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

DRAFT CHARTER

Article 11

Amendment proposed by the Czechoslovak Delegation

Paragraph 2 should read as follows:

"2. The Organization, upon the request of any Member, shall advise such Member concerning its plans for economic development and shall, within the competence and resources of the Organization and on terms to be agreed, provide such Member with technical assistance in completing its plans and carrying out its programmes or arrange for the provision of such assistance. The Organization may, in accordance with the principles of this Chapter, consult with and make recommendations to that Member and appropriate intergovernmental organizations relating to the encouragement of the industrial and general economic development of Member countries."

Explanatory comment

The commentary to Article 11 of the New York Draft Charter (sub. IV, page 9) explains the addition of a new sentence to paragraph 2 as a mere transfer of paragraph 3(d) Article 61 of the London draft; the purpose of this change is to give the Organization the right of initiative to start consultations and make recommendations in respect of plans for economic development of Member countries.

However, it seems this explanation does not correspond exactly to the wording of the London draft. It is not clear that the intention was to give the Organization the right to act on its own initiative vis à vis Member's planning for economic development. These plans ought to be primarily the concern of governments of Member countries and planning generally is the right of every sovereign state. It cannot be the intention of the Charter to limit the sovereignty of states in respect of such an important matter as is the development of economic resources. Should legitimate commercial interests of Members be in any way threatened by measures taken by a Member in pursuance of its planning policy, then there are other provisions of the Charter giving the Organization the right to intervene. Such an intervention, however, should not fall under Article 11.