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ON
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SIXTH COMMITTEE: ORGANIZATION

REPORT OF THE WORKING PARTY TO CONSIDER THE QUESTION OF AN INTERIM COMMISSION FOR THE INTERNATIONAL TRADE ORGANIZATION

1. The Working Party, composed of the representatives of Canada, Colombia El Salvador, France, Iraq, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Turkey, United Kingdom and United States, held five meetings under the chairmanship of Mr. Colban (Norway).

2. After agreeing unanimously that an Interim Commission should be established, the Working Party took as a basis of discussion a draft arrangement prepared by the Executive Secretary in the light of the procedure followed by other conferences at which the constitutions of specialized agencies were drafted. In the course of discussion certain delegations found that the signature of an arrangement might raise for them legal difficulties. The Working Party therefore agreed that the Interim Commission should be established by means of a resolution.

3. The Working Party agreed that the performance of the functions specified in sub-paragraphs 2 (c), (d) and (e) of the annex to the resolution could not result in the increase of the obligations or the decrease of the rights of Members under the Charter.

4. It was agreed that under the second sentence of paragraph 3 of the annex to the resolution the Executive Secretary of the Commission might, for example, be authorized to make available to the Contracting Parties to the General Agreement on Tariffs and Trade acting jointly in accordance with Article XXV thereof, at their request, the services of the staff upon terms to be agreed.

5. The Working Party considered that a function which the Executive Committee might usefully perform under sub-paragraph 2 (i) of the annex would be the publication of the important documents issued at Havana.

The Working Party noted however that it has not been possible at the Conference to establish authentic texts of the reports of committees and sub-committees. The attention of the Executive Committee of the Interim Commission is drawn to this fact. The Working Party assumes that, before

/the Executive Committee

the Executive Committee publishes, whether for use at the first regular session of the Conference of the Organization or otherwise, the texts of any of these reports or of any other important document issued at Havana, the Executive Committee will ensure that such texts are, as far as possible, correct and that they correspond in each language that is employed.

6. The Working Party recommends to the Sixth Committee the adoption of the following resolution and its annex:

THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT

HAVING prepared a Charter for an International Trade Organization (hereinafter referred to as "the Charter" and "the Organization" respectively)

CONSIDERING that pending the establishment of the Organization certain interim functions should be performed

HEREBY RESOLVES to establish an Interim Commission for the International Trade Organization (hereinafter called "the Commission"), consisting of representatives of the governments* which have approved this resolution and which are entitled to original membership of the Organization under Article 68 of the Charter. The terms of reference and structure of the Commission are set out in the Annex to this resolution which forms an integral part thereof.

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* The governments of .....

/ANNEX

ANNEX

1. The Commission shall appoint an Executive Committee of eighteen members to exercise any or all of its functions as the Commission may determine on appointing the Committee.

2. The Commission shall have the following functions:

(a) to convoke the first regular session of the Conference of the Organization (hereinafter referred to as "the Conference") not less than four months and, as far as practicable, not more than six months after the receipt of the last acceptance needed to bring the Charter into force;

(b) to submit the provisional agenda for the first regular session of the Conference, together with documents and recommendations relating to all matters upon this agenda, including:

(i) proposals as to the programme and budget for the first year of the Organization;

(ii) studies regarding selection of headquarters of the Organization;

(iii) draft financial and staff regulations.

(c) to prepare, in consultation with the United Nations, a draft agreement of relationship as contemplated in paragraph 1 of Article 83A of the Charter for consideration by the first regular session of the Conference;

(d) to prepare, in consultation with inter-governmental organizations other than the United Nations, for presentation to the first regular session of the Conference, documents and recommendations regarding the implementation of the provisions of paragraphs 1 and 3 of Article 84 of the Charter;

(e) to prepare, in consultation with non-governmental organizations, for presentation to the first regular session of the Conference recommendations regarding the implementation of the provisions of paragraph 2 of Article 84 of the Charter;

(f) to prepare, with a view to recommendation by the Economic and Social Council to the first regular session of the Conference, the Annex referred to in paragraph 3 of Article 87 of the Charter;

(g) to carry out the functions and responsibilities referred to in the following documents of the United Nations Conference on Trade and Employment:*

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* These documents will be listed here, together with their symbols. They have not been listed at the present time as possibly the final documents referring to these matters have yet to be issued.

/(h) to enter

(h) to enter into consultations with the Secretary-General of the United Nations regarding the expenses incurred by the Preparatory Committee of the United Nations Conference on Trade and Employment and by that Conference and, in the light of such consultations, to present a report to the first regular session of the Conference.

(i) generally to perform such other functions as may be ancillary and necessary to the effective carrying out of the provisions of this annex.

3. The Commission shall appoint an Executive Secretary who shall be its chief administrative officer. The Executive Secretary shall also perform such other functions and duties as the Commission may determine.

4. The Executive Secretary shall appoint the staff of the Commission using as he considers desirable such assistance as may be extended to him by the Secretary-General of the United Nations.

5. The Executive Secretary shall prepare and the Commission shall approve the budget estimates for the operation of the Commission. The expenses of the Commission shall be met from funds provided by the United Nations and for this purpose the Commission shall make the necessary arrangements with the Secretary-General of the United Nations for the advance of such funds and for their reimbursement. Should these funds be insufficient, the Commission may accept advances from Governments. Such advances from Governments may be set off against the contributions of the Governments concerned to the Organization.

6. Arrangements may be made with the Secretary-General of the United Nations regarding the provision of such personnel as may be required to carry on the work of the Interim Co-ordinating Committee for International Commodity Arrangements.

7. The Executive Committee shall hold its first meeting in Havana immediately after its establishment. Its subsequent meetings shall be held in Geneva unless it decides otherwise.

8. The Executive Committee shall submit a report of the activities of the Commission to the first regular session of the Conference.

9. The benefit of the privileges and immunities provided in the Convention on Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations shall, as far as possible, be extended to and in connection with the Commission.

10. The Commission shall cease to exist upon the appointment of the Director-General of the Organization, at which time the property and records of the Commission shall be transferred to the Organization.