

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

Summary Record of the Fourth Meeting of the Tariff  
Agreement Committee held on Wednesday, 20 August  
1947 at 10.30 a.m. in the Palais des Nations, Geneva

Chairman: Hon. L.D. Wilgress (Canada)

The Chairman called the meeting to order, proposed document E/PC/T/W.301 as the working paper and asked delegates to limit discussion to each one of the seven basic issues set forth in that document as each issue will be taken up recommending that the Committee try to reach as much finality as is possible although it might be ill-advised to come to a definite decision at this stage. This procedure was adopted.

1. Submission of the Agreement to the Economic and Social Council for Approval

Dr. AUGENTHALER (Czechoslovakia) stated that as the Committee was creating here a semi-permanent or permanent institution which would be some kind of a specialized agency, the prior advice of the Economic and Social Council would have to be sought.

Mr. BROWN (United States) could not agree with the necessity of referring to the Economic and Social Council as the machinery provided here is only to permit parties to the Agreement to administer that Agreement and to carry on consultation.

Dr. HOLLOWAY (South Africa) added that if there were

a motion to submit this Agreement to the Economic and Social Council, that motion must be unanimously agreed to and, as far as South Africa was concerned, he was not ready to give his support to that motion.

Mr. WUMSZ KING (China) reminded the Committee of the Chinese amendment (document E/PC/T/W.276) which might meet some points of the Czechoslovak proposal.

Mr. GUTIERREZ (Cuba) believed, however, that this point was already covered by Article 102 of the United Nations Charter.

The CHAIRMAN concluded that, as there had been no support for the proposal of the Czechoslovak Delegation, the Committee could pass to item number 2 on the Agenda.

2. Significance of Signature of the Agreement at Geneva

The CHAIRMAN proposed that discussion be confined to the first part of the issue involved, i.e. the Australian Delegation doubt concerning the significance of the signature of the Agreement, the United States amendment in relation to this matter and the opinion expressed by the Legal Adviser of the Secretariat.

Mr. GUTIERREZ (Cuba) proposed that the signature of the Agreement be left for the last day of the World Conference on Trade and Employment in Havana.

Dr. COOMBS (Australia) could not agree with the Legal Adviser of the Secretariat who believed that the signature of the Agreement had no binding force upon the governments represented by the delegates who sign, except that those governments have agreed the

authenticity of the text, neither was he satisfied with the proposal of the United States Delegate included in document E/PC/T/W.301. Furthermore, he could not agree with the Cuban proposal. He proposed instead that on 30 September, or on a date approximating thereto, all delegations should sign a Final Act at Geneva which would authenticate the text of the General Agreement, and from that date until 15 November, the Agreement should be open for signature at the Head Office of the United Nations so that on 15 November or thereabouts there should be simultaneous public announcement and furthermore that countries should be permitted to put the Agreement into force on or after that date at their discretion.

Mr. BROWN (United States) found the Australian proposal constructive but added that there should be an agreement that certain countries at least would agree to give provisional application to the General Agreement by a certain date provided that the other countries had also signed by that time.

Dr. COOMBS (Australia) stated that his intention was to make the Agreement operative so far as Australia was concerned as soon after the signature as practicable, as a matter of fact, on the same date.

Mr. SHACKLE (United Kingdom) agreed with the Australian proposal together with the comments made by the Delegate of the United States, subject to approval by his Delegation.

Mr. DEUTSCH (Canada) also supported the Australian proposal and, as proposed by the Delegate of the United States, stated that the Agreement would not come into provisional effect for any signatories unless it came into effect also with respect to certain named countries.

Dr. COOMBS (Australia) explained that the point made by the Delegate of the United States should not prevent certain

countries taking action in advance of others provided that it was after the simultaneous announcement.

The CHAIRMAN found no objection on the part of the other countries concerned to one country giving effect to tariff reductions before them.

Mr. FORTHOMME (Belgium) pointed to the effect of the reservations made by various delegations on the Australian proposal, but the Chairman ruled that this matter could be deferred until the discussion of Items 5 and 6 of the Agenda.

Mr. ROYER (France) wanted to know the date on which the names of the countries prepared to implement the Agreement provisionally before 15 December will be inserted in Article XXXII or any other part of the Charter.

Dr. COOMBS (Australia) explained that other countries would know by 15 November how many countries had agreed to implement the Agreement by that date and then they can decide whether there were sufficient numbers who had signed to warrant taking the action which they had agreed to take. The purpose of Article XXXII was to give a clear right to take back the obligation implied by signature if corresponding action were not taken by other countries.

Dr. GUTIERREZ (Cuba) stated that Final Acts generally should not impose obligations upon the governments, and if they place obligations upon governments they are no longer Final Acts and therefore he repeated his suggestion to postpone the signature of the Agreement.

Mr. BROWN (United States) agreed with the Chairman's statement that, provided there is simultaneous publication, there would be no objection if there were some differences in the actual time at which the Agreement was put provisionally into force, provided there was a date before which that must be done. On the point made by the French Delegate he would like also that, before the Final Act, the Preparatory Committee decide upon the so-called "key" countries, in other words, to reach an agreement that certain countries making an adequate trade coverage would put the Agreement provisionally into force by the dates selected, provided sufficient other countries had done likewise. He agreed with the Delegates of Australia, Canada and the United Kingdom about the difficulty of prolonging the time between the conclusion of negotiations and the entry into force of the General Agreement.

Dr. COOMBS (Australia) thought it impossible for key countries to undertake here that they will make the Agreement operative by 15 December and believed that all that is needed is an undertaking from any country regarded as a key country that it will reach decision by that date. In regard to the Cuban comments on the nature of the Final Act. Dr. Coombs believed that the Final Act should be a brief outline of what had taken place and a statement that the delegations represented had agreed upon the texts attached which would be submitted to their governments for their consideration.

Dr. SPEEKENERINK (Netherlands) stated that the Delegation of the Netherlands is able either to initial or to sign an Agreement at the end of the Geneva Session, but he wanted to

point out that the Dutch Government will sign on behalf of the entire Kingdom of the Netherlands, including all its overseas territories, and in regard to tariff concessions the Netherlands' signature will be connected with that of Belgium and Luxembourg.

Mr. RODRIGUES (Brazil) would like to follow the Australian proposal but was not in a position to make any commitment with regard to the action of the Brazilian Congress for the approval of the Agreement before 15 November.

Mr. MELANDER (Norway) interpreted the Australian proposal as meaning that the delegates signing the Final Act will not bind their governments and that they will sign the Final Act when they consider that they are in a position to recommend it to their government.

Mr. SHACKLE (United Kingdom) drew the attention of the Committee to the point that the United Kingdom could not agree to bind the overseas territories which are autonomous in respect of the matters provided in the Agreement, and this situation will involve a slight modification of Article XXXII.

Dr. HOLLOWAY (South Africa) proposed that the discussion be limited to the following substantial problems: (a) the authentication of the text; (b) the undertaking to bring the Agreement into force when not less than a certain number have brought it into force; (As far as South Africa is concerned, only in January or the middle of February can Parliament consider the text); and (c) the provisional entry into force of the Agreement.

Dr. WUNSZ KING (China) stated that the Chinese Delegation can sign the Final Act on 30 September, but was not sure whether the Chinese government would be able to signify its final acceptance by 15 November and reserved his opinion concerning the provisional application of the Agreement.

Mr. ROYER (France) wanted it to be clear that, by signing the Final Act, the text of the Agreement and of the annexed lists would be established once and for all.

Dr. AUGENTHALER (Czechoslovakia) suggested that the matter be left until the end of the tariff negotiations, which would be after 10 September.

Dr. COOMBS (Australia) thought that the Committee could agree that:

1. the authenticity of the document be established at the end of the Conference in Geneva;
2. a final date such as 15 November be fixed for the signature by key countries;
3. a date such as 16 November be agreed for the simultaneous publication of the full text;
4. a date such as 15 November be fixed for the entry into force of the Agreement through provisional application by key countries.

Mr. BROWN (United States) agreed with Dr. Coombs' statement.

Mr. RODRIGUES (Brazil) appreciated Dr. Coombs' statement but added that if the approval of the Brazilian Congress could not be obtained by 15 November another date such as 30 June 1948 could be accepted.

Dr. HOLLOWAY (South Africa) suggested that a small Committee or the Tariff Negotiations Working Party be asked to draft an instrument along these lines.

Mr. FORTHOMME (Belgium) observed that if the date of publication is fixed for 16 November it means that no country will be able to submit the Agreement to its Parliament before that date.

The CHAIRMAN stated that the point raised by the Delegate of Belgium should be discussed in relation to the next item on the Agenda, and the Brazilian suggestion in relation to item 4. He concluded by saying that there was a substantial measure of agreement among the members of the Committee on Dr. Coombs' proposal, the details of which could be worked out later.

The next meeting, scheduled for 10.30 a.m. on 21 August, would be opened with consideration of point (b) on page 5 of document E/PC/T/W.301.

The meeting rose at 1 p.m.