and foreign trade. I do not wish to inflict on the Commission more than

the essential statistical details and for fuller information would invite my fellow Delegates to refer to our Note which has been circulated by the Secretariat to all delegations. Taking national income first, the position, you will find, is that the national income of what was formerly British India and Indian States was estimated at twelve billion dollars. We believe that this is too low an estimate, but accepting this for the moment, distributing this between India and Pakistan on a population basis, we arrive at a figure of about ten billion dollars for India, yielding 20 points on this count, against 24, the figure originally assigned to the whole of India. Turning now to foreign trade, on a rough computation, partition is found to involve for the Dominion of India a reduction in the value of trade from 1,370 million dollars to 1,180 million dollars, which means a drop in points from 27 to 23. Against this, however, must be set the fact that the trade between India and Pakistan, hitherto treated as internal trade, now becomes foreign trade for both States. The exact volume of this trade is not readily ascertainable, but taking into account the major items only such as cereals, cotton and raw jute moving from Pakistan to India, and coal, cotton textiles, sugar and a wide variety of consumer goods moving in the opposite direction, the addition to India's foreign trade on this account cannot be put, even on a conservative estimate, at less than 300 million dollars representing 6 points. The net increase in points on account of foreign trade is thus from 27 to 29 and the final position resulting from partition is that the Dominion of India can claim a total of at least 49 points against the 51 previously allotted to India.

The figures mentioned represent the result of rough calculations, and I do not claim that they are sacrosanct. But I do maintain

that the broad conclusion emerges from this analysis that in terms of accepted criteria the Dominion of India cannot be much lower in order of commercial importance than was continental India in the past. This is not a statistical paradox, but an economic fact. We must remember, too, that partition, far from enfeebling India economically has restored conditions favourable to rapid economic development and has set both India and Pakistan on the road to economic progress. The Dominion of India is the second largest country in Asia, and its determination to make its full contribution in terms of work, sacrifice and service in all fields of human endeavour must surely ensure for it a high place amongst the nations of the world.

It is on these grounds, Mr. Chairman, and more especially because India is demonstrably among the first seven countries of major economic importance that I put forward this claim. Recognition of the claim by the Conference would produce a profound impression in my country, and would be regarded not merely as an expression of international good-will, at this, the most momentous epoch in our history, but as a reminder that India will now be expected, more than ever before, to direct its labours to fruitful international channels.

At the same time, Mr. Chairman, we are in full accord with the Committee on Voting and Membership that the countries named in paragraph 1(a) of the text recommended by it should be given permanent seats on the Board. Our proposal is merely that the Dominion of India should also be given a permanent seat, and while expressing no particular preference for the draft Article 72 proposed by the Committee we suggest that effect might be given to our proposal by increasing the total membership from 17 to 18 and the number of permanent seats from 7 to 8.

CHAIRMAN: The Delegate of Norway.

Mr. Erik COLBAN (Norway): Mr. Chairman, I wish to explain the words "The Norwegian Delegate disapproves of the proposed text of Article 72". The Sub-Committee itself does not seem to feel on very strong ground, since it states that "the Conference of the Organization, when it is established, will no doubt proceed to an examination of the text of Article 72 with a view to deciding whether it should be modified in the light of the membership of the Organization", and it is said finally, as part of the draft text; "The provisions of this Article shall be subject to review by the Conference every three years."

Would it not be wiser to adopt a formula that would leave it to the Organization to achieve the research the Sub-Committee has in view, without committing them to the text of the Sub-Committee? My suggestion would enable the Conference to achieve in full all the results that the Sub-Committee has in view. There would even be room for India; but I have also some observations to make on the concrete contents of Article 72.

It is based upon the idea that the Members of the Executive Board shall not be elected by all the Members of the Conference, but by groups. Is that wise? Is it wise to establish an Executive Board, each Member of which does not feel that he fully represents the Conference - that he and the country he represents enjoys in full the confidence of the Conference as a Member of the Executive Board?

I think that all the Members of the Executive Board should be elected by the full Conference, and each of them should feel that by this election he has got a mandate from all the Members of the Organization; and in order to make that mandate still more of an honour and still more to imply the duties resting on the Members of the Executive Board, I would

like the election to take place by a two-thirds majority vote.

In the proposal of the Sub-Committee, they have done my country the honour of putting us in a group. I have no objection to collaborating with the countries mentioned in that group; but I most strongly object to being put in one group without having an opportunity of adjusting my position in accordance with the circumstances of the day.

It may be that one day I find that the commercial interests of one of the countries in the group you have put me in are in direct conflict with the commercial interests of my country. It may be that I may find that by giving my vote to quite another Member of the Organisation than one of this group my commercial interests would be safeguarded. So that is why, briefly speaking, I must maintain that I disapprove of this text. It is true, as the Chairman of the Sub-Committee said, that my proposal is nothing new. No. I made the same proposal on the 18th July in Commission B; but the Sub-Committee does not seem to have noticed it - they put it in a bulk with all the other Amendments, but it has disappeared; there is no mention of it; and I think the ideas in my suggestion are, after all, of some interest, and I wanted to hear arguments against my suggestion and I have not got any.

The introduction to my proposal also says I submit the following alternative text, because as we are in the presence of a unanimous Sub-Committee Report and very important Members of our Commissions were Members of the Sub-Committee, I am under no illusion with regard to having my view approved by a quasi-unanimous decision of Commission B.

That is why I confine myself to submitting my idea as an alternative text to go to the World Conference to be considered on a footing of equality with any other proposal, including the proposal of the Sub-Committee in the form it may have after the discussion here.

I would add that as I said yesterday, with regard to the question of voting, I would consider it almost futile to reopen here a full debate on the pros and cons of all the aspects of the question of the composition of the Executive Board. I think it would be wiser to reopen the question in the wider gathering of Governmental Representatives we shall have in Havana.

CHAIRMAN: The Delegate of Australia.

CHAIRMAN: The Delegate of Australia.

Dr. COOMBS (Australia): Mr. Chairman, I do not wish to re-open the question of permanent seats on the Board. The views of the Australian Delegation are well known on that question: we do not consider such permanent seats necessary to protect the interests of the major Powers. But it is clear from the Report of the Sub-committee that a substantial majority of the Sub-committee, at any rate, would be prepared to accept such an arrangement.

I am in entire agreement with Mr. Colban's views on that point, that it is desirable that any Member of the Board should feel that he is there as the result of the confidence of the entire Conference and that he should feel responsible to the entire Conference in that way. But since there does seem to be, in the minds of the Great Powers, a sense of insecurity, I presume we must defer to their needs in this way, as another demonstration of the fact that it is really unnecessary for them to take special measures to see that due deference is paid to their wishes.

I wish to confine my attention primarily to the question of the method of filling the remaining seats on the proposed Board, but before doing so I wish to draw attention to one of the questions regarding the selection of the permanent Members of the Board, which is relevant to the point raised by the Delegate for India.

I am in entire agreement with the Delegate for India, that on any reasonable assessment of economic importance the new Dominion of India would, with practical certainty, be entitled to a permanent seat if it is to be assessed on the basis of economic importance. But, whilst the Committee recommended that that should be the basis, I note that there

is no provision, so far as I can see, in the Articles themselves for the selection of those countries on the basis of economic importance. What is provided is that certain countries should have permanent seats on the Board. That does seem to us to be a weakness, in that there is no criteria laid down for a review of that matter from time to time by the Conference, and, if it is not to be reviewed, then I suggest it is likely to lead to a representation which no longer corresponds to true economic importance.

The Committee has, however, recommended that the remainder of the seats, apart from the permanent seats, should be filled by a system of elections from groups of countries. I find myself completely unable to determine what are the elements which led to the grouping of these countries as a justification for selecting this principle for election. The countries are roughly grouped, in certain cases, in geographical areas where that looked a convenient way of doing it, such as in South and Central America, in the Middle East countries and in Northern Europe - Scandinavia. But it is clearly not possible to proceed on a basis of geographical contiguity when you come to find a place for Australia and New Zealand. Consequently we, along with certain other countries who are equally difficult to place in congenial geographical company, are bundled into a heap and it is left for them to sort themselves out upon some quite undefined basis.

The results of this are rather odd. First of all, for those countries who have been grouped together on a geographical basis, I see little cause for comfort as far as they are concerned. As the Delegate for Norway has pointed out, geographical contiguity is no guarantee of similarity of interests and it may well be that a country may find itself in a group where it is not among people with a common outlook or a common set of

problems, but perhaps with conflicting social and political philosophies and conflicting economic interests. I do not know whether that is so in the cases which have been suggested, but it clearly could be so.

Furthermore, those factors are relevant to selection of representatives. If we are going to be represented on the Board by anybody other than ourselves, we are very interested to know the political and economic philosophies of the country which is going to represent us, and we are very interested to know along what lines their economic interests run, particularly on questions which are of importance to us. What we are anxious to do is to ensure that the Board has within it people with an understanding and a comprehension of problems of the kind which we think are important and which may be particularly difficult for us. We do not see any reason to assume that our geographical neighbours - even if we had any in this sense - would be able to represent our point of view in that case.

We might be much better content to be represented on the Board by the representatives of Norway and Sweden than we would be by countries very much closer or related to us, perhaps, in other ways. So, Mr. Chairman, we feel that this is an irrational basis of grouping, even if election by groups were a desirable method.

Furthermore, we feel it has<sup>led</sup> the Committee into obvious inequities. Once you have countries in a group, they must be grouped as countries, and countries are not all of the same size or the same economic significance; consequently we find there are peculiarities of representation, if you judge from what is apparently the underlying principle in the Committee's Report, that is, that representation should, in some sense, be related to

economic importance.

I am putting this forward, not in any criticism of the representation of the particular countries, but merely as an illustration of the difficulty of working out a reasonable system of representation once you set out on this system of groups.

There are five seats allocated to the American Republics, the Arabian States and the Scandinavian States; there are five seats to be given to all other Members. If we have a rough shot at assessing the economic importance of those two groups, in accordance with the formula set out in one of these Annexures we discussed ad nauseum yesterday, we find there are 32 countries in the first group, which has five seats. Out of those 32 countries, four appear in the first 20 of the most important countries. On the other hand, there are 28 countries in the other group - the "also rans." Out of the 20 most important countries in the world, assessed in accordance with this formula, they account for eight.

I am not suggesting that this is in any sense a deliberate piece of unfair representation, but it is a necessary consequence of a system of election by groups of countries which are different in size and in economic importance and is, I think, a serious criticism of this method of approach.

There are other problems because we were not able to group countries conveniently on a geographical basis. Those which could not so readily be grouped were left to group themselves as they could form a group, but they have to find - I think the figure is 4 - three States to form a group before they can have a representative.

Suppose that our own country were seeking such a group: we might, for instance, say the new Dominions of India and Pakistan are suitable comrades in such an enterprise, but they,

by themselves, would not necessarily be able to put a representative in. We would still have to go and find somebody else and it might not be easy to find one which was as similar in its outlook as the two Dominions I have referred to. We would then have to look for a fourth one, and Suppose we found Italy, or a country of that order? Here would be four countries which rank high in the order of economic importance and they would have, so far as we can see, one representative; at any rate, if there are any with more than one, there is nothing in the Report or in the Articles to indicate how the number which we get is to be determined.

In other words, Mr. Chairman, we should wish this principle to be recognised that the practices to be taken into account in selecting countries which would form a desirable board are many and complex and change from time to time. They are the sort of things which countries would take into account in deciding for whom to cast votes in open elections. Since we are apparently committed to recognising a certain number of permanent seats we would wish the remainder of the seats to be filled in a way which would permit us to cast our votes taking into account all the factors, not geography alone, and therefore we wish to put forward also as an alternative proposal a compromise which recognises the apparent nebulosity of permanent seats, and we would propose that there should be 8 permanent seats allotted to the 8 most important economic countries as they are assessed periodically.

Secondly, that the remainder of the seats should be filled by straight elections, and that they should of course rotate, and vote for the other proposals put forward. Those are the two fundamental proposals which we propose: that there should be 8 permanent seats allocated from time to time in accordance with their economic importance at that time; and, secondly, that all other seats on the Board should be filled by open elections.

CHAIRMAN: The Delegate of Czechoslovakia.

H.E. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, I won't be very long, because the most of what I wanted to say has already been said. Instead of crosswords I have been studying a little what comes out with this weighted voting, just to find out on which basis the seats on the Executive Board were distributed; because I suppose that this Commission tried to allocate the seats in accordance with the economic importance of the different countries.

Now, I find that the 7 States which would have the permanent seats have 22.7 per cent. of the total votes, and they have 7 seats. What you call the Arab States have 7.6 per cent. and they have 1 seat. The Scandinavian countries have 7.2 per cent. and have 1 seat. The Latin-American countries have 25.5 per cent. and have 3 seats. And the rest of the world, the rest of Europe, Australia, South Africa, all together - and India too, which have 33.2 per cent., should have 5 seats. So it means that in the first group of the permanent seats it would be 1 seat for 3 persons; for the Arabian countries it would be 1 seat for 7.6 persons; for the Scandinavian group it would be 1 seat for 7.2 persons; for Latin-America it would be 1 seat for 3.5 persons; and for the rest of the world, 1 seat for 6.6 persons.

If it were done in proportion it should be: in the first group, instead of 7 seats, only 4; in the Arab countries it should be more than 1 seat; in the Scandinavian countries it should be more than 1 seat; in the Latin-American countries it should be more than 4 seats; and in the rest of the world it should be 6 seats,

Now you see that probably the allocation was not done according to the economic importance of the different groups; and I have taken for my calculations the tables submitted by Great

Britain - not because I like them so very much, but because they were the only ones where there were figures for all countries whereas in the others there were some empty spaces; and I could not work with empty spaces.

Now I was wondering also about something else. For instance, if the Latin-American countries would be represented, let us say, as a group on the Executive Board only by three representatives, should they have only 3 votes, or should they have the votes of the whole group of Latin-American countries? Because in that case they would have more votes than the first group of 7 permanencies.

On the other hand, if we are further forming groups, so that there might perhaps be a Balkan Group one day, I am wondering what would happen if, for instance, at some future time Yugoslavia might be represented on the Executive Board by Greece, or to the contrary!

Now I have seen from these rather sad meditations that, first, India, which in my mind, and I think we all recognise, should be counted among the great countries, has no representation at all and was put with the others among, I should say, "the common people"; that the Latin-American countries are not represented as they should be according to their economic importance, neither the rest of the world,

I thought, also, that we are allocating seats and we do not know up to now who would be the Members and who not.

That is why I support the proposal of the Norwegian Delegation; because I think there is no doubt, whether it is in the Charter or whether it is not in the Charter, that the great powers will always have seats on the Executive Board; and I think the Norwegian proposal takes care of that. As to the rest, I agree entirely with Mr. Colban.

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, before the translation begins, I wonder if you would allow me to ask a question?

The Czechoslovak Delegate has given us some calculations which I think he says were taken from the United Kingdom paper. I could not quite follow them, but I would like to ask him whether he included the basic vote of a hundred, because if not they are entirely meaningless.

H.E. DR. Z. AUGENTHALER (Czechoslovakia): I have taken the last column: "Votes as Percentage of Total Listed".

MR. J.R.C. HELMORE (United Kingdom): But I should explain that we include a basic vote of a hundred per State, which is far greater than factors comprising economic importance.

H.E. DR. Z. AUGENTHALER (Czechoslovakia): "Votes as Percentage of Total Listed" is a percentage of votes from the hundred.

MR. L.R. EDMINSTER (United States): Mr. Chairman, I wish first to refer to the request of the Indian Delegation. Assuming that there are to be a substantial number of permanent seats on the Executive Board, the considerations advanced by the Indian Delegation in favour of the assignment to India of a permanent seat on the Executive Board, are, in my opinion, persuasive. I therefore wish, on behalf of the United States, to express my support of their request.

That leads me next to the proposal put forward by the Delegate of Norway. I wish to say first, with reference to their proposal, that the United States Delegation has from the first been inclined

to be sympathetic towards the formulae contained in that proposal. We expressed, I think, some support of it in London last Fall; we were in favour of it when the sub-committee first took up the discussion on this matter at this Conference. However, in the course of that discussion, if my memory serves me rightly - this, perhaps, is a matter on which the Chairman of the sub-committee could speak with more authority - the chief objection that was made to that proposal in the sub-committee was that, after all, a Member might not be re-elected and, as was rather implied, he might be, and that therefore there would be an impasse if there were no provision for putting someone in his place and you would have a reduction in membership. If I am wrong in my recollection of that, I certainly would wish the record to be corrected.

Therefore, as the matter was discussed in the sub-committee, the United States Delegation finally arrived at the conclusion that it would cast its support for the proposal which is now contained in the Report of the sub-committee.

Now, that is as far as I am really authorised to go in commenting on that, but I should like on my personal responsibility, without having discussed the matter with the Head of our Delegation, to say a few words next with reference to the matter of the way in which provision is made for the election of other Members of the Board. It is my personal feeling that the chief points that have been made in criticism of that proposal, firstly by the Delegate for Norway and at more length by the Delegate from Australia, have a great deal of substance. I, personally, am not at all certain, notwithstanding that I am a Member of the sub-committee which submitted this Report, that it might not be better to abolish the grouping and to leave the election of the Members of the Board, those that are not provided for on the permanent seats, shall I say, to a "free for all" and to let everyone take his chance.

It would be fine if they could all win; but there are not enough places, and perhaps we would just have to pray that the devil would not take the hindmost!

CHAIRMAN: The Delegate of Cuba.

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, it seems, at the actual stage of this discussion, that we are not going to enter into the substance of the whole problem, but only to consider the proposal submitted to us by the Sub-Committee and the amendments that have been filed during this Session.

It seems that we may have in the text of the draft that is submitted to the World Conference as Alternative A the proposal suggested by the Sub-Committee. Then we should have some alternatives - I would prefer one alternative and not more than one, if those Delegations that are not in agreement with the suggestion made by the Sub-Committee could arrive at a single text that should be presented.

We have seen with satisfaction that the geographical factor has been borne in mind in the text submitted by the special Sub-Committee, but it is my duty to state that the Cuban Delegation cannot accept the naming in the legal text of the nations that must comprise the Executive Board of I.T.O., because, in our opinion, it violates the principle of equality of nations.

We have said at a former opportunity, and we repeat it now, that we feel that a certain number of the most important nations of the world, from the economic point of view, <sup>should</sup> be elected and re-elected to have a permanent seat on the Executive Board; but we consider that they should be elected by all the Member nations of I.T.O. - that is to say, they must have their seats

by the will and consent of all the other nations.

This problem was the subject of very lengthy discussions when the Charter of the United Nations was under consideration, and in the Charter we have two systems. One is the procedure followed in Article 23 - Composition of the Security Council. Names are stated in the Charter: that is not a very popular system. Nevertheless, there was some reason for it - the maintenance of international peace and security, as well as equitable geographical distribution.

We think, however, that in Article 61, setting up the Economic and Social Council, we have a very good pattern to follow. I am going to read the text of the Charter, because it might be the solution of the problem:

"The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly".

That means that we could have the six most important nations elected for three years, and then another six nations elected for two years, and the rest, of the third part of the group for one year. There is no doubt that by their importance, their interests, their political ties and relations with the other nations, the most important nations of the world will always be elected and re-elected, inasmuch as they continue to be important from the economic and political point of view. That is why we favour inserting in the proposed Charter an alternative covering a system different from the one submitted, which we cannot accept.

Mr. COLBAN (Norway): Mr. Chairman, on a point of order. I wonder whether we cannot confine ourself to the presentation of alternative drafts without continuing a discussion on the merits of this question.

We know before-hand that we shall come to a decision approved by a considerable majority of the Members of the Commission, and is it worth while then to continue the discussion?

CHAIRMAN: I think the point of order taken by the Norwegian Delegate is quite a valid one, but I have on my list three speakers and I think they desire to speak on the general question, and I would therefore suggest they should confine their remarks to comments on the various proposals, and indicate what their purpose would be - either the various proposals now before the Commission, or any other proposals which they may favour.

I would like to know what other Members of the Commission wish to speak, so that we can then arrange to close the Debate after they have spoken.

The Delegate of the United Kingdom.

Mr. HELMORE (United Kingdom): I take it your intention is quickly to come to a decision on what text should go in both on the Drafting Committee's text and on the Australian text which has just been circulated; but if it is your wish I would sooner reserve my remarks until the Commission has come to a decision on the main issue.

CHAIRMAN: Yes, I would ask that any drafting points be deferred until we decide on what basis we come to.

The speakers on the list now are Belgium, Netherlands, Brazil, China, South Africa. Any other Delegations wish to speak on this subject?

Mr. WUNSZ KING (China): Yes.

Dr. HOLLOWAY (South Africa): Only if the merits are going to be further discussed. If not I am quite prepared to keep quiet.

Mr. WUNSZ KING (China): I wish to speak only one sentence in my capacity as Chairman; and then one or two sentences in my capacity as the Delegate of China.

CHAIRMAN: I therefore propose that after the Delegates of the Netherlands and the other countries have spoken we close the debate on this, and discuss how we ought to proceed further.

The Delegate of Belgium.

Baron P. DE GAIFFIER (Belgium) (Interpretation): Mr. Chairman, as you have asked us to be brief, I shall be very brief now, but first of all I would like to state that I have listened with great care and taken into good consideration the remarks made by Mr. Colban. We have always found it to our advantage to follow the advice he gave us, which has always been extremely good and sound advice, and I think the criticisms he made on Article 72 - and in particular on Paragraph (c) - were extremely sound ones.

In spite of the merits and charms which are linked with the principle of regional ties, it is quite useless, I think to underline this principle in a document like the Charter, because there may be many congenial links other than geographical ones. If we were only to take one example we could take the example of the British Commonwealth of Nations, where the links are not geographical ones.

Nevertheless, I would like to say that the document which was put forward by the Sub-committee presents real advantages. I was not a member of that Sub-committee and for that reason I will leave it to a member of the Sub-committee to defend this text. In spite of that, I would like to propose that Article 72 should be sent to the Havana Conference as the first text to be inserted in the draft, and that we should send a second text to the World Conference, the text put forward by Mr. Colban or the text as it was amended by Dr. Coombs. But I would press that we should not send more than two texts to the World Conference.

CHAIRMAN: The Delegate of the Netherlands.

Mr. A. B. SPTEHENBRINK (Netherlands): Mr. Chairman, when I asked for the floor it was to support the argument of Mr. Colban and also his proposal that the draft text should be put

before the World Conference as a definite proposal.

I agree with other speakers with regard to their criticisms, for instance, with regard to the election by groups of countries. The election ought to be by the Conference and by nobody else.

I also underline the importance of the system of voting. It makes it very difficult to decide here, before you have decided how you will vote, how you will deal with it at the World Conference on the specified draft as put forward here.

I also agree that it is very difficult to come to a definite conclusion here when you do not know the exact membership of the ITO.

I could go on with a few other points but I will not take up the time of Members by doing so. I am therefore quite agreeable to have several alternative texts brought before the World Conference. If you bring them into discussion, I might say a few words on them, but not now.

I only want to say one thing: whatever we decide here, this is a very important thing which we are discussing. We are sitting here receiving drafts at the last moment and not having the possibility of contacting our Governments, so, <sup>as</sup> I asked before, what is the value of agreeing here on certain points?

I must make a very special reservation here that whatever I can agree to as to the texts to be sent to the World Conference - even if I should express here my preference for one of these texts - is only conditional, because I have no time and no opportunity of asking the opinion of my Government at this late stage of our Conference.

CHAIRMAN: The Delegate of Brazil.

Mr. O. PARANAGUE (Brazil): I feel obliged to say a few words about the Executive Board, because I am responsible for the skeleton of this plan, with the collaboration of the United Kingdom Delegate in the Sub-committee.

When I put forward this general plan it was not an innovation; it was the precedent of the Fund, because in the Fund you have five appointed Directors and you have election by groups. The Delegates who oppose here the election by groups were elected to the Fund by groups. For example: the Netherlands was elected with the Union of South Africa; Belgium was elected with Iceland and Luxembourg; Czechoslovakia was elected with Poland and Yugoslavia, and Canada was elected with Norway.

We have this precedent, which is working perfectly well - we have never had any trouble on the Board of Directors with this grouping - and I do not see why countries which accepted a system which is working so well should reject the same system here. That is the reason why I put forward this general plan. It is not mine: it is the plan of the American Treasury. I only adapted it for the ITO, and the percentage of voting is also taken from the American Treasury. That is the merit of this plan.

About the other plan, I perfectly agree that the Havana Conference ought to have all information about the other alternatives - Mr. Colban's alternative, and Mr. Coomb's alternative - but I think that we ought to send all the three alternatives to Havana.

I have also another consideration. We did not have a roll call for Mr. Colban's alternative: we simply decided to send the three alternatives to Havana. I do not know why we should have a roll call for the two alternatives about the Executive Board. I propose that we should reduce this discussion and send the three alternatives to Havana.

M. ANGEL FAIVOVICH (Chile) (Interpretation): Mr. Chairman, I shall be extremely brief. The form which is to be given to the Executive Board if we follow the advice of the sub-Committee, is an arbitrary one, and the reasons against the groupings which were proposed by the sub-Committee, were given here by the representatives of various delegations, and I entirely agree with the reasons. Therefore, we have to reject in the name of our delegation the Report of the sub-Committee, and we would like to second the proposal and the arguments put forward by the delegate of Norway because this proposal seems, in our opinion, to be the best one because it is in accordance with the legal and political principles of the United Nations.

H.E. Mr. WUNSZ KING (China): Mr. Chairman, first of all I would like to apologise if I should speak more than one or two sentences.

Speaking as the delegate of China I would strongly support the request made by the Indian delegate for a permanent seat on the Executive Board, while at the same time I would not make any comments on his quantitative considerations because, as I pointed out yesterday, the selection of the 7 permanent Members was not based on such considerations.

Speaking as the Chairman of the Sub-Committee, I feel grateful to Mr. Colban, and to you, Mr. Chairman, for having made the ruling that all remarks should be confined to the proposals and the alternative proposals because that ruling seems to have relieved me of the thankless job of giving explanations to all remarks and all the severe criticisms. However, it seems to me that I cannot let some of the remarks pass unanswered. One of them is this: that Mr.

Colban seems to have some worry about the mysterious disappearance of his formula in the sub-Committee, but I can assure him that that was not the case. The formula was very much in our minds when the question was taken up. Of course, there were many other formulae and if Mr. Colban's formula has somehow mysteriously disappeared, they might have shared the same fate, which was not the case.

Mr. Colban's formula had its beauty because it was very simple and, as I had the occasion of pointing out to him, it seems to me that its weakness also lies in its simplicity, because if some such simple formula were to be adopted, then it would have the distinct disadvantage of leaving the door wide open for lobbying, which is certainly not very desirable.

Then the formula again seems to me a little bit too rigid, because, unlike the formula which was submitted by the Sub-Committee it does not provide for periodic review, to take one instance only.

Mr. Colban also questions the wisdom of leaving this mode of election to the geographical groups. I think there is much in the point, but, on the other hand, don't you think it would be still more democratic that the election should be left to the various groups and not be sponsored by the Conference as such.

As to the question of confidence, I do not think there is any point of confidence or lack of confidence, because, if the formula were adopted by the Conference, then the Conference would be well aware of the situation and in agreeing to the formula certainly the Conference would have already given its implied confidence to the various groups themselves.

Now, as to the point that there was no re-arrangement of groups, I can assure Mr. Colban that that point has been taken care of in the Sub-Committee's formula.

Having said so much - or, rather, so little - I would say that the point mentioned by the United States delegate was perfectly in order so far as my memory goes. Of course my memory is just as good or just as bad as yours.

Now the Cuban Delegate seems to be strongly opposed to the naming of the seven or eight permanent Members in the formula, but we can very easily recall that there have been many international precedents in this connection. The other day,

Ambassador Colban reminded us of his own experience during his long years of service in international organizations, and in this I entirely agreed with him, for I somehow have the same experience. I distinctly recall that in 1920, when the question of the election of the four non-permanent Members of the Council was taken up, there was a good deal of discussion, as a result of which quite a large number of criteria were set forth to guide the election.

Now, the whole idea which underlies the Norwegian and Australian proposals seems to me that it should be left to the Conference itself to have a free election. Well, I do not argue on this particular point, but I would like to remind my colleagues that if any criteria were to be set up on the basis of the chief economic importance and on the basis of the technical distribution of States on considerations of geography, and so on and so forth, this really does not constitute any restriction on this liberty of choice in election: it would rather represent an enlightened and judicious exercise of that right.

Having said so much, I would like to call your attention, Mr. Chairman, to this point: that if it is the general feeling of this Commission that, instead of taking a decision on this particular question of the composition of the Executive Board, we should follow the example, happy or unhappy, which was set yesterday, and simply decide to forward two or three alternative drafts to the Havana Conference, while I have no serious objection to that procedure, I would like to say that, if that procedure were to be followed, then it would mean that, in so far as the Sub-Committee on Voting and the Composition of the Executive Board is concerned, we have not done anything. And that would certainly bring discredit to the Sub-Committee,

especially to its Chairman, and I am very much afraid that would diminish my own chance of getting elected as Chairman again!

Therefore, for that reason if for no other, I am personally in favour of taking a decision on this question of the composition of the Executive Board, and, if the Rules of Procedure are any guide, I suppose that these proposals would be put to the vote in the reverse order of seniority, which would mean that the Australian proposal would be voted upon first, and, if it is defeated, then we will come to the Sub-Committee's formula, and then - well, you enjoy the distinction of seniority, Mr. Colban - to Mr. Colban's formula.

I submit to the Chairman my views and, of course, in questions of procedure, I am entirely in his hands.

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CHAIRMAN: The Delegate for South Africa.

DR. J.E. HOLLOWAY (South Africa): Mr. Chairman, I wish to support the proposal of Dr. Colban. I shall try to be brief about it.

During the weary months which this Conference has moved along at snail's pace, I have had a feeling of ever growing disillusionment. I should have thought that a body coming together here, a constituent assembly, to draft constituents for the world body, would have been able to hold itself down to fundamental principles much more than we have been doing. The principle has been swamped by opportunism again and again, frequently because we cannot help ourselves, but in this very important matter on which we have given hostages to fortune there is, except in the proposal of Dr. Colban, as has been pointed out by various speakers, not even an attempt to consider whether there is not an over-riding principle dealing with these matters, which we can only disregard at our peril. Yet, such a principle is, and it stands clear as a beacon, based on the fact that this body of Executive Directors is a body of trustees. We are all putting things of the greatest importance to our countries in their hands and we vest a lot of power in them. They can be called to order as far as they are nationals of a particular country by their country, but they cannot be called to order by the great majority of states outside. The only way in which the states outside can look after their interests is in the Conference, but all the decisions which are taken in between are taken by the Executive Directors in their function as trustees.

Now, the suggestion from the sub-committee is that you should

immediately out away from your obligation of trusteeship by making them responsible not to the people whose interests they are to safe-guard, but to certain groups.

I think, Mr. Chairman, in the ordinary course of things the important countries will be represented. It will just happen naturally that the big powers, the countries with big commercial interests, on the very account of those big commercial interests, will be represented. I think that representation will probably go on unbroken, but I only have that view because I think these countries will put on to the Board men who can be trusted to carry out that duty of trusteeship properly. I see nothing sacrosanct in any big country having a right to membership of this Board of trustees. Every Member of that Board of trustees has a trust towards every Member of the Organization - towards every Member, not towards one particular country - and if it should so happen that a great power abuses that position of trust, what should happen? What should happen is what should happen in all cases - when there is an abuse of trust, the people who have put that trust in him should have the right to throw him out, and unless you keep that power vested in the hands of the constituents of this body of trustees, what you are telling us small countries is this:- "Come into this Organization at your peril".

Thank you, Mr. Chairman.

CHAIRMAN: I shall now endeavour to sum up, for the assistance of the Commission, the discussion which has taken place on the Report of the Sub-Committee regarding the composition of the Executive Board.

First of all, I would like to mention one point about which there has been general agreement in the Commission, and that is that if there is to be a permanent seat, a permanent seat should be allotted to India. I am afraid that there has not been the same degree of general agreement on the other points.

We have three proposals before us: The proposal of the Sub-Committee, the proposal of the Norwegian Delegation, and the proposal of the Australian Delegation.

We also have a proposal that, instead of coming to a decision now, we should forward to the World Conference three alternative proposals. That proposal would also have to be put to the Commission, and it would seem to be the proposal on which a decision should be reached first, because if we are to submit three proposals to the World Conference, there is not very much need to discuss which of the three proposals the Commission prefers.

I would like to point out that the position respecting the composition of the Executive Board is rather different from that pertaining to the question of voting. When we considered the question of voting some weeks ago, the United States Delegation made the proposal that we should not decide this question, but that the Sub-Committee should submit various alternatives. It seemed to be the general sense of the Commission on the question of voting that these various alternatives should go forward to the World Conference, following the precedent which was followed in the case of relations with non-Members.

Now, in the case of the composition of the Executive Board, it has always been the understanding that we would endeavour to agree on one definite proposal. I think it would create a very unfortunate effect on public opinion outside the Conference if we were not able to agree on this matter. On the other hand, if we cannot obtain very general agreement on any one of the proposals before us, it may be that the Commission will have to decide that the only alternative is to forward the various proposals to the World Conference. I would think, however, that the fewer proposals we forward to the World Conference the better the impression that will be created,

Now let us examine in essence the three proposals before us. Two of the proposals (and I will refer to the Australian proposal as "the Australian proposal" even though it represents a compromise between the two schools of thought) - the Sub-Committee's proposal and the Australian proposal, contain a provision for permanent representation directly provided for in the Article. The Norwegian proposal provides for no permanent representation.

The essential difference between the Australian proposal and the proposal of the Sub-Committee is that the Australian proposal contains no provision for what I would describe as geographical representation, so that I think the way might be clear if we might first of all obtain the sense of the Commission on this question as to whether or not the Commission desires to include in the proposal the principle of geographical representation.

Dr. COOMBS (Australia): On a point of order, Mr. Chairman, could I make a suggestion. It seems to me, if we are going to consider this question, the critical choice is between the proposal of Mr. Colban and one of the Committee's proposals labelled the Australian proposal; so that actually our proposal is not an alternative but a suggested Amendment to the Committee's proposal, if the basic principle is adopted.

I am making this point because if it comes to a choice between the proposal labelled the Australian proposal and Mr. Colban's, we would not want our proposal considered unless the principle of permanent seats is agreed to, and it does occur to me, therefore, that formally the correct way to deal with this is to regard our proposal as a forecast amendment to the Committee's proposal, and to deal with the Committee's proposal as the furthest away from the original text, and if that is carried, to take our Amendment; if it is not carried, to deal with Mr. Colban's proposal which is closer to the original text. In that way I would be permitted to vote against the Committee's proposal. If that is carried, I could then submit my amendment to that. If it is not carried my vote would then be recorded in favour of Mr. Colban's proposal.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. HELMORE (United Kingdom): Another point of order, Mr. Chairman, which is that I think you have said there was a proposition before the Committee, and if not, I make it formally, that we should put in three alternative texts, and I believe that is the furthest away from all the proposals we have had.

I suggest that whether you agree completely with that point of order or not, you might perhaps take the sense of the Commission

on that proposal first, in spite of your condemnation of it, because it would save a great deal of time on other proposals.

CHAIRMAN: The Delegate of China.

Mr. WUNSZ KING (China): The Chinese Delegation wishes to support the suggestion made by the United Kingdom Delegation.

CHAIRMAN: The Delegate of Brazil..

Mr. PARANAGUA (Brazil): On a point of order, Mr. Chairman, about this vote, I must ask if we are changing completely the procedure since London.

In London alternatives were inserted in our Report and in Lake Success the same; and here I see that we are taking the majority of the Sub-Committee on an Article drafted and re-drafted even by the Drafting Committee, and we want to make that disappear.

We do not have the same preoccupation now on the formation of the Havana Conference that we had about voting. About voting it was quite clear the majority agreed with one country one vote. It was a concession, on my part, not to insist on a vote. Now, from what I see here, it is the deliberate purpose to make this Article 72 - drafted by the Sub-Committee and re-drafted by the Drafting Committee - disappear from our Report; and I will be obliged to put a reservation about that as a declaration on the subject.

Mr. O. PARANAGUE (Brazil): I should like to make another remark. It was precisely Mr. Colban who asked that we should give up the idea of taking a vote in this Commission.

CHAIRMAN: Before we deal with any other points of order, I would like to deal with those which have already been presented.

I will first deal with the point of order raised by the Delegate of Brazil. I wish to assure him that there was no intention on the part of the Chair to displace the proposal of the Sub-committee. It was just because, as Mr. Colban said, it is desirable to avoid a vote, that I was exploring the situation to see if there was not a basis on which we could reach general agreement without the necessity of coming to a vote.

The point raised by Mr. Helmore is perfectly valid.

The first question to be decided is whether or not we should forward to the World Conference the various alternative texts.

With regard to the point of order raised by Dr. Coombs on the question of voting on the three proposals before us; if it is necessary to put this to the vote the procedure would be somewhat as follows: the proposal of the Australian Delegation certainly can be regarded as an amendment to the proposal of the Sub-committee and therefore it should be put first - at least, it should be put before the proposal of the Sub-committee, although it is rather unusual to put an amendment before the main motion.

It is difficult for me to decide in what order Mr. Colban's proposal should come, but I think we can leave that over until we have decided the main question.

Before we do that, I should like to explore the possibility of coming to some agreement. However, if it is the desire of the Commission, I shall have to put to the vote the question of whether we shall furnish to the World Conference the alternative texts.

The Delegate of France.

M. ROYER (France) (Interpretation): Mr. Chairman, the French Delegation has abstained from taking part in the discussion until this moment because we thought the suggestion put forward by Mr. Colban was the simplest one; that is, to send the proposed draft which he put before the Commission to the World Conference.

We agree with what Mr. Colban said; that is, that the substance of these proposals should not be discussed here. I think it would be very wise if we followed Mr. Colban's advice now.

The French Delegation in the Sub-committee adhered to the text proposed by the Sub-committee because this text gained the approval of the Sub-committee, and the French Delegation has up to now maintained its adhesion to this text, but I do not think that for this text a sufficient majority can be obtained to send it to the Havana Conference. Therefore I think that no clear majority could emerge from our debate at this late stage.

It is certainly very regrettable that one text cannot be sent to Havana. Nevertheless, we have to face the facts and I think the only thing we can do now is to follow Mr. Colban's advice and send the alternative texts to Havana.

CHAIRMAN: Is the Commission agreed on the proposal of the

United Kingdom Delegate, supported by the Delegate of France; that is, that we send the three texts - the text of the Sub-committee, the text proposed by Mr. Colban and seconded by M. Royer, and the text proposed by Dr. Coombs - to Havana?

M. Royer (France) (Interpretation): I supported, not the text of Mr. Colban's proposal but his proposal to refer it to Havana.

Mr. A. B. SBEKENBRINK (Netherlands): Speaking on a point of order, Mr. Chairman; I cannot quite reconcile the suggestion to have the text of the Sub-committee as a proposal with what you remarked some time ago about a consensus of opinion on the inclusion of India's permanent representation.

CHAIRMAN: After we have come to a decision on sending these three texts to Havana, we will then have to approve the form of the three texts. That will give an opportunity for any amendment, including the amendment which the Netherlands Delegate has suggested.

Dr. H.C. COOMBS (Australia): Mr. Chairman, I am embarrassed about this question because the decision we must make about sending three alternatives to Havana depends on the balance of opinion, and the only justification for sending one alternative text is the absence of unanimity or the absence of a clear majority opinion, and if it is your view from the debate that there is insufficient agreement to send on a single text of the reservations, then I would be content for it to go on; but I do believe that there is insufficient agreement to be able to decide on this question.

CHAIRMAN: We think we shall have to take a vote on that question to see whether or not the Commission is in favour of submitting three alternative texts to the World Conference; and therefore, as Mr. Helmore proposed, we shall take a vote on that question.

Dr. H.C. COOMBS (Australia): I am sorry to be difficult about this, but quite frankly I would not know how to vote on this point. If there is a serious division of opinion on this question, then I am in favour of sending the alternative texts, but if there is no serious division of opinion I do not know the answer.

CHAIRMAN: I have been endeavouring to avoid taking a vote on this question, because I did hope that there would be a possibility of finding a solution, but Mr. Holmore has made a proposal that we should decide the question of sending the three alternative texts.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, if it would assist you in the conduct of your debate, I am prepared to withdraw my proposal on an understanding which I suggest should be as follows. You are very anxious to avoid taking a vote on this question, and I think we are all anxious to avoid taking a vote at

this time on substantial issues which we know have got to be decided by the World Conference. After all, we are only a Preparatory Committee.

Dr. Coombs, on the other hand, does not know how to vote because he does not know quite what Members think, and I believe you could very quickly ascertain what Members think without taking a vote if you were to go round the room and ask each delegate a question on what his views were on two points that you would put to us, namely, permanent membership, and geographical representation, but I think you would only be able to bear doing that if the Commission as a whole assured you that they would answer 'Yes' or 'No.'

CHAIRMAN: I fully agree with the suggestion that has been put forward by Mr. Helmore. It would facilitate very much obtaining the sense of the Commission on the question before us if we could find out who is in favour of permanent representation, and <sup>who is</sup> not in favour of permanent representation; who is in favour of geographical representation, and who is not. That would not be committing any delegation to any definite proposal. It would simply be a method of finding out the sense of the Commission and it would then enable us when the various Members of the Commission see what is the feeling of the majority of the Commission, to know better how to proceed accordingly.

M. O. PARANAGUA (Brazil): Mr. Chairman, if we use the vote to find the opinion of the Commission, as it is proposed, and all the three alternatives are not sent to Havana, how would the World Conference be informed about an alternative including different provisions. And then in the Report I believe the rights of the majority if there is a minority, would be respected. That means the majority favoured so and so, but there is a minority which thinks that it is possible for such and such a plan. If there is any reference to this minority how can the Conference in Havana know what the views of this minority are?

CHAIRMAN: The procedure I have just proposed, which is that suggested by Mr. Helmore, is not a definitive vote to decide any question for this Commission. It is simply to help the Commission to make up its mind by indicating how each Delegation feels on these two basic questions: - permanent representation versus no permanent representation, and geographical representation versus no geographical representation. By answering these questions, the members of the Commission will then provide the Commission with an indication of how the Commission feels on these two particular questions, and this will assist us materially in coming to a decision on what steps to take. We are not proposing a formal vote in any way binding the Commission to any definite proposal.

The Delegate of China.

H.E. Mr. WUNSZ KING (China): Mr. Chairman, when I supported Mr. Helmore's proposal to ascertain the feeling of the Commission as to whether or not the three alternative texts should be forwarded to the World Conference, I thought that would very much simplify our procedure and tasks; that was why I supported him as the Delegate of China.

Now it is suggested to ask us by rotation the two basic questions: the first is whether we are in favour of permanent representation and the second is whether we are in favour of geographical representation. Well, I certainly understand the first point, but I do not quite understand the second point. What do we mean by geographical representation? Does it refer to the very broad principle of geographical distribution of States, or rather the system of geographical grouping as contained in the Sub-Committee's text?

CHAIRMAN: In reply to the point of order raised by the Delegate of China, I would say that the term "geographical

representation" for this purpose means the principle embodied in the proposal of the Sub-Committee regarding geographical grouping.

The Delegate of Cuba.

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, this is not a point of order. It is just simply to say this: - the Chair has suggested a very wise system of solving this problem, as we are establishing a precedent in relation to the voting system, that is to say, we have here the Report of the Sub-Committee; there is an alternative proposition; there is the Norwegian proposition; then afterwards there is something else which might be an alternative to the text of the Sub-Committee or an amendment, or anything else. But we have here two things primarily and rightly, according to our Rules - the Report of the Sub-Committee and the alternative text submitted by the Norwegian Delegation, and we are called to give our thought and our vote to those two things.

I could not accept in this Commission, at this stage, to vote or say a word about the principle of permanent seats or the principle of geographical representation, because, at the time that subject should be discussed, I would ask for a full debate with all the implications of it. I would start by saying that we should not take some of the things, because they are prohibited under the Charter of the United Nations, and that would be illegal from the beginning. So, in order to avoid this problem, I suggest this: that we are a Preparatory Committee, drafting a text to be submitted to a World Conference, and the only thing we have to do is to offer the Report of the Committee and any other alternative text that the Commission might consider proper. And I move a formal proposition in that sense.

CHAIRMAN: The Delegate of Cuba has made a formal motion. That has the floor; that we should vote on the proposal of the Sub-Committee and on the proposal of Dr. Colban. I would point out - - - -

Dr. Gustavo GUTIERREZ (Cuba): I think I did not express myself sufficiently clearly. My proposal was exactly what the Chair had said before - to ask the Commission, if we decide to send to the Havana Conference both the text of the Sub-Committee and the alternatives presented.

CHAIRMAN: The Delegate of Norway.

Mr. Erik COLBAN (Norway): Mr. Chairman, in order to facilitate the attitude of the Commission I would interpret the proposal of the Cuban Delegate to mean that, by sending these two texts, we do not define our attitude to either one. We simply send them on as working papers.

Dr. H. C. COOMBS (Australia): As there are certain difficulties about expressing an opinion as to whether these things should go on to Havana as alternatives, I have to report that I have conducted some private research in this matter and I am satisfied that there is sufficiently serious division of opinion on this question to warrant their being sent forward as alternatives, and I am <sup>ready</sup> to express my view in that way without any further question.

CHAIRMAN: It is a little difficult for the Chair to know exactly what the motion of the Cuban Delegate is. Is it just that we send alternative texts to Havana? And, after we have decided that question, if the vote is in the affirmative, shall

we decide which texts?

Dr. Gustavo GUTIERREZ (Cuba): No - to make an extension to the Report of the Sub-Committee consisting of the text submitted by Mr. Colban and the text submitted by Dr. Coombs. Then afterwards we can decide if there is any alteration necessary to be made in the texts.

CHAIRMAN: The Delegate of Cuba, seconded by the Delegate of Norway, has moved that the three texts, that proposed by the sub-committee, that proposed by the Australian Delegation and that of the Norwegian Delegation, should be sent on to the World Conference in Havana.

Will all those in favour please raise their hands?

Those against?

The motion is carried.

We will now consider the alternative texts, first taking up the proposal of the sub-committee based on the Report of the Legal Drafting Committee given in document E/C/T/159.

H.E. MR. WUNSZ KING (China): On a point of order, Mr. Chairman, do I understand that these texts are to be sent to the World Conference as (1) the text of the sub-committee as amended by the Legal Drafting Committee, and (2) Dr. Colban's text, and (3) Dr. Colburn's text? Well, such being the case, I am wondering whether it is really necessary to discuss them at this stage.

CHAIRMAN: The Delegate of Cuba.

DR. G. GUTIERREZ (Cuba): Mr. Chairman, I think that the Commission should decide on the texts one by one because, with regard to the text submitted by the Legal Drafting Committee, it is not a final text and so the Commission has to decide if it accepts the text submitted by the sub-committee, because there are alterations and deletions here, and we are not going to send that to Havana, we are going to send a complete text to Havana. It might be, with this text presented by the sub-committee, that our French colleagues will find some inconsistencies between the English and the French, as usual, and then we will have to make an amendment.

That is the kind of alteration to be considered.

Then, in relation to Dr. Colban's proposal, I would ask him if he would agree to add small provisions taken from this text to complete his ideas.

In relation to Dr. Coombs' text, I do not dare to make any proposal.

CHAIRMAN: I think that we have to consider the texts, and I hope we can do it very rapidly without the Members of the Commission raising too many points.

As regards the point raised by the Delegate of China, we have to consider in what form this is to be put into the Charter. I would suggest that perhaps we follow the form that we have adopted in the case of Relations with Non-Members and Voting, that is, label the sub-committee's proposal Alternative A, the Australian proposal Alternative B, and the Norwegian proposal Alternative C, without giving any credit to the delegations concerned.

DR. G. GUTIERREZ (Cuba): Mr. Chairman, the Cuban Delegation does not share the opinion of the Chair in relation to the order, because we think that alternative A should be the text of the Report, of course, but Alternative B in our opinion must be the Norwegian proposal because it is the most different from the text, and then the Australian proposal, which is the compromise, should be Alternative C.

CHAIRMAN: Is that proposal of the Cuban Delegate agreed?

Agreed.

MR. A. FAIVOVICH (Chile) (Interpretation): Mr. Chairman, I would like to know whether the substance of each of these proposals is

going to be discussed or whether only the form of these proposals is to be discussed? I think that, following our agreement, the provisions of substance should not be discussed and that we should confine ourselves to discussing the form of these provisions, because in any case this schedule is going to be referred to the Havana Conference.

CHAIRMAN: We shall only discuss the form.

MR. O. PARANAGUA (Brazil): Mr. Chairman, we are sending Dr. Colban's Alternative without any intervention by the Legal Drafting Committee. We are also sending Dr. Coombs' Alternative without any intervention. Why should we send the sub-committee's proposal with reference to this document? It would put it on a different basis.

H.E. MR. WUNSZ KING (China): I entirely share Mr. Paranaqua's views.

CHAIRMAN: The Delegate of the Netherlands.

DR. A.B. SPEEKENBRINK (Netherlands): Mr. Chairman, I would only like to know how we will list these three proposals. If they are listed as proposals A, B and C, they still come under the responsibility of this Commission; if they are listed as a proposal from five delegations, a proposal from another delegation, and a proposal from another delegation, then there is no need to discuss the substance matter of these. If they are only listed A, B and C, that means that we have studied them and we think all three of them are good proposals which should be put in the Draft Charter.

Dr. J.E. HOLLOWAY (South Africa): Mr. Chairman, I suggest that we do not even discuss the form. Let the people who are responsible for them put them in the form they want to. They will go to a sub-committee at Havana and when they come out of that sub-committee their progenitors will not recognise the form, so why waste time, which is valuable, on discussing the form.

CHAIRMAN: In that case, it will be necessary for us to adopt the proposal of Dr. Speckenbrink and put forward these proposals as coming from certain Delegations; in which case I would like to know how we should describe the proposal of the Sub-Committee.

Mr. Erik COLBÅN (Norway): I think the question is quite simple. We have decided to send the Report of the Sub-Committee to Havana. Well, that will go as a Report of the Sub-Committee not considered by the Preparatory Committee. We have decided to send a proposal of the Norwegian Delegation. I am perfectly willing for it to be sent on as the proposal of the Norwegian Delegation, or of one Delegate; but in view of the support it has received here, it might probably be all right to say "A certain Delegate proposed the following text", and then finally, the Australian amendment would go forward in the corresponding way, "One Delegate suggested the following text". No further discussion could be needed here.

CHAIRMAN: I think the way in which we could reach agreement on this question would be to use the following formula, simply to state that the Preparatory Committee decided to refer to the World Conference at Havana three alternative texts regarding the composition of the Executive Board, each of which had the support of several Delegations.

Mr. G. PARANAGUA (Brazil): Mr. Chairman, I am against this discrimination, because how can we send a text from a Sub-Committee "not considered by the Preparatory Committee" and imply that the other two were considered? The text of the Sub-Committee is more than the text of one Delegation: it is the text of a Sub-Committee composed of many countries, and

some important countries, like the United States, the United Kingdom and France - it is at a higher level.

Dr. J.E. HOLLOWAY (South Africa): Mr. Chairman, we can easily get over that difficulty by putting them all to the vote and recording the votes.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I think I am entitled to say something about this. Before we began this discussion, you may remember - it was a very long time ago now - that I asked you whether it was your wish that people who had drafted amendments should put them forward in the debate, or should leave them until we had taken a decision on what we were going to send forward, and we said that they should be put forward afterwards, and that was accepted tacitly by the Preparatory Committee.

Now, the disposition at the moment in the Committee (which is no doubt looking at the clock and thinking of dinner) is to try to get rid of the job, and I would earnestly appeal to the Preparatory Committee to treat the World Conference fairly and to send it texts that are as finished as possible.

The Legal Drafting Committee (I know, because one of the members of my Delegation was on it) has used its best endeavours and spent a lot of time in trying to get the Sub-Committee's Report into the most perfect form. We set up that Committee, at an earlier stage when we were not so tired, especially to do that, and I expect the members of the Legal Drafting Committee are even more tired than the members of this Commission.

It seems to me that we should be departing from our responsibilities if we <sup>were to</sup> send forward texts that we knew were not in the best form they could be, or texts which, as Dr. Gutierrez has just told us, are in the present form of Dr. Colms' text,

which is not quite complete.

I have the same feeling about the Australian text. If we are going to send these proposals forward on an equality, as we have decided, then each of them should be brought to the best state we can, and to the same state, and that requires that each of them should be looked at by the Legal Drafting Committee.

I do not think the Commission as a whole is ready to consider them now; but I suggest (I do this with some diffidence, because it means more work for the Legal Drafting Committee) that we should very gingerly ask that Committee whether it would be prepared to sit tomorrow and to listen to any Delegations which have amendments to put forward to these texts, submitting them in writing beforehand, and I believe that without too much work they could bring before the Executive Session or some special meeting arranged on Tuesday a version of these in the A, B, C form, complete, which would take us very little time to deal with.

Alternatively, if that does not appeal to the Commission, I would seriously ask that a few amendments, designed to bring these into proper form, should be considered, and particularly an amendment of the text of the Sub-Committee or the text put forward by the Legal Drafting Committee of Alternative A, which incorporates the general desire of this Committee; but if there is to be a list of names of States who should be permanent Members of the Executive Board, the name of India should be included.

CHAIRMAN: I wish to appeal to the Members of the Commission to try to get on. We have an awful lot ahead of us, and we should not waste too much time on these questions.

With regard to Mr. Helmore's proposal, it is not possible to have an Executive Session on Tuesday, because the final Report must be ready by to-morrow night if the Secretariat are to get out a text to enable the Executive Session to take place on Thursday.

As regards the other part of Mr. Helmore's suggestions, I submit there are precedents for us submitting the various headings (a) (b) and (c). We have done it in the case of relations with new Members and in the case of voting. That does not mean any Member is committed to any one text, but simply that we want to go to Havana with the best form the Preparatory Committee finds possible.

If we adopt any other procedure, other countries might not wish to be associated with these proposals, and the only way is to name them (a), (b) and (c). So the Commission is perfectly agreeable that the Sub-Committee's proposals should be

Proposal (a)-- Mr. Colban's proposal, (b)-- and the Australian one is a compromise proposal, (c).

I therefore propose we pass here that procedure, and proceed now to deal with the texts of these three proposals, then refer these to the Drafting Committee, so that they can get them in shape for submission to the Preparatory Committee in Executive Session when it meets on Thursday.

Will all those Members of the Commission who approve of that procedure please raise their hands? Carried.

We will now consider the text of the Sub-Committee as prepared by the Legal Drafting Committee - Paragraph 1.

Mr. ANGUS (Canada): Mr. Chairman, if your suggestion that there was unanimity about the admission of India is approved, it may have to be a consequential Amendment here. I suggest we take that up later.

CHAIRMAN: Is Canada proposing that India should be included among the countries named in sub-paragraph (a)?

Is that proposal of the Canadian Delegation approved?

Agreed.

The Delegate of Cuba.

Mr. GUTIERREZ (Cuba): Mr. Chairman, I have a certain doubt that I want to put before the Commission. Before doing so I would express very clearly that I do not make any objection to any one of the nations that are mentioned. On the contrary, the Cuban Delegation would be very happy to allow them to be appointed to permanent seats on the Executive Board.

I suppose that the Members of the Executive Board should be Members of the Organization, and if we take the Articles that deal with Membership, we shall find there that the Customs Union have a different Membership of the Nations.

I am quite happy with Benelux being a Member, but we are drafting the Charter of a World Organization, and I have just read in the paper that units are being formed in the Balkans, and perhaps some other places of the world are in preparation, and I do not know if legally, not being Members of the Organisation, they can be elected on to the Executive Board.

So I raise that doubt from the juridical point of view, and would like to understand and know the answer of the Committee.

CHAIRMAN: The Cuban Delegate will note that the Sub-Committee referred to this question on page 3 of their Report, and they said that owing to the limited time available to the Committee to study the subject of the Executive Board, certain problems have been left unresolved, in particular the power of the Customs Union to appoint a Member of the Board.

I think that the point he has raised could be covered by a note which would be put in the Report.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. HELMORE (United Kingdom): Are you taking this by sub-paragraphs or by whole paragraphs, Mr. Chairman?

CHAIRMAN: By sub-paragraphs.

Are there any other proposals regarding the opening paragraph and sub-paragraph (a)?

Is sub-paragraph (a), with the inclusion of India and a Note covering the question of a Customs Union, approved?

(Agreed)

Sub-paragraph (b)

Mr. HELMORE (United Kingdom): Mr. Chairman, there is a point of drafting. The Legal Drafting Committee have deleted, in the following sub-paragraph, the titles of the groups - "Arab States" and "Scandinavian States" - and have left the matter at a list of countries. I want to suggest that, similarly, the title of the group in sub-paragraph (b) - "American Republics" or "American States" - should be deleted and that instead we should have a list of the countries in the group.

This is not merely an amendment designed to ensure complete conformity; it is to remove possible ambiguities, because one of these days Newfoundland may be a State and I am not sure whether it is the intention that Newfoundland should be in this group or not. I suspect that on Dr. Coombs's principles - wanting the same people with the same interests in a group - it might be inappropriate.

I might also point out that there are two British Colonies on the South and Central American mainland which one of these days might be States and which might not wish to be in the same group.

Mr. O. PARANAGUA (Brazil): I think this way of complicating matters is very interesting, because everybody knows what are the Latin-American Republics. If we are going to have such care and precision when we speak about a country being composed of such-and-such provinces, I might mention that you can also have a secession.

Why not have a general denomination? Why have a long list? I cannot see any reason for it.

When we speak about the United States here, we might put a note - "or some other territory which may join the United States" - for example, as in the case of Hawaii. If there is to be a 49th State then we must put in a provision, because otherwise it is not included in the expression "the United States." I think there is no need to put that.

CHAIRMAN: The Delegate of Cuba.

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, although I do not know what kind of rabbit Mr. Helmore is bringing out of his hat, I really would prefer that we follow his advice and state the nations by their names, because we do not like Cuba to be called anything other than The Republic of Cuba. And here he is talking about "American States"; they prefer to be called "American Republics."

CHAIRMAN: I would suggest that perhaps Mr. Helmore might leave this question to be decided at the World Conference.

Mr. HELMORE (United Kingdom): I cannot quite see why I should do that, Mr. Chairman.

CHAIRMAN: I think we must put the suggestion to the vote, because we cannot spend time on questions like this.

The United Kingdom Delegate has proposed that the Latin

American States should be specified by name, which I take it would mean that in sub-paragraph (b) they would be suppressed and they would come under sub-paragraph (c).

Mr. HELMORE (United Kingdom): No, it is much simpler than that, Mr. Chairman. I am sorry if I did not make it clear. Instead of - I am referring to the Legal Drafting Committee's text - saying "the American States", we should say "the following group of States" and then we should have a list, in conformity with the lists in sub-paragraph (c) (i) and (ii).

Mr. PARANAGUA (Brazil): Mr. Chairman, may I quote an Article of an international agency? In the Bretton Woods Convention of the International Monetary Fund, it says in Article 12, Section III (b): "Two shall be elected by the American Republics <sup>not</sup> entitled to appoint Directors."

I think that is quite sufficient.

CHAIRMAN: Will all those Members of the Commission who are in favour of the proposal made by Mr. Helmore please raise their hands.

Dr. GUSTAVO GUTIERREZ (Cuba): But I cannot vote, Mr. Chairman, on American States when it is American Republics. Therefore I must abstain.

If we should follow the suggestion made by the Brazilian delegate that when making the nomination they should be named the American Republics, there would be a confusion if you say "The American States."

CHAIRMAN: When we were dealing with Mr. Helmore's proposal I was taking the Legal Drafting Committee's report.

Mr. J.R.C. HELMORE (United Kingdom): May I withdraw my proposal, Mr. Chairman, if we have to talk about the American Republics. In my proposal I was taking the wording of the Legal Drafting Committee's Report, and the delegate of Brazil seems to me to be reading all the time the words that were deleted, when he spoke about the American Republics.

CHAIRMAN: The Drafting Committee deleted the words "Republics not entitled to appoint Members of the Board" and substituted it by the words "States not entitled to a seat on the Board under subparagraph (a)." I take it that we could reach an agreement if we changed the wording to "Elected by the American Republics not entitled to a seat on the Board under subparagraph (a)." I think that will meet the case.

Mr. H.F. ANGUS (Canada): There would be a consequential amendment to the French text, I understand.

M. ROYER (France) (Interpretation): Canada, of course, cannot be counted as a Republic.

CHAIRMAN: Is that agreed?

Sub-paragraph (c).

Mr. H. F. ANGUS (Canada): Mr. Chairman, I would suggest that if it meets with the general approval one might add the words after "groups of States" "if Members desire to be represented as a group." I do not think the sub-Committee intended to form compulsory groups and it would meet Mr. Colban's point.

CHAIRMAN: Does everyone agree with this proposal. Approved.

Sub-paragraph (d) Approved.

Paragraph 2. Approved.

" 3. Approved.

" 4 Approved.

" 5 Approved.

" 6 Approved.

" 7 Approved.

" 8 Approved.

" 9 Approved.

Mr. H. F. ANGUS (Canada): While going so fast we left out a consequential point under paragraph 1(c), that if a group of States should elect to disband, one more Member will be added to the pool which they join.

H. E. Mr. WUNSZ-KING (China): I would like to raise a very small point on page 3, line 4. The word "certain" is substituted by "minimum". I am not quite sure whether "certain" may also mean "minimum," because I should like to keep the word "certain."

M. ROYER (France) (Interpretation): Mr. Chairman, I would second this proposal because in French when you say that a State represents a minimum proportion of trade, this minimum amounts to nothing.

Dr. GUSTAVO GUTIERREZ (Cuba): I support this also

CHAIRMAN: Then it is approved. I did not quite understand the proposal of Canada

Mr. H. F. ANGUS (Canada): My proposal was this, Mr. Chairman, that if a group under paragraph 1(c) were chosen by its members not to be represented it would then fall under 1(d), and my suggestion was that there should be a provision that 1(d) should then elect not 5 members but 6.

Dr. H.C. COOMBS (Australia): I presume it would be possible for the American Republics to decide not to elect their members collectively, and therefore it would be necessary to amend (d) so as to make the number of members to be elected variable according to which of the groups are elected.

CHAIRMAN: I think that point is covered by paragraph 2 which provides that the Conference shall make regulations on the reallocation of seats.

As I understand it, the Sub-Committee's report was put before this Commission and the Commission would then make changes but all questions of substance have been covered.

M. O. PARANAGNA (Brazil): This question of the amendment of the Canadian delegate is a question of substance.

CHAIRMAN: The Delegate of Canada.

Mr. H. F. ANGUS (Canada): Mr. Chairman, we have made two changes of substance; one in including India, and the other in allowing a group to disband. My understanding is that both changes were made quite unanimously, as a result of the general discussion here, and I cannot think that there can be any principle violated by such action.

CHAIRMAN: I understand the Canadian Delegate has withdrawn the last suggestion he made.

Mr. H. F. ANGUS (Canada): Which one?

CHAIRMAN: I don't know. The amendment - - -

Mr. H. F. ANGUS (Canada): No, I said we made two changes of substance representing unanimous opinion. They are not contentious changes of substance. One is the inclusion of India, the second, allowing a group to disband. The third seemed entirely consequential on the second, merely a matter of drafting it, saying that if a group does disband there is one more Member given to the people under (d) whom that group joins.

CHAIRMAN: I see. That is covered by paragraph 2.

Mr. H. F. ANGUS (Canada): Mr. Chairman, paragraph 2 would give the Conference authority to make that change, and it is perhaps immaterial whether it is done in that way or done automatically, because one can hardly imagine them refusing it.

CHAIRMAN: It would be done at the World Conference or perhaps at a subsequent Conference. Does the Commission agree with that explanation?

H.E. Mr. WUNSZ KING (China): How does this sub-paragraph (d) read now?

CHAIRMAN: There is no change in (d).

We will now take up the Australian redraft which will have to be submitted to the Legal Drafting Committee for final review.

(Australia):

Dr. H.C. COOMBS: / But may I draw attention to an omission, Mr. Chairman?

CHAIRMAN: There is a change in sub-paragraph (d); following the proposition of the Delegate of China, the word "certain" before "minimum" has been reinserted.

Dr. H. C. COOMBS (Australia): In point 3 of this suggested re-draft we would wish to incorporate, after the word "by" in the first line the words "two-thirds vote of", so that the proposition would then read: -

"Nine other Members shall be elected to the Board by two-thirds vote of the Conference."

Furthermore, Mr. Chairman, point 6 we feel is unnecessary and might be deleted.

CHAIRMAN: The Australian Delegate proposes to modify his proposal by adding the words in paragraph 3, after the word "by" - "two-thirds vote of", and to delete paragraph 6.

Mr. O. PARANAGUA (Brazil): Mr. Chairman, I am opposed to this procedure. We ran over this alternative; we approved the alternative, and now we are beginning to do away with the alternative. That means in the end we are doing nothing. We do not know what we are doing. With all this improvisation we do not know what we are approving.

CHAIRMAN: I think we decided to refer the three alternative texts to the World Conference on the basis of the Sub-Committee's proposal, the Australian proposal, and the Norwegian proposal. We are now considering these three proposals in the form in which we will submit them to the World Conference. Has the Brazilian Delegation any objection?

Mr. O. PARANAGUA (Brazil): What are we discussing now?

CHAIRMAN: The Australian proposal.

Mr. O. PARANAGUA (Brazil): All right. Thank you.

CHAIRMAN: Does the Commission agree to insert the words proposed by the Australian Delegate?

H.E. Mr. WUNSZ KING (China): What are the words?

CHAIRMAN: To add in paragraph 3, after the word "by", the words "two-thirds vote of", making the phrase read "by two-thirds vote of the Conference." It is also proposed to delete paragraph 6.

Dr. A. B. SPEEKENBRINK (Netherlands): May I ask the Chairman to propose the text paragraph by paragraph?

CHAIRMAN: First of all, are those changes submitted by the Australian Delegation approved?

Approved.

Paragraph 1.

Mr. J. R. C. HELMORE (United Kingdom): Mr. Chairman, I have an amendment to paragraph 1 which leads up to an additional paragraph which I wish to suggest for the purpose of completing this. I do not know whether you wish me to refer to that

additional paragraph now, or simply to reserve the right to put in something in paragraph 1 when we come to it.

CHAIRMAN: Will you make your proposal now?

Mr. J. R. C. HELMORE (United Kingdom): Yes, Mr. Chairman. It is to add a new paragraph 6 which would provide as follows:

(a) During the time that any State mentioned in paragraph 2 of this Article is not a Member of the Organization, the size of the Board shall be reduced accordingly.

(b) During any time that the number of Members of the Organization is less than 28, the numbers 6, 2, and 2 shall be substituted for the numbers 9, 3, and 3 respectively in paragraph 5 (b).

If I might just explain that very briefly: obviously if you name certain States by reference in paragraph 2, referring forward to paragraph 5, you have to provide for the case that one or more of them is not a Member. Similarly, if you provide for a definite size of the Executive Board and all the rest, it would be wrong in my view to leave that size the same whatever was the size of the Organization.

I therefore suggest that if there were less than 21 Members not entitled to permanent named seats on the first election, there should only be 6 other Members, of which 2 should be elected for 1 year, 2 for 2 years, and 2 for 3 years, in conformity with the Australian proposal.

MR. O. PARANAGUA (Brazil): Mr. Chairman, I think it is absolutely impossible to go on with a discussion like this. I would ask that this amendment be circulated to the Commission because we are voting and discussing here without really knowing what the discussion is about. Even the Interpreter cannot make an interpretation of it, and I suppose that Mr. Helmore himself would be unable to discuss the amendment without notes. I would like to have it in writing.

CHAIRMAN: The Delegate of Chile)

MR. A. FAIVOVICH (Chile) (interpretation): Mr. Chairman, what I have to say here is not very pleasant, but I think that we cannot go on with the discussion in the way in which it is proceeding because we do not know what is the trend of this discussion and which part we are following.

Mr. Chairman, just now you stated how the discussion was to proceed and you made a proposal, to which the Commission agreed. Therefore, following the proposal to send these texts to Havana, we discussed neither the substance of the text of the proposal by the sub-committee nor of the Australian Delegation. The result of not discussing the substance of these proposals was that two substantive amendments to the proposal of the sub-committee were discussed and voted upon, and if amendments are put to the Australian proposal now, I am afraid that the Australian Delegation will not recognise in the end the text which it proposed, because an amendment has been brought forward here and other amendments to that proposal might also be brought forward.

We agreed, Mr. Chairman, to send to Havana, three drafts, and all these matters here are outside the scope of these drafts and

are outside the scope of our discussion.

CHAIRMAN: I have been very lenient up to now in accepting amendments from the floor without giving delegates an opportunity to have them in their hands for a sufficient time to study them thoroughly.

As regards the two texts which we have before us, submitted by the Australian and Norwegian Delegations, I do not think that they have the same status as the proposal of the sub-committee. Therefore, we were in order in making changes of substance in the Report of the sub-committee, but we would not be in order in making any changes or insertions or additions to the proposals of the Australian and Norwegian Delegates.

We have accepted the changes proposed by the Australian Delegate, and he had a perfect right to submit an amendment to his own proposal.

I therefore feel that I must rule Mr. Helmore's proposal out of order.

MR. J.R.C. HELMORE (United Kingdom): Mr. Chairman, would you allow me to make a suggestion to you on that point of order, and reply to the speeches of the Chilean and Brazilian Delegates.

I would like to assure them that there is nothing I am less anxious to do than to confuse the Commission or confuse them or rush texts through. It will be within the notice of the Commission that I myself suggested that the Australian and Norwegian texts should go to the Legal Drafting Committee so that they could be put in a proper form. It is also within the memory of the Commission that the Cuban Delegate, who is also a distinguished Member of the Legal Drafting Committee, said that he wanted to make an addition to the Norwegian text to complete it, and no objection was taken.

I submit, Mr. Chairman, that the proposal I have just outlined - and I only outlined it in order to save time - is merely to complete the Australian proposal. I really cannot believe that the Preparatory Committee wants to send forward an incomplete text for study by the World Conference.

I might give the simplest example of how the Australian text is incomplete, and I feel sure that Dr. Coombs would agree with me. It is that the Preparatory Committee would look very silly in sending forward a text which names certain States which shall be elected, when we do not know that they are going to be Members of the Organization. That was the point of my first sub-paragraph, to provide for that contingency. I do not think it is an amendment of substance. It is entirely in conformity with one of the provisions in the text which we have already approved on another basis. But if the Committee feels that it would be wrong to consider these additions, and if you rule accordingly, Mr. Chairman, then, of course, we accept that ruling, but we shall have something to say about it at another stage.

CHAIRMAN: I think the Australian proposal can go forward in the form in which we would approve it now, and that the United Kingdom Delegation will have ample opportunity at Havana to make any additions to this proposal if the Australian proposal is found to be an acceptable basis for deciding this question in Havana.

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, I wish to ask a question before saying what I wish to say. When are we going to meet? Are we going to adjourn now and meet again after dinner, or meet tomorrow?

CHAIRMAN: It was my intention that we should adjourn as soon as we finish this question of the composition of the Executive Board, and that we would then discuss whether we should meet tomorrow or on some other occasion.

Dr. Gustavo GUTIERREZ (Cuba): I think that the Commission is rather tired, and we are discussing now under the pressure of nerve strain, and I do not consider that is a proper psychological condition for discussion. I agree in part with Mr. Helmore and part with my Chilean colleague. I think we could have the substance of the proposition made by the Australian Delegate, or by the Norwegian Delegate, but that we could add here in the Commission anything we consider proper to make that paper more presentable to the rest of the nations of the world. Our work is very responsible, and I am very much afraid that being tired we may be hasty and finish this as soon as possible and afterwards when we look at the text in our homes or our offices, we would regret very much that, for a question of thirty minutes or so, we have produced a paper that is not right.

I would propose, Mr. Chairman, that we adjourn and continue our work tomorrow morning. Otherwise, I would have to present two additions to the Norwegian proposition now.

CHAIRMAN: I interpret the Cuban proposal as consisting of two parts: first it is in the form challenging the ruling of the Chairman, and the second part of his proposal is that we adjourn now.

I would put to the Commission the first part of the Cuban proposal about the ruling of the Chairman. Will it be in order for the Australian Delegate to submit a revision of his proposal, embodying, after consultation with the United Kingdom Delegate,

the suggestions of the United Kingdom Delegate, or if he does not desire to do so, <sup>for</sup> the United Kingdom Delegate to present that amendment, and that will be considered by the Commission at its next meeting, the same to apply to the Cuban amendment to the Norwegian proposal?

Dr. Gustavo GUTIERREZ (Cuba): I wish to conclude my proposition in this form, that Mr. Helmore and myself get in touch with the Secretariat in order to insert in the propositions made the necessary additions, with the approval of their authors, and have the paper circulated and taken as the first matter to be dealt with tomorrow morning, when we meet again.

CHAIRMAN: I will take up the date of the next meeting later; but is the proposal of the Cuban Delegate agreed?

Dr. HOLLOWAY (South Africa): In the form of a challenge of the ruling of the Chair.

CHAIRMAN: The date of our next meeting. I will not put a motion of adjournment, because I take it that is almost unanimous. Commission "A" meets to-morrow. If we are to conclude our work in time in order to permit Plenary Sessions, it will be necessary for us to meet to-morrow simultaneously with Commission "A".

Mr. SPEEKENBRINK (Netherlands): I do not think it would interfere with the work of the Conference, Mr. Chairman, if the dates of the Plenary Meetings were changed.

I will not oppose the Meetings of "A" and "B" to-morrow, but if I have no chance, or the Debate goes on late and I have not been able to do so before, I must assert my right to speak against certain points in the Plenary Session.

The Brazilian Delegate agreed.

Sir RAGHAVAN PILLAI (India): Before we adjourn, Mr. Chairman, I should like, on behalf of the Indian Delegation, to express our sincere thanks to the Commission for its most generous response to our request for a permanent seat.

CHAIRMAN: The Commission will meet to-morrow at 10.30, or if that is not possible, at whatever time is fixed.

The Meeting is adjourned.

The Meeting adjourned at 9.05 p.m.