

United Nations
CONFERENCE
ON
TRADE AND EMPLOYMENT

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CONFERENCE
DU
COMMERCE ET DE L'EMPLOI

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ORIGINAL: ENGLISH

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE ON ARTICLES 95, 96, 98, 99 AND 100

SUMMARY RECORD OF NINTH MEETING

Held on 26 January 1948 at 6.00 p.m.

Chairman: Mr. FAWCETT (United Kingdom)

The delegate for the United States explained his amendment and stated that the Charter should be a universal document which would include former enemy states. He felt that the present draft of the Charter in the Geneva form was very ambiguous on this issue and that there were at least two parts of the present Charter which might or might not cover Germany and Japan, i.e., Article 68 and paragraph 1 of Article 99. He stated that his amendment would be summarized as meaning that Germany and Japan come under the provisions of the Charter at the present time and that the amendment was based on the desire to encourage peace-time industries. He concluded by saying that he did not insist on the terms of the amendment but was open-minded on the entire question and was willing to discuss other means to accomplish the end he proposed, including the exploration of the practicability of a separate protocol which would, of course, disappear at the end of the occupation.

The delegate for Belgium proposed the nomination of a small working group to consider the United States amendment in all its aspects. The delegate of Czechoslovakia raised a point of order and stated that since several countries were collectively responsible for the administration of Germany and Japan, he felt that it was not within the competence of this Conference to discuss the proposed United States amendment. The delegate of China supported the proposal that a working group of legal experts be set up to discuss the question of the competence of this Conference to consider the United States amendment.

The delegate of Czechoslovakia did not agree with the procedure proposed by the delegates of Belgium and France and raised the following three points: firstly, this Conference was not competent to deal with matters of international trade relations of Germany and Japan; secondly,

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he moved the closure of the debate; and thirdly, he asked for a roll call. On the basis of Rule 26 of the Rules of Procedure, he felt that it was clear that the Czechoslovak proposal went the furthest and he asked the Chair to take a vote on that proposal first. The Chairman stated that Rule 26 did not apply in this case but only Rules 20 and 21 and gave a ruling that the United States amendment was properly before the meeting according to the procedure of the Conference. Whether its substance, however, was within the competence of the Conference, he said, was another matter yet to be decided. The delegate of Czechoslovakia stated that in accordance with his opinion, the decision of the Chair was contrary to Rule 26 of the Rules of Procedure and that he wished to reserve the right to bring up the question before a public meeting of the Heads of Delegations, and again proposed the closure of the debate. The Chairman took the sense of the Sub-Committee and the Sub-Committee decided by a majority of eight to two that the amendment was properly before them without, however, reflecting any opinion on the substance of the amendment. After further discussion, several delegates stated that they thought it would be necessary for them to obtain further instructions from their governments and that they did not agree with the desirability of setting up a working group immediately.

In view of the opinion of the Sub-Committee, the Chairman discarded the proposal to set up a working group and instead tentatively set the next date for a meeting of the Sub-Committee for Friday morning, 30 January 1948.
