

UNITED NATIONS

NATIONS UNIES

RESTRICTED

ECONOMIC  
AND  
SOCIAL COUNCIL

CONSEIL  
ECONOMIQUE  
ET SOCIAL

E/PC/T/WAC/SR/13  
8 September 1947

ORIGINAL: ENGLISH

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

Summary Record

Thirteenth Meeting of the Tariff Agreement Committee  
held on Monday, 8th September, 1947 at 2.30 p.m. in  
the Palais des Nations, Geneva.

CHAIRMAN: Hon. L.D. WILGROSS (Canada)

Article XXIV - Definitive Entry into Force

The discussion of the first paragraph proceeded on the basis of the United States proposal in Document E/PC/T/W/316. The Committee approved the United States proposal to change the title to read "Signature and Entry into Force".

The Committee approved an Australian proposal to delete the first sentence. The Committee approved the deletion of the words at the end of the paragraph "which shall not have signed this Agreement on this day". The Norwegian Delegation withdrew its proposal concerning the date, with the result that the original words "until June 30, 1948" were retained.

The CHAIRMAN noted that the first paragraph as given in Document E/PC/T/189 had been approved previously and now would become Paragraph 2. Similarly, the second paragraph, which would now become the third paragraph, had been approved subject to further consideration of the use of the word "Government". The CHAIRMAN noted that the earlier reservation by the Czechoslovak Delegation concerning the word "Government" would apply also to Paragraph 3(a), now Paragraph 4(a). Dr. AUGENTHALER (Czechoslovakia) informed the Committee that it would be agreeable to his Delegation if the word "Government" were to be retained on the

understanding that so far as Czechoslovakia is concerned the word means the President of the Republic. He indicated also that his Delegation withdrew its amendment concerning the reference to self-governing territories. M. ROYER (France) indicated his Delegation also would find no difficulty in the retention of the word "Government" since it could be construed to include the Head of State. Accordingly, the CHAIRMAN declared Paragraphs 2 and 3(a) of the original text as adopted without reservations.

Mr. ROYER indicated that the words "French Republic" should be retained and not replaced by the words "French Union".

The Committee approved the suggestion of the United Kingdom Representative to substitute the words "apply the provisions" for the words "undertake the obligations" in Paragraph 3(b).

Mr. UNYUN (Burma) informed the Committee on the status of his Delegation in respect of the present negotiations and urged that Burma be enabled to sign not only the General Agreement but also the Final Act and all the Protocols in recognition of her status as a contracting party in the tariff negotiations. He indicated his opposition to the proposal of the Czechoslovak Delegation for the deletion of the second sentence in Paragraph 3(b) and also to the proposal by the Australian Delegation for adding the words "with the consent of the Committee and upon such terms as the Committee may determine." Mr. SHACKLE (United Kingdom) supported the position stated by the Representative of Burma and proposed that Burma, Ceylon, and Southern Rhodesia, which are autonomous in respect of their external commercial relations, should be entitled to sign. Dr. GUTIERREZ (Cuba) felt that the procedure established in Article 68 of the Charter should be preserved in the General Agreement. He agreed that Burma should have the right to sign. Dr. COOMBS (Australia), Mr. BROWN (United States) and Mr. ADARKAR (India) expressed themselves as welcoming

participation by Burma in its own right as a signatory. Several Delegates suggested that the case of these territories might be treated as a special one, in which case Paragraph 3(b) of Article XXIV might no longer be necessary to cover them, and other cases which might arise in the future could be dealt with under Article XXXI by itself. Mr. SHACKLE expressed his doubts at the desirability of deleting Paragraph 3(b). M. ROYER and Dr. LAMSVELT (Netherlands) reserved their positions pending consultation with their Governments.

The CHAIRMAN proposed that an Ad Hoc Sub-Committee be established to examine the situation respecting the participation as full contracting parties of Burma, Ceylon and Southern Rhodesia and to submit recommendations as to possible changes in the text of the General Agreement. Representatives of the following Delegations were appointed members of the Subcommittee: Cuba, France, India, Netherlands, United States and United Kingdom.

M. ROYER remarked that negotiations in respect of Indo-China might not be completed by the time of the authentication of the Agreement, in which case he would like it to be clear that France would sign, reserving adherence of France on behalf of Indo-China until the negotiations were completed.

Concerning Paragraph 4, <sup>as given in document E/PC/T/W/316</sup> which now becomes Paragraph 5, there was some discussion of the significance for other countries of the entry into force of the Agreement when those countries representing 85% of world trade have accepted it. Dr. COOMBS suggested that the meaning might be clarified if the words "as among the Governments accepting it" were changed to "as among the Governments which have accepted it". This proposal was approved by the Committee. During the course of discussion it was indicated that, according to the present time table,

countries which signed the Agreement up to 30 June 1948 would have the opportunity of becoming original members when their acceptances are deposited. Countries which had not signed by that date would enter the Agreement through the mechanism of Article XXXI.

The Committee accepted a proposal by the French Representative to add the following sentence at the end of Paragraph 4, which now becomes Paragraph 5:

"The instrument of acceptance of each other Government signatory to the Final Act shall take effect on the 30th day after the day on which such instrument was deposited."

Articles X - XIV - Concerning Quantitative Restrictions

Mr. BROWN, speaking on the proposal of the Norwegian Delegation to incorporate Paragraphs 5 and 7 of the Charter into the General Agreement (E/PC/T/W/324), declared that in his view Chapter III of the Charter must be regarded as a unit and opposed the segregation of single articles from that chapter. He felt that in any event the Protocol served adequately to bring the principles of Chapter III in its entirety into proper relation with the General Agreement. He remarked that the status of the Protocol, particularly in view of the specific reference to its provisions in Article XXI on nullification or impairment, was such that if a situation of the sort envisaged in Chapter III should arise the party could invoke the Protocol. Dr. COOMBS felt that it would be desirable to include in the General Agreement the two Articles from Chapter III and expressed the view that their exclusion would represent a substantial concession since the rights which would derive from those Articles would be less definite if they had to be established only indirectly through the Protocol. Mr. WEBB (New Zealand) and Mr. OLDINI (Chile)

favoured the inclusion of the Articles and pointed out the need for clarifying the status of the Protocol. Mr. MELANDER (Norway) indicated that his Delegation was prepared to withdraw its proposal in the light of the remarks of the United States Representative.

After the CHAIRMAN had indicated that the question of reservations appearing in the Charter would be dealt with separately, the Committee approved the inclusion of Article XI and, subject to consideration of proposals which might subsequently be presented by the United Kingdom Delegation and the French Delegation, approved the inclusion of Articles XII, XIII and XIV.

The meeting rose at 6 p.m.