

SUMMARY RECORD OF THE MEETING OF THE EXECUTIVE COMMITTEE

Held at the Centre William Rappard, Geneva,
on 4 August 1980 at 4 p.m.

Chairman: H.E. Mr. G. ALVARES-MACIEL (Brazil)

Representatives present:

Australia	<u>Mr. Anderson</u>
Benelux)	<u>Mr. Thunus (Belgium)</u>
)	<u>Mrs. Ancel-Lenners (Luxembourg)</u>
)	<u>Mr. Feij (Netherlands)</u>
Brazil	<u>Mr. Alvares-Maciel, Mr. Santos-Neves</u>
Canada	<u>Mr. Martin</u>
China	<u>Mr. Li Chih-min, Mr. Wu Nai-Wen, Mr. Lu Jui-Shu</u>
Colombia	<u>Mr. Jaramillo, Miss León</u>
Czechoslovakia	<u>Mr. Burival</u>
Egypt	<u>Mr. Hegazi</u>
El Salvador	<u>Mr. Monge López, Mr. Barahona Rivas</u>
France	<u>Mr. Leflon</u>
Greece	<u>Mr. Liontas</u>
India	<u>Mr. Hussain</u>
Mexico	<u>Mr. Delgado Lecourtois</u>
Norway	<u>Mr. Cappelen</u>
Philippines	<u>Mr. Brillantes</u>
United Kingdom	<u>Mr. Gwen</u>
United States	<u>Mr. McMinn</u>

Subject discussed: Replacement of the Executive Secretary

Mr. Alvares-Maciel was elected Chairman for the meeting.

The CHAIRMAN noted that invitations for this meeting of the Executive Committee had been sent on 22 July 1980 to all eighteen members of the Committee. He noted that all members of the Committee (except Italy) had responded to the invitation and were represented.

He explained that the sole purpose of this meeting was to consider the question of the replacement of the Executive Secretary of the Interim Commission of the International Trade Organization (ICITO), Mr. Olivier Long. He recalled that the term of office of Mr. Long as Director-General to the CONTRACTING PARTIES to the GATT was to expire on 30 September 1980. At a Special Session of the CONTRACTING PARTIES, held on 28 April 1980, the CONTRACTING PARTIES had approved the appointment of Mr. Arthur Dunkel as their new Director-General as of 1 October 1980. Furthermore, at a meeting of the GATT Council of Representatives held on 29 July 1980, the Council had agreed on the specific terms of appointment of the new Director-General.

He pointed out that as far as the CONTRACTING PARTIES to the GATT were concerned, all formal steps for the appointment of their new Director-General had therewith been completed. However, because of the close legal and administrative link which had existed between the CONTRACTING PARTIES and ICITO from the very beginning, one further procedural step had to be taken within the context of this Executive Committee.

He recalled that ICITO had been created in 1948 by a Resolution adopted at the United Nations Conference on Trade and Employment in Havana, to carry out specific functions pending the establishment of the International Trade Organization. The terms of the Resolution gave ICITO an organizational structure and entitled it to the benefits of privileges and immunities and to legal personality. At the first, and last, session, on 20 March 1948, the Commission had elected its Executive Secretary. The Commission had also elected its Executive Committee of eighteen members and had delegated all its powers to it, including the power to replace the Executive Secretary if that should become necessary.

The Executive Committee of ICITO had met in September 1948 (during the second session of the CONTRACTING PARTIES to the GATT) and had approved financial arrangements which conferred authority on the Executive Secretary of ICITO to provide secretariat services to the CONTRACTING PARTIES. At the same time it had been agreed that the CONTRACTING PARTIES would reimburse ICITO for the services so rendered. This arrangement between ICITO and the CONTRACTING PARTIES had continued until this day.

From a legal point of view it was therefore the Executive Secretary of ICITO who provided secretariat services to the CONTRACTING PARTIES. Although in the course of thirty years of practical developments this subtle legal distinction had virtually been ignored, it was imperative that the function of Director-General to the CONTRACTING PARTIES to the GATT and that of Executive Secretary of ICITO be exercised by the same person, so as to enable the secretariat to engage in contractual transactions, and to participate in the United Nations Joint Staff Pension Fund.

After 1950, the Executive Committee of ICITO had only met once, i.e. on 29 March 1968, for the purpose of appointing the then Director-General designate, Mr. Long, as Executive Secretary of ICITO. With the expiry on 30 September 1980 of Mr. Long's term of office as Director-General to the CONTRACTING PARTIES to the GATT, the question of his replacement and succession as Executive Secretary of ICITO should therefore be considered.

The Executive Committee agreed on the replacement of the Executive Secretary of ICITO, Mr. Olivier Long, upon the expiration of his term of office as Director-General to the CONTRACTING PARTIES to the GATT on 30 September 1980, and on the appointment of the Director-General designate, Mr. Arthur Dunkel, as his successor.

The representative of Australia thanked Mr. Long (Executive Secretary) for his services and congratulated Mr. Dunkel on his appointment as Executive Secretary of ICITO.

The representative of the Philippines enquired whether his understanding was correct that the appointment of Mr. Dunkel as Executive Secretary would be coterminous with his tenure as Director-General to the CONTRACTING PARTIES to the GATT.

The Chairman confirmed this understanding.

Mr. Long (Executive Secretary) thanked the representative of Australia for his words of thanks.

The meeting adjourned at 4.25 p.m.