

GENERAL COMMITTEE

SUMMARY RECORD OF THE THIRD MEETING

Held at the Capitol, Havana, Cuba, on 6 December 1947 at 3.00 p.m.

Acting Chairman: Mr. Max SUTENS (Belgium), First Vice-President

1. COMPOSITION OF SUB-COMMITTEES. (Note by the Executive Secretary, document E/CONF.2/BUR.8)

(a) Paragraph (d)

Mr. BETETA (Mexico), Chairman of Committee II, stated that he had been asked by the Chilean delegation to express the view that participation in the debates of sub-committees should be open to any delegation.

Mr. PHILIP (France) suggested that the Chilean point might be met by slightly altering the drafting.

The EXECUTIVE SECRETARY explained that the sentence had been worded in this manner in order to ensure that normally and subject to the provisions of Rule 54 only the members of the sub-committees took part in their work and Mr. WILGESS (Canada), Chairman of Committee III, supported the Executive Secretary in the need for restricting participation in sub-committees in order to keep them as small working groups. He suggested slightly altered wording.

It was agreed to change the sentence so as to read "Such observers may participate in the discussion on the invitation of the Chairman of the Sub-Committee after they have submitted a request to be heard lodged in accordance with Rule 54".

(b) Paragraph (c)

Mr. WILCOX (United States) suggested that the wording of this paragraph seemed to imply the inclusion of only such delegations as took part in debates.

It was agreed to make the paragraph read "In nominating sub-committees the Chairman concerned shall have regard to the adequate representation of all points of view".

Mr. WILCOX (United States) suggested the advisability of setting up large numbers of sub-committees with very limited terms of reference.

/Mr. HAKIM (Lebanon)

Mr. HAKIM (Lebanon), Chairman of Committee V agreed with this point in general but thought that in the case of certain chapters it was not desirable to set up more than one sub-committee.

Mr. WILGROSS (Canada), Chairman of Committee III, suggested that Mr. Wilcox's point was more applicable to Committees II, III and VI than to the others and that it was well to bring it to the attention of the Chairmen of the various committees but not necessary to include it in a document.

## 2. NON-GOVERNMENTAL ORGANIZATIONS

The EXECUTIVE SECRETARY stated that it was desirable to have an early understanding of the rights and role of non-governmental organizations in the Conference.

1. The Rules of Procedure grant them the same rights as they are given by the Economic and Social Council, i.e. to be represented at public meetings, to present views in writing to the Conference on any matters on the agenda and to be consulted by the Conference whenever it considers such consultation to be useful. The right recently granted to place items on the provisional agenda might be regarded as abrogated in this Conference as none of the non-governmental organizations have availed themselves of the right and the Agenda has been passed by the Conference.

2. Regarding the submission of proposals by non-governmental organizations, the Executive Secretary explained that the Secretariat would mention the proposals in the annotated agendas and the Chairman could ask whether any delegation wished to support the amendment and if so whether the committee wished to consult with the non-governmental organization. If not, the debate should proceed with no discussion of the amendment. If on the other hand, any explanation were desired, it should be limited to any explanation that might be necessary to supplement the material included in the written communication.

Mr. AUGENTHALER (Czechoslovakia), Vice-President, stated that he was not in favour of participation by non-governmental organizations in the discussion, which should be limited to any delegation wishing to support such proposals.

Mr. PHILIP (France) agreed with this and questioned the inclusion of such amendments in the annotated agendas since the submission of amendments was solely the right of the governments represented on the Conference.

Mr. COLBAN (Norway), Chairman of Committee VI and Mr. HAKIM (Lebanon), Chairman of Committee V, agreed with Mr. PHILIP.

Mr. WILCOX (United States) pointed out that at the First and Second

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Sessions of the Preparatory Committee, delegations had insisted that full opportunity for consultation would be granted to non-governmental organizations at the World Conference where it had not been possible in the preparatory stages and felt that the suggestion of the Executive Secretary contained adequate safeguards.

Mr. PHILIP (France) stated that the difference did not arise so much on the form of consultation but on the submission of amendments and that a clear legal distinction had to be made between the right of delegations to submit amendments and the right of non-governmental organizations which was only to present proposals to the Conference.

The EXECUTIVE SECRETARY stated that in the annotated agendas it was not proposed to reproduce the texts of the proposals but only to refer to the fact that they had been made and note the document in which they appeared.

Mr. COLBAN (Norway), Chairman of Committee VI stated that while he was very happy to consult with non-governmental organizations, he wished it made quite clear that this was a conference of governments and that the right of non-governmental organizations to consultation did not go beyond that of submitting their views.

The CHAIRMAN felt that this distinction was in fact quite clear and that the proposals and suggestions of non-governmental organizations would never be considered as amendments.

3. CENTRAL DRAFTING COMMITTEE. (Note by the Executive Secretary, document E/CONF.2/BUR.8).

Mr. PHILIP (France) felt that when texts were being considered by the Central Drafting Committee a member of the committee concerned should be present.

The EXECUTIVE SECRETARY said that this raised the question of the terms of reference of the Drafting Committee. He felt that these should be strictly limited to checking cross references, clearing up small points of drafting and punctuation and especially ensuring the identity of the text in the different languages. The Drafting Committee should have no authority to make changes in the text nor to reopen discussions on substance. Any anomalies found in the text should be referred back to the Conference with whom the final decision would rest in any case.

In reply to a question of Mr. AUGENTHALER's the CHAIRMAN explained that there would probably be no Legal Committee.

Mr. DEIDMAN (Australia), Chairman of Committee I, supported by Mr. BETETA (Mexico), Chairman of Committee II, considered it advisable to have separate drafting committees for the various committees in order

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to find proper expression for the exact meaning intended by the members of the committee.

Mr. COLBAN (Norway), Chairman of Committee VI, preferred a central and objective drafting committee in order to make the text clear and consistent.

Mr. GUTIERREZ (Cuba) supported this view but agreed with Mr. Philip on the need for the co-operation either of members of the secretariat or of the committees concerned with the various chapters.

Mr. STUCKI (Switzerland), Vice-President, was in favour of a Central Drafting Committee but did not feel that this should exclude the setting up of separate drafting committees by the principal Committees in order to prepare their reports. He hoped that there would be no confusion between working sub-committees to reconcile views and drafting committees which should only work on the text once such a uniformity of view had been reached.

The CHAIRMAN stated that there was evident agreement on a central drafting committee and suggested that the creation of other drafting committees be left to the discretion of the various chairmen.

Mr. WILCOX (United States) suggested that amendments of a purely drafting character could be sent directly to the Central Drafting Committee leaving amendments of a substantive nature to the committees.

The CHAIRMAN agreed that this should be done immediately upon the creation of the committee.

Mr. COLBAN questioned whether the establishment of official texts in all five working languages would not be too heavy a task for the Central Drafting Committee.

The EXECUTIVE SECRETARY replied that the secretariat would of course provide the translations but if it was considered necessary to establish texts in other than the working languages and in the event of difficulties of interpretation or precise phraseology the Central Drafting Committee would be the only body competent to establish such an official text.

4. Mr. GUTIERREZ (Cuba) raised the question of the report of the Credentials Committee and said that he understood it to have decided not to report on the Nicaraguan credentials but to refer this question to the plenary session. He wondered whether this could not be considered in the General Committee.

The EXECUTIVE SECRETARY explained that this matter had not been placed on the agenda of this meeting as he had wished first to discuss it with the President of the Conference and the Chairman of the Credentials Committee. He believed that the Credentials Committee was only empowered

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to ascertain whether the credentials were in the proper form but not to inquire into the status of the government issuing such credentials and that there was no question as to the form of the Nicaraguan credentials.

The CHAIRMAN supported the Executive Secretary and stated that the same question arose with regard to the Indonesian Republic's credentials which were found to be in the proper order but that the Credentials Committee had no authority to inquire into the political status of either.

5. Mr. BETETA (Mexico), Chairman of Committee II stated that he had been asked by some delegations to raise two points in the General Committee:

1. That the pressure of committee meetings was too heavy and made it difficult for small delegations to find time for consultation. They therefore proposed three instead of four meetings of main committees daily.

2. The time limit for the submission of amendments.

The EXECUTIVE SECRETARY, in reply to the second point, said that the time limit was not, of course, a rigid one.

Mr. HOLMES (United Kingdom) while sympathizing with the difficulties of smaller delegations, pointed out that the larger ones had similar difficulties and that he would not be in favour of reducing the number of meetings. As far as amendments were concerned, as any amendment could result in counter amendments there could, of course, be no absolute rule.

Mr. CHARLONE (Uruguay) suggested that the question of submission of amendments by smaller delegations unable to meet the deadline could be met by agreeing to take no definite vote on any question before 11 December.

The CHAIRMAN considered any action on this unnecessary as the likelihood of any committee arriving at that stage before 11 December was extremely remote.

The EXECUTIVE SECRETARY pointed out that the pace of the Conference to date had been relatively leisurely and that there would shortly be a series of sub-committee meetings. It would be impossible to arrange a schedule to permit all delegations to attend all meetings.

Mr. WILCOX (United States) proposed that no meetings be held on the following Tuesday to give delegations time to study the annotated agendas. This was agreed.

Mr. AUGENTHALER (Czechoslovakia), Vice-President, proposed that all speeches be limited to three minutes.

It was felt that this was better left at this stage to the discretion of the various chairmen.

The meeting rose at 5.45 p.m.

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