

SUMMARY RECORD OF THE FIFTEENTH PLENARY MEETING

Held at the Capitol, Havana, Cuba
on Saturday, 13 March 1948 at 10.15 a.m.

President: Mr. Sergio I. CLARK (Cuba)

The PRESIDENT expressed his sympathy and the sympathy of the Conference with the Czechoslovak delegation on the death of the Foreign Minister, Mr. Jan Masaryk, and suggested that the meeting adjourn for five minutes in tribute to the memory of so outstanding an international figure.

Dr. AUGENTHALER (Czechoslovakia) thanked the President and said he would convey the message to his Government. The full text of Dr. Augenthaler's remarks is contained in press release ITO/169.

The meeting resumed after five minutes.

1. THE FINAL ACT OF THE CONFERENCE (E/CONF.2/49/Rev.3).

Mr. SUETENS (Belgium) presented the text as elaborated by the General Committee and explained that it signified only two things, that the texts of the Charter in English and French were thereby authenticated and that signatories were committed to submit the Charter to their Governments.

Mr. GUTIERREZ (Bolivia) explained that he understood that the Act as drafted implied neither tacit acceptance by delegations on behalf of their countries nor any moral obligation to accept the Charter. The General Committee had decided that reservations could be registered in Sub-Committee and Committee Reports and in final speeches but not together with signature of the Final Act and he found in the record of the General Committee that the French delegate had stated that he intended to make an ad referendum reservation to the Charter as a whole. He felt that the situation of other countries was the same and therefore, although he agreed that the present text of the Final Act was quite clear, he wished specific expression in the text of this situation and suggested the addition of the following sentence: "The Delegations of the Countries represented at the Conference on Trade and Employment expressly state that the provisions of the Havana Charter are not binding upon the Countries which they represent unless they are approved by their respective Governments and Congresses in accordance with their present constitutional systems."

/Mr. ROYER (France)

Mr. ROYER (France) explained that the French delegate at the General Committee had only intended to say that no delegate could commit his government or parliament and that he was satisfied with the present text of the Final Act.

Mr. WAERUM (Denmark) suggested that it might be advisable either to say how many resolutions of the Conference were appended to the Final Act, or to enumerate them.

The delegates of Afghanistan, Venezuela, Uruguay and Ecuador supported the Bolivian proposal.

Mr. McCARTHY (Ireland) preferred the present wording of the Final Act. He wished to state also that, although he had authority to sign the Final Act, he was not empowered to associate himself with the setting up of the Interim Commission but he presumed that this could go into the record at the time of signature.

The EXECUTIVE SECRETARY explained that the Resolution establishing the Interim Organization would be exceptional in that it would contain a list of the countries approving it.

Mr. WILCOX (United States) considered that the addition of the sentence proposed by the delegate of Bolivia would be superfluous as there was nothing in the Act binding upon any government.

Mr. HOLMES (United Kingdom) agreed with Mr. Wilcox.

Dr. COOMBS (Australia) also agreed with Mr. Wilcox and thought the proposed addition would only raise doubts as to the meaning of the Final Act which, as presently drafted, clearly committed no government to approval.

Mr. MALIK (India) agreed that the present text was quite clear but saw no objection to adding the phrase suggested if it would make it easier for some delegates to sign.

Dr. GUTIERREZ (Cuba) and Mr. POLITIS (Greece) wished the text to remain as drafted.

Mr. GUTIERREZ (Bolivia) stated that he quite understood all the objections to his proposal but that, if it were rejected by the meeting, he would wish to place the proposed sentence after his signature on the Final Act.

Dr. JIMENEZ (El Salvador) suggested that the delegate for Bolivia's point could be met by a full explanation of his point in the record of this meeting and by leaving the text as presently drafted.

The delegates of Norway, Afghanistan and the United Kingdom supported the proposal of Dr. Jimenez.

/Mr. WILCOX (Ln)

Mr. WILCOX (United States) also supported this suggestion and proposed that a clear explanation be given in the record of the meeting and by the President at the time of signature of the Final Act, that such signature:

- (1) Committed delegations to submit the Charter to their Governments;
- (2) Did not commit Governments to submit the Charter to their parliaments; and
- (3) Did not commit parliaments to ratify the Charter.

Mr. GUTIERREZ (Bolivia) reiterated his previous statement and said that if the proposal of the delegate of El Salvador were accepted by the meeting he wished to make a provisional reservation until he had consulted with his Government.

The PRESIDENT placed both proposals of the delegate of Bolivia before the Conference, that of the addition of the new sentence in the text of the Final Act and of the addition of the sentence after the delegate's signature. Both were rejected. He then put to the vote

- (1) The text of the Final Act as contained in E/CONF.2/49/Rev.3
- (2) The proposal of the delegate of El Salvador that there should be a full explanation of the Bolivian point of view in the summary record of the meeting.
- (3) The proposal of the delegate of the United States that the President should explain exactly what commitments were implied by signature of the Final Act at the time of signature.

Mr. WAERUM (Denmark) repeated his request regarding the resolutions of the Conference.

The EXECUTIVE SECRETARY explained that they were not enumerated as a matter of administrative convenience since the Final Act was being printed and prepared in New York in suitable form for signature and it was unlikely that it would be possible to enumerate all of the resolutions in time.

Mr. GUTIERREZ (Bolivia) suggested that the resolutions might be enumerated in the first document following the Act.

This was agreed.

Proposals 1, 2 and 3 (above) were then agreed with the provisional Bolivian reservation on the text of the Final Act and on the understanding that the text of the statement of the President of the Conference at the time of signature would be circulated to Heads of Delegations for their approval.

2. CONFERENCE TIMETABLE (E/CONF.2/62)

/The EXECUTIVE SECRETARY

The EXECUTIVE SECRETARY explained that this timetable was an arduous one which could only be carried out with determined effort on the part of all delegations and without a too rigid adherence to the Rules of Procedure, particularly to the rule providing twelve hours for the consideration of all documents before discussion. There was, for instance, a very short time allotted for consideration of the report on Article 23. The problem of the Central Drafting Committee was a crucial one and it was in order to make it possible for it to adhere to the schedule that he had suggested its reinforcement and, if this suggestion were accepted, he thought that delegations would have to commit themselves to making the individuals appointed available at all times for work on the Committee. The exact division of personnel and functions of the CDC should be left to the Chairmen. He also wished to point out that the Drafting Committee could not complete its work if the practice hitherto followed of referring points back to it was continued.

He considered it useless to agree to a timetable unless the closing date was absolutely final and explained that the sentence regarding the movements of the Secretariat was not in any sense an ultimatum but that arrangements for a large traffic movement had to be made at least a week in advance and if they were later altered a large sum of money would be lost.

Mr. NOVOT (Mexico) hoped very much that this schedule would be adhered to as it was imperative, at least for the Latin American countries, for the Conference to end in time for delegates to return to their countries before the beginning of the Bogota Conference on 31 March.

Mr. ROYER (France) doubted that the programme as set forth was possible of realization because the Central Drafting Committee would not be able to submit all the texts by Wednesday. He agreed that the Committee should be reinforced and divided into two.

Mr. COLBAN (Norway) agreed with Mr. Royer. He considered the one afternoon provided for the Interim Commission and the Executive Committee insufficient and hoped that adequate staff would remain for these two organs to work a few days longer.

Mr. BLUSZTEIN (Poland) also considered the time allotted too short, and felt particularly that one morning for the consideration of the report on Article 23 and two days for preparation, distribution and consideration of final texts were inadequate. He requested that no less than forty-eight hours be allowed for consideration of final texts.

/Mr. WILGESS (Canada)

Mr. WILGESS (Canada) agreed with the delegates of France and Norway. He suggested that, in order to reinforce the Central Drafting Committee, other delegations might be drawn upon, particularly the other two French speaking ones. He thought that the programme might be kept as proposed until Wednesday the 17th but that the final date be fixed at the 24th.

The EXECUTIVE SECRETARY said that a programme ending on 24 March would be so arranged as to allow forty-eight hours for the consideration of texts. With regard to the meetings of the Interim Commission and the Executive Committee, if the one afternoon provided were not considered adequate, he suggested that the Resolution establishing the Interim Commission be brought before an ad hoc plenary meeting immediately it had passed Committee VI and the meetings take place on one or more of the days allotted for consideration of the final texts. In reply to a comment of the delegate of Bolivia, he stated that the membership of the Commission was not determined by the signatories of the Final Act but by the countries approving the Resolution.

The meeting agreed on the date of 24 March as the end of the Conference, the Secretariat to arrange the timetable accordingly, and that the Interim Commission should meet before that date.

Mr. JIMENEZ (EL Salvador) wished to pay a tribute of gratitude to the translators and the members of the press division who had provided documents in the Spanish language.

The meeting rose at 12.45 p.m.
