

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE TWENTY-SEVENTH MEETING

Held at the Capitol, Havana, Cuba,
Thursday, 12 February 1948, at 3.00 p.m.

Chairman: Mr. E. COLBAN (Norway)

CONTINUATION OF DISCUSSION OF THE INTERIM REPORT OF THE SUB-COMMITTEE ON
ARTICLES 95, 96, 98, 99 and 100 (Document E/CONF.2/C.6/48/Rev.1)

Article 98 - Entry into Force and Registration

Paragraph 2 (continuation of discussion)

Mr. AMADOR (Mexico), in referring to the arguments which had been voiced against the acceptance of the amendment submitted by his delegation, reiterated the remarks which he had made at the previous meeting. The Organization would be an organization of major importance and could not be compared with other inter-governmental organizations which had come into existence when a small number of States had deposited their instrument of acceptance. He felt that, if the suggestion were adopted that the Charter should come into force when twenty nations only had ratified it, great difficulties would arise if those nations were all of minor importance in the economic world.

Mr. GUILERMEZ (Bolivia) supported the remarks of the representative of Mexico and agreed with him that if the ratifications of the more important trading nations were not included in the number of twenty ratifications which, it was suggested, should bring the Charter into force, the Organization would have little or no importance. His delegation supported the proposal of the delegation of Mexico that the entry into force of the Charter should be conditional upon its acceptance by a majority of the signatories of the Final Act of the Havana Conference.

The CHAIRMAN, referring to the fear expressed by the representatives of Mexico and Bolivia that the ratifications of the more important trading countries might not be among the number of twenty ratifications which it had been suggested should bring the Charter into force, he felt that none of the smaller trading nations would deposit their ratifications until they were
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sure that the more important nations had done so.

Mr. COUILLARD (Canada) said his delegation supported the proposal that twenty acceptances of the Charter should be required before the Charter came into force. Referring to the remarks of certain representatives that the figure of twenty was arbitrary, he said that any number that might be chosen would be arbitrary. Assuming that the larger countries, as was quite probable, would deposit their ratifications first, possibly seventy-five per cent of world trade would be represented by the first twenty ratifications. He agreed that membership should be as universal as possible, but it should only be universal on the inception of the organization to a degree which was reasonable.

He suggested that the Committee might arrive at a compromise solution. A provision might be inserted in the Charter laying down that a certain percentage of world trade must be represented in the original membership before the Charter entered into force, or a date might be included before which the Organization would not enter into operation.

Mr. RIVERA (Colombia) felt that more than half of the countries represented at the Conference would ratify the Charter without delay, and suggested that paragraph 2 should be amended to provide that the Charter should enter into force when it had been ratified by a majority of the governments present at the Conference. It should, however, automatically come into force a year after the signature of the Final Act providing that not less than twenty States representing a high percentage of international trade had ratified by that time.

Mr. GUTIERREZ (Cuba) said his delegation would accept the number of twenty ratifications to bring the Charter into force providing that number represented more than fifty per cent of international trade.

Mr. ZAFRA (Philippines) said his delegation did not object to the proposal that the Charter should enter into force when twenty nations had ratified it, as they felt that those twenty nations would represent more than fifty per cent of world trade.

His delegation would like to see a provision inserted in the Charter covering the case of those countries which, owing to the peculiarities of their Constitution, could not ratify the Charter before 30 June 1949. Mr. Zafra therefore suggested that the date "30 August 1949" should substitute "30 June 1949" in paragraph 2, and that the words "30 June 1949" should replace the words "the day" in the second line of that paragraph.

Mr. FORTHOMME (Belgium) supported the proposal that twenty ratifications should be required to bring the Charter into effect, it being understood that those ratifications would include those of countries representing a substantial amount of international trade.

/Mr. AMADOR (Mexico)

Mr. AMADOR (Mexico) believed that the final draft should take into consideration the fact that the parliamentary procedure of certain countries might prevent them from ratifying the Charter at as early a date as that set.

Mr. MARTEN (United Kingdom) believed the suggestions of the representatives of Colombia and Cuba offered a basis for an acceptable compromise. The number "twenty" should be retained as necessary to bring the Organization into force. Two-thirds of the world's trade should be represented by this number. The Charter should not enter into force for the first nine months after the date of signature of the Final Act. After the date of acceptance by the twenty Members and after nine months or longer had elapsed, there should be a period of six months' grace. The first twenty Members accepting should operate the Organization, but no country, being a signatory at Havana, should be treated as a non-Member, and no full Conference of the Organization should be held during the six-months of grace. The fifteen months would extend well into the summer of 1949, and would give all but a few exceptional countries a chance to ratify the Charter.

Mr. KELLOGG (United States) preferred the figure twenty to be retained, although he would support the Cuban compromise proposal that fifty per cent of the world's trade should be represented, and a period of grace of one year should be provided.

Mr. GARCIA SERRATO (Uruguay) felt that the proposal of his delegation and that of Mexico had improved the Geneva text. The matter was of paramount importance.

He denied that, as the representative of Canada had stated, he had referred to "hesitating countries". Twenty was an arbitrary number.

It was agreed that a working party consisting of the representatives of Canada, Colombia, Cuba, Mexico, the Philippines, United Kingdom, Uruguay and the United States, should be formed to discuss the suggestion concerning Article 98, paragraph 2.

Mexico: Proposed Amendment to Article 100 (Documents E/CONF.2/C.6/14/Add.21 and E/CONF.2/C.6/48/Rev.1)

Mr. AMADOR (Mexico) pointed out the serious difficulties of a constitutional and legislative nature arising out of the submission to the governments of Spanish-speaking countries of texts which were not in conformity with the English and French texts of the Charter. This was not simply a matter of principle or sentiment.

The Mexican delegation had withdrawn its amendment to Article 99 on a previous occasion, in order to permit unanimous agreement in Sub-Committee J, accepting the objections presented by the United States and other delegations; but it had been hoped that the Conference would recognize that the

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Spanish-speaking countries had certain constitutional difficulties. Nothing would be lost and a great deal would be gained if in Article 100 it was acknowledged that texts in the official languages of the United Nations should be authoritative for purposes of interpretation of the Charter. It was of paramount importance that Members should be perfectly sure of their commitments, obligations, rights and privileges within the framework of the Charter. To this end it was necessary that the decisions arrived at in the Conference should be in the mother tongues and in the constitutional languages of the various countries. If the Spanish text were not authentic and authoritative, and did not agree completely with the English and French texts, there would be difficulty in obtaining acceptance on behalf of governments and in applying intelligently the provisions of the Charter itself.