

SUMMARY RECORD OF THE MEETING OF THE EXECUTIVE COMMITTEE

Held at the Centre William Rappard, Geneva,  
on 10 June 1993 at 11 a.m.

Chairman: H.E. Mr. B.K. Zutshi (India)

Representatives present:

Australia	Mr. Buckley
Brazil	Mr. Graça Lima
Canada	Mr. Shannon
China	Mr. Wang Tiance
Colombia	Mr. Melendez
Egypt	Mrs. Shalaby
El Salvador	Mrs. Saurel
France	Mr. Metzger
Italy	Mr. Meloni
Mexico	Mr. Seade
Norway	Mr. Lundby
Philippines	Mrs. Bautista
United Kingdom	Mr. Young
United States	Mr. Stoler

Subject discussed: Election of Executive Secretary.

Mr. Zutshi was elected Chairman for the meeting. The Chairman recalled that invitations to the meeting had been sent to the members of the Executive Committee on 2 June 1993. It had been sent to the seventeen members of the Committee, Czechoslovakia, the eighteenth member - having ceased to exist on 31 December 1992.

The sole purpose of the meeting was to consider the question of the replacement of the Executive Secretary of the Interim Commission of the International Trade Organization, Mr. Arthur Dunkel. The term of office of Mr. Dunkel as Director-General to the CONTRACTING PARTIES to the GATT was due to expire on 30 June 1993. At a Special Session of the CONTRACTING PARTIES, held on 9 June 1993, the CONTRACTING PARTIES had approved the appointment of Mr. Peter Sutherland as their new Director-General as of 1 July 1993.

As far as the CONTRACTING PARTIES to the GATT were concerned, the formal steps for the appointment of their new Director-General had therefore been completed. However, because of the close legal and administrative link which existed between the CONTRACTING PARTIES and ICITO from the very beginning, one further procedural step had to be taken within the context of the Executive Committee.

He recalled that ICITO had been created in 1948 by a Resolution adopted at the United Nations Conference on Trade and Employment in Havana, to carry out specific functions pending the establishment of the International Trade Organization. The terms of the Resolution gave ICITO an organizational structure and entitled it to the benefits of privileges and immunities and to legal personality. At the first meeting, on 20 March 1948, the Commission had elected its Executive Secretary. The Commission had also elected its Executive Committee of eighteen members and had delegated all its powers to it, including the power to replace the Executive Secretary if that should become necessary.

The Executive Committee of ICITO had met in September 1948 (during the second session of the CONTRACTING PARTIES to the GATT) and had approved financial arrangements which conferred authority on the Executive Secretary of ICITO to provide secretariat services to the CONTRACTING PARTIES. The arrangement between ICITO and the CONTRACTING PARTIES still continued.

From a legal point of view, it was therefore the Executive Secretary of ICITO who provided secretariat services to the CONTRACTING PARTIES. Although in the course of over forty years of practical developments this subtle distinction had virtually been ignored, it was imperative that the function of Director-General to the CONTRACTING PARTIES to the GATT and that of Executive Secretary of ICITO would be exercised by the same person, so as to enable the secretariat to engage in contractual transactions, and to participate in the United Nations Joint Staff Pension Fund.

Since 1950, the Executive Committee of ICITO had only met twice, i.e. on 29 March 1968, for the purpose of appointing as Executive Secretary the then Director-General designate, Mr. Long, and on 4 December 1980 with the purpose of appointing the then Director-General designate, Mr. Dunkel. With the expiry on 30 June 1993 of Mr. Dunkel's term of office as Director-General to the CONTRACTING PARTIES to the GATT, the question of his replacement and succession as Executive Secretary of ICITO had therefore to be considered.

He proposed that the Executive Committee of ICITO agree to the appointment of Mr. Peter Sutherland as Executive Secretary. The appointment would be coterminous with his tenure as Director-General to the CONTRACTING PARTIES to the GATT.

The Executive Committee so agreed.

The representative of France, on behalf of the European Communities, congratulated Mr. Sutherland on his election as Executive Secretary. He also thanked Mr. Dunkel and expressed appreciation for the work he had done in the very particular institutional framework of the ICITO for the past thirteen years.

The Chairman thanked the representative of France for his intervention.

The meeting closed at 11.45 a.m.