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

VERBATIM REPORT.

TWENTY-SECOND MEETING IN EXECUTIVE SESSION HELD ON
FRIDAY, 22 AUGUST 1947 at 10.30 A.M. IN THE
PALAIS DES NATIONS, GENEVA.

M. Max SUTENS (Chairman) (Belgium)

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CHAIRMAN (Interpretation): The meeting is called to order.

Gentlemen, the first question on the Agenda is consideration and approval of the Report of the Sub-Committee charged with the study of Article 33. This Report is contained in document T/168 of 13th August 1947. I was myself Chairman of that Sub-Committee and have, therefore, the honour of submitting the Report for your consideration.

The conclusion which was reached by the Sub-Committee was to add a new paragraph to the first part of Article 37. This new paragraph is contained in the Report. In the opinion of the Sub-Committee, Article 26 and the new paragraph which is being added to Article 37 represents the necessary solution to the problems which have been referred to the Sub-Committee for consideration, and it was not considered necessary to add any provisions of the character of those suggested by the Delegation of New Zealand.

Does anyone wish to express an opinion on this matter?

The Report is therefore approved.

Gentlemen, the second item on the Agenda is consideration of a paper submitted by the United Kingdom Delegation regarding the note in document T/180, concerning the former Article 36 of the draft Charter. This note is document W/308, and I expect the representative of the United Kingdom will wish to speak on the matter.

Mr. R.J. SHACKLE (United Kingdom): Mr. Chairman, there is very little for me to add to what is said in this paper; but I should point out a mistake in the top paragraph on page 2. The last three sentences -that is to say, beginning at the fifth line: "If, however, any Government Member of the United Nations desires to seek..."- from that point down to the end of the

paragraph should be deleted. I am afraid that that is a mistake. I have been assured that it is not open to individual countries or an association of Governments to obtain advisory opinions from the International Court, so that passage should be struck out; but that does not affect the general argument of this paper, and we still remain of the opinion that it is not profitable to put in this recommendation to the World Conference to seek expert advice.

If the World Conference sees fit to do it, it will do it; but there certainly will be time-table difficulties, we think, in getting an advisory opinion from the Court in time to be of use. In any case, it is our view that this is a matter where it is for Members of the United Nations to interpret for themselves their obligations under the Charter, and we therefore recommend inserting a passage which is at the foot of the paper - that is to say, the indented part of paragraph 5. We suggest this in substitution of the passage in the Report. That, we think, is a practical suggestion, because it can be acted upon, whereas the suggestion which at present stands in the paper is not a practical suggestion.

CHAIRMAN: Does anyone wish to speak on this matter?

Mr. BARADUC (France) (Interpretation): Mr. Chairman, I would like to say a few words on this matter, as the Vice-Chairman of this Sub-Committee. I for myself regret that the observations made by the Representative of the United Kingdom were not submitted at an earlier time, so that we could examine them at more leisure. The present text of the note is the result of a middle-way arrangement in the Sub-Committee, and it would be difficult now to start a new discussion which might be very long on this subject.

Therefore, I would suggest to maintain the text of the note as it is in the draft Charter, but that we take into account the observations made by the United Kingdom Delegate, and later on at Havana, or before Havana, the Representatives of Governments will be able to consult among themselves in order to set their position on this matter.

CHAIRMAN: (Interpretation): I was not quite clear on what you said just now, Mons. Baraduc.

Mr. BARADUC (France) (Interpretation): Mr. Chairman, I stated that the result which has been submitted to the Commission is that of a compromise in the Sub-Committee which has been charged with consultation on this matter. I think it would draw us into very lengthy and unhelpful discussions to reopen the discussion on this matter now. I suggest that we take into most serious consideration the remarks which have been submitted by the British Delegation, and that from now onwards those Governments who have decided to take part in the Havana Conference consider here - not there, but here - the question, and if necessary consult with each other on the problems which are involved.

Mr. SHACKLE (United Kingdom): Mr. Chairman, I certainly have no desire to arouse a debate on this subject, and shall be quite happy to accept the suggestion of the French Delegate.

CHAIRMAN: The text, therefore, will be maintained as it is.

Mr. BARADUC (France) (Interpretation): There is a small change, Mr. Chairman. Of course, in the note, we must not state that the Sub-Committee, but that "the Commission" considers.

CHAIRMAN (Interpretation): This change is already contained in a corrigendum.

We now come to point 3 of the agenda. The relevant document is T/180. Would anyone like to make any remarks on this point of the agenda?

Mr. CLAIR WILSON (United States): Before we start a detailed examination of the Draft, I should like to raise two or three general points. The paper that we have here was necessarily prepared at a high rate of speed, and I believe still retains some typographical errors, and I wonder if measures should not be taken to appoint a French and English proof reader to go through it. Perhaps the Secretariat will take care of that itself; but I think a final fresh check should be given.

My second point is that I discover, in going through the text, that reservations on the same points of substance appear two or three, or sometimes as many as four times throughout the text. They were put there at the request of particular Delegations. My suggestion on that, on which I should like to have an expression of opinion from the Committee, is that a reservation on a particular point of substance should appear only once in the text and that, at that point, the country which makes the reservation may indicate that it applies to other paragraphs of the text than the one to which it is appended. But I think the Delegation making the reservation should make its choice as to where it wants its reservation to appear and put it there, and not put it three or four times.

My third suggestion also has to do with the form of the reservations as expressed in the footnotes to the text. They are not uniform; in some cases countries are identified, in other cases the wording is "certain countries", and in one case, I think, a vote is recorded. I suggest that the form of these reservations in the footnotes should be uniform and that the countries making the reservations should, in every case, be identified.

My final point, which I advance with some trepidation, is that in reading through the documents I ran across three or four footnotes which are meaningless, that is, the footnotes say, in effect, that the text means what it says and that the World Conference should take very serious and powerful account of the fact that the text means what it says. I think the appearance of the document would be somewhat improved if three or four of these meaningless notes could be dropped.

CHAIRMAN: Mr. Wyndham White.

Mr. E. WYNDHAM WHITE (Executive Secretary): Mr. Chairman, I will deal briefly with each of the points raised by Mr. Wilcox.

First of all, I do regard Document T/180 as having no higher standing at the moment than a working paper for the Preparatory Committee. It is in process of being revised and we shall certainly adopt the helpful suggestion made by Mr. Wilcox, of having a proof reading. We propose, within ten days of the close of the Session, to have a printed document available and are therefore working at high pressure on it. There will be a further proof-reading stage after the document is in the hands of the printers.

With regard to Mr. Wilcox's second point, I am informed that, though the policy of naming the Delegations entering reservations has been followed almost uniformly, the special cases where reference is made to "certain Delegations" are cases in which this form was decreed by the Commission or Session concerned and that therefore those changes are deliberate and not accidental. We will, however, go over those again and see whether, by mischance, the deviation from the general rule is not deliberate but accidental.

On the question of the Notes, there again we have been guided by the direction of the Preparatory Committee and its Commissions, though I personally agree wholeheartedly with the suggested criticism of some of the Notes which Mr. Wilcox has made. However, I have not felt it appropriate for the Secretariat to be too generous in its editorial functions. In fact, on the one occasion when I thought we had been able to improve a reservation, that did not find favour with the Delegation concerned.

Mr. CLAIR WILCOX (United States): With respect to the matter of proof reading, I accept the suggestion contained in the statement of the Secretariat that with respect to the matter of the footnotes we can touch on these as we go through the document.

On the other points with respect to the reservations, I do not wish to delay the Committee with a debate on this subject. It is a minor point, and it is a simple point, and I suggest that we take a vote on these two points immediately, and I shall be content to abide by the decision. The first point is that a reservation on a particular point of substance should appear only once. The second point is that the form in which reservations are expressed should be uniform, and I am content with whatever the Committee decides on these two points.

Dr. H.C. COOMBS (Australia): Mr. Chairman, before this question is put to the vote there is one point I should like to raise. The delegate of the United States stated that the form of the reservations on matters of substance should be uniform. I have no objections to that, but there is one reservation which we have recorded which is not a reservation of substance in the sense that we disagree with what we believe to be the intention of the paragraph. We shall have to reserve our position on this because we have some doubts as to whether that intention is adequately expressed, and we wish to record the fact that our reservation is of that character and not a reservation of substance.

Mr. J.P.D. JOHNSEN (New Zealand): Mr. Chairman, on the question of the form of the reservation, I think there are two types of form that must be taken into consideration. Firstly, it is a case where you are acting on definite instructions from your

Government, and they make a definite reservation. There is the second case where it has not been possible to get a decision from the Government, and we have been placed in that position ourselves. In a case like that the reservation would, I think, take a different form. Several of our reservations have been made in this way, and I think that is a reasonable provision to make.

THE HON. L. D. WILGRESS (Canada): Mr. Chairman, I may state that I am fully in agreement with what Mr. Wilcox has proposed. I do think that it is only necessary that there should be one reservation on a point of substance even though that point of substance may be repeated in various Articles of the Charter, and the delegations concerned should choose^{on} which particular Article they want to make their reservation.

As regards the second point raised by Mr. Wilcox, I am also in full agreement that there should be more uniformity in the form of the reservation. I do not think we can attain absolute uniformity for the reasons to which Dr. Coombs and Mr. Johnson have called attention. In some cases the delegations are reserving not on substance but on form. In other cases the delegations wish to frame their reservations in a certain way to indicate the reasons for which they made that reservations; but I do think we should avoid putting in the reservations anything which gives expression to the minority point of view. The Members of the Preparatory Committee will recall that we decided not to affix in this document, as in the case of the Report of the First Session, a statement giving the reasons which led to the adoption of the various Articles: that is the majority point of view. Therefore, I think, it would be wrong if reservations were taken as a means of giving expression to the Minority point of view when the Majority point of view is not set forth in this document. I might mention, as an example of what I mean, the reservation of the United States delegation in paragraph 3 of Article 27, and Article 28.

CHAIRMAN: Mr. Wilcox.

MR. C. WILCOX (United States): Mr. Chairman, I am prepared to meet the point raised by Ambassador Wilgress when we come to the reservation that he mentioned.

With respect to the point raised by Dr. Coombs and Mr. Johnsen, I would change the form of my motion to read that in each case the Delegations making reservations should be identified, and that in no case should the votes be recorded.

CHAIRMAN (Interpretation): We are therefore confronted with two suggestions by Mr. Wilcox. The first one is that the reservations on the same point of substance must appear only once. The second point is that each time there is a reservation the name of the country making the reservation must be indicated, and that there will never be the result of any vote included in the reservation.

MR. A. FAIVOVICH (Chile) (Interpretation): Mr. Chairman, I agree entirely with the suggestion made by Mr. Wilcox, and would only ask one question.

If the reservations are put in one Article only, and if they have a bearing on other Articles, will it be possible, at the place where these other Articles are mentioned, to say that this reservation also applies to these Articles?

MR. C. WILCOX (United States): The answer to that question is: Yes. I suggest that the reservation should read:- "This point also affects the position of the Delegation on Article so-and-so".

CHAIRMAN (Interpretation): The Delegate for Cuba.

DR. G. GUTIERREZ (Cuba): Mr. Chairman, theoretically I agree with the proposal made by the Delegate of the United States, but I would like to ask a question.

Who decides whether the matter is a matter of substance or not if there is a difference of opinion between the Delegation and the proper officer taking orders to the reservations?

CHAIRMAN (Interpretation): I believe that it is for the Delegation and for the Delegation only to decide if the reservation deals with a matter of substance or not.

The Delegate for Belgium.

M. P. FORTHOMME (Belgium) (Interpretation): Mr. Chairman, the proposal which has been made by the United States Delegate contains two items which are very different from one another. I suggest that we approve them one by one.

CHAIRMAN (Interpretation): I therefore ask the advice of the Commission on the first point, that is, that reservations on the same point of substance should appear only once. In doing this, we will take note of the explanations given by Members of the Commission, and especially by Mr. Faivovich. Do you agree with this suggestion?

It is therefore adopted.

The second point is that each time the reservation is made, the country making the reservation will be indicated. Are there any observations? Are you all agreed?

MR. E. WYNDHAM WHITE (Executive Secretary): Mr. Chairman, while that rule has been adopted, I would endeavour to enlist the support of Delegations in its execution.

The two cases where general views are expressed without the naming of Delegations are, first, the Note to Article 33, paragraph 6, on page 76 of the English text, and I should be grateful if the four Delegations who were opposed to the addition of paragraph 5 would advise the Secretariat as soon as possible. Secondly, on page 96 of the English text, Article 42, paragraph 4, I should also be grateful if the certain Delegates who are recorded as being in favour of the retention of paragraph 4 of the New York text would likewise indicate that fact to the Secretariat.

CHAIRMAN (Interpretation): I suppose it will be easy for the Delegations to follow the indication given by the Executive Secretary.

Mr. E. WYNDHAM-WHITE (Executive Secretary): I might try, of course, to give a second rule, if the Delegations could adopt it: that is, I should also be grateful if the Delegations who have reservations which have been repeated could make their choice as to where each reservation should be mentioned, and also the related Articles to which they wish to refer in the principal reservation.

CHAIRMAN: We are now going to examine the Report of the Preparatory Committee, Document E/PC/T/180 and the various Corrigenda. These are documents which were already approved in Committee Sessions and I believe we can go through them very quickly.

We will take first the Introduction. Is there any remark concerning the Introduction? No remarks?

M. PIERRE FORTHOMME (Belgium) (Interpretation): The remarks of the Belgian Delegate apply only to the French text.

Mr. R. J. SHACKLE (United Kingdom): Mr. Chairman, no doubt we are approving this Introduction as amended by the Corrigenda which have been issued?

CHAIRMAN (Interpretation) Of course.

Mr. ANGEL FAIVOVICH (Chile) (Interpretation): May I ask, Mr. Chairman, whether there would be any inconvenience in mentioning on p. vii, under Note 2, of the French text (p. vi, Note 1 of the English text) a list of the various Sub-Committees with which this text deals.

Mr. E. WYNDHAM-WHITE (Executive Secretary): Mr. Chairman, this is already a somewhat bulky and detailed Report and there were a very large number of Sub-Committees, and I think there is sufficient indication of the organization of the Conference on its broad lines without making a long list of all the Sub-Committees which have been constituted during this Session.

CHAIRMAN (Interpretation): Any other remarks?

Mr. ANGEL FAIVOVICH (Chile) (Interpretation): I believe the observation of the Representative of the Secretariat concerns merely a question of form. It would simply be two pages more if we gave the list of these Sub-Committees and I think it would be useful.

CHAIRMAN (Interpretation): We must avoid, of course, complicating our task, but we will accept the suggestion made by the representative of Chile.

Dr. H. C. COOMBS (Australia): Mr. Chairman, with all deference to your judgment and to the wishes of the Chilean Delegate, we would have a very strong preference for not listing the Sub-Committees. Our understanding was that they were not formal Sub-Committees but Working Groups, and we have worked all the time on the basis that these Working Groups were responsible back to the Commissions which were dealing with the particular subject-matter, and I believe it might be embarrassing to the particular Delegations to have a list of these Sub-Committees, especially if the membership of the Sub-Committees is given.

I suggest, if it is found necessary to refer to these Sub-Committees, that no reference to their composition be given.

CHAIRMAN (Interpretation): Mr. Colban.

Mr. Erik COLBAN (Norway): Mr. Chairman, I think that we had at least seven - perhaps it was nine - Sub-Committees on Technical Articles only, and in addition to that it happened several times that they asked two or three or four Delegations who had joined in discussion and shown particular interest on a particular point to get together and try to work out some agreed text. Further, we should remember that, in addition to the Sub-Committees, Delegations not officially members of the Sub-Committees were very often present and participated to a certain extent in the discussions. So I really think it is unwise to insert a list of Sub-Committees.

M. Angel ELIVOVICH (Chile) (Interpretation): I believe that my suggestion has been somewhat extended by the Delegates who have just spoken. My request was only to give a list of the Sub-Committees constituted, not indicating the names of Delegates or anything else: just a plain list of the Sub-Committees. That is all I requested.

CHAIRMAN (Interpretation): The Executive Secretary tells me that in this form the suggestion is acceptable and will probably take the shape of an annex to the Report.

Dr. J.E. HOLLOWAY (South Africa): I do not know that we have heard any good reason why we should clutter up the record with some more material that nobody will read. I oppose the inclusion of any Sub-Committee list - it would just mean more paper and more expense.

CHAIRMAN (Interpretation): We do not want to discuss this subject for a whole hour, and I would not like to take a vote on it. I see no inconvenience in accepting the suggestion made, and I would ask the representative of South Africa to be "a swell guy" and accept the solution!

Are there any other remarks concerning the Introduction?

(Adopted)

Chapter I - Purpose and Objectives. No observations on Chapter I? (Adopted).

Chapter II - Employment and Economic Activity. I would mention here that this is the only Chapter on which no reservation was made. Therefore, everyone will be in agreement.

Chapter III - Economic Development.

Dr. H.C. COOMBS (Australia): Mr. Chairman, I think there is

recorded on Article 12 a reservation by the Australian Delegation. I withdraw that reservation.

CHAIRMAN: The Delegate of Chile.

M. Angel FAIVOVICH (Chile) (Interpretation): Taking into consideration the fact that our point of view on the application without previous authorisation of quantitative limitations for industrial development is safeguarded by the reservation on Article 20, and that, on the other hand, Article 15 covers our point, we withdraw our reservations on Articles 13 and 14.

CHAIRMAN: The Delegate of the Lebanon.

M. Moussa MOBARAK (Lebanon) (Interpretation): We have made a reservation on Articles 13, 14 and 16. If our reservation on Article 16 covers Article 15, then we would not insist on a reservation regarding Article 15; but if it is considered that it does not cover Article 15, we have to insist on a reservation on this Article.

CHAIRMAN (Interpretation): Any other observations?

M. Angel FAIVOVICH (Chile) (Interpretation): I would like to refer to the situation connected with point D of Article 16. I have already, in Commission A, explained the situation and that we asked for the inclusion in Annexe E of treaties already in force with Peru, Argentina and Bolivia. Unfortunately, there was some wrong interpretation of these treaties in the Commission. These treaties are already relatively old. The treaty with Bolivia dates from 1904; the treaty with Argentina dates from 1933, and the treaty with Peru from 1916, but this was a continuation of the renewal of the previous treaty.

These treaties include a certain number of small preferences, and I am afraid that in the Commission they were confused with preferential arrangements for the future. I can understand that there has been a certain amount of confusion regarding these treaties, but I would ask you, in the text of Annex E, to add the treaties with Argentina and Bolivia to the treaty with Peru.

CHAIRMAN (Interpretation): Any remarks on this particular point?

Mr. CLAIR WILCOX (United States): Mr. Chairman, it is my understanding that the Argentine Agreement would be covered by a citation in the Appendix relating to the Agreements of 1933 and 1938, and that it is unnecessary to make special provision in the case of the agreement with Bolivia, because it is already covered in the wording of the Charter.

Mr. PAIVOVICH (Chile (Interpretation)): May I ask, without entering into a long debate on this problem, if Mr. Wilcox has suggested that the Treaty with Argentina should be considered with respect to the date of this Treaty, and the Treaty with Bolivia without considering the date.

CHAIRMAN (Interpretation): My suggestion, Mr. Chairman, was that the Annexe would contain the dates of the Argentine Agreements and identify them - that it was unnecessary to include reference in the Annexe to the Agreement with Bolivia, because that is already adequately covered in the text.

Mr. PAIVOVICH (Chile (Interpretation)): That would mean that both cases would be met.

CHAIRMAN: The Delegate of Belgium.

Mr. FORTHOMME (Belgium): I want to ask a question in English. If I understand rightly, Mr. Wilcox's proposal is this, that in Annexe E we should write in the names of both Argentina and Bolivia...

CHAIRMAN: (Interrupting): No!

Mr. FORTHOMBS (Belgium) (Continuing):...Because Bolivia is one of the countries that should be mentioned in the same way as Peru; but there is no need to put in the date of the Treaty, because that Treaty is covered by the Charter, while in the case of Argentina there is a difficulty, there being a Treaty in existence which is not covered by the Charter.

Therefore, we should mention the date of the two Treaties covered by the Charter, 1930 and 1936.

CHAIRMAN: The Delegate of the United States.

CHAIRMAN: Mr. Wilcox.

Mr. Clair WILCOX (United States): Mr. Chairman -----

Mr. Angel FAIVOVICH (Chile) (Not interpreted).

Mr. Mousse MOBARAK (Lebanon): (Spoke in French): Mr. Chairman, I understand neither Spanish nor English.

CHAIRMAN (Interpretation): Gentlemen, we are confronted now with Mr. Wilcox's proposal plus two interpretations of Mr. Wilcox's proposal. I believe the best thing to do is to ask Mr. Wilcox to explain his proposal.

Mr. CLAIR WILCOX (United States): Mr. Chairman, on the subject of Argentina there is no misunderstanding. With respect to Bolivia, we should have no objection to having the Treaty with Bolivia listed in the Annex. We think it is unnecessary to do so, because there is nothing in the Charter which would preclude the observance of the terms of that Treaty.

CHAIRMAN (Interpretation): If Mr. Faivovich insists on having the name indicated, I believe you would agree?

Mr. WILCOX (United States): Yes.

Mr. FAIVOVICH (Chile) (Interpretation): I should like to say one or two words, Mr. Chairman. I have accepted the insertion of the date of the Treaty with Argentina, just as I could have given the date of the Treaty with Peru and I have given the date of the Treaty with Bolivia, but I want to make a protest against the unusual fact of one Delegation insisting on indicating one date.

I believe the respect due to all the Delegations should have been sufficient and that it should not have occurred

that one Delegation asked for the indication of the date. As far as we are concerned, we have always, in all the discussions, strictly observed the respect we owe to other Delegations and we would never even have insinuated the suggestion of indicating the date of these documents.

I regret, therefore, that the inclusion of the date has been asked for. I believe it should have been entirely sufficient to mention the Treaties.

(To the Interpreter): I should like the interpretation to be as exact as possible. (Interpreter): That will be done.

(After the interpretation, Mr. Faivovich made a further remark, which was not interpreted).

CHAIRMAN: The Delegates of Canada.

Mr. L.D. WILGRESS (Canada): Mr. Chairman, I am entirely at a loss to understand what we are discussing. I have not had any opportunity until now to study those Treaties to which reference has been made and I do not see how we can decide this question now. I therefore think the only course we can adopt is to suggest that the Delegate of Chile maintains his reservation to this Article 16 and that we pass on to other subjects.

CHAIRMAN: The Delegate of the United States.

Mr. WILCOX (United States): Mr. Chairman, I should like to ask the Secretariat whether Chile has established a base date for negotiations on preferences.

CHAIRMAN: Mr. Wyndham White.

Mr. E. WYNDEHAM WHITE (Executive Secretary): Mr. Chairman, so far as the Secretariat are informed, Chile has not established such a date.

M. ANGEL FAIVOVICH (Chile) (Interpretation): As far as the declaration of Mr. Wilgress is concerned, we have made a reservation on Article 16, but that does not mean that we will not try to have the Annex reflect exactly the existing position. If tomorrow we withdraw a reservation, it will be necessary to see that the Annex corresponds exactly to the provisions of the Article.

Regarding the observation of Mr. Wilcox, I may say that we have taken as a basis a provisional date of April 10th, and our Government will ratify on the basis of this date of April 10th.

CHAIRMAN: (Interpretation): I have prepared, at our last meeting, a small note in which I stated that I was happy to see that at our lengthy proceedings we did not have one incident. I should like to retain the right of making such a statement.

I think we can all agree on the following decision to include both countries in Annex E. - that is Argentina and Bolivia, - without any date.

M. ANGEL FAIVOVICH (Chile) (Interpretation): This has already been accepted.

CHAIRMAN (Interpretation): Does everyone agree? Are there any objections?

Mr. CLAIR WILCOX (United States): If the Government of Chile will establish as a definitive date with respect to negotiations on preferences, April 10th 1947, which the delegate of Chile ^{said} has been established provisionally, we shall be pleased to remove our suggestion that the date of the Treaty with Argentina be included in the ANNEX

CHAIRMAN: (Interpretation): Gentlemen, does everyone agree? The delegate of Chile having stated that the date for the system of preferences is 10th April 1947, Annex E. will be drafted so that Argentina and Bolivia will be mentioned without any dates.

M. ANGEL FAIVOVICH (Chile) (Interpretation):

(The first part of the speech not interpreted into English)

I can give approval to no date. All our negotiations have been conducted on a provisional basis, and it remains with our Government to finally approve of them.

Mr. CLAIR WILCOX (United States): Mr. Chairman, I suggest that we accept the proposal of Ambassador Wilgress that the reservation shall stand.

CHAIRMAN (Interpretation): My opinion is that the note on the bottom of page 25 regarding article 16 which says the delegates of Chile, and Lebanon and Syria reserve their position on this Article, covers both the Article and the Annex. Therefore, we can go on with the remainder of our work.

M. ANGEL FAIVOVICH (Chile) (Interpretation): We have before us, Mr. Chairman, two main problems. The first one you have indicated yourself, that the inclusion of Argentina and Bolivia have been approved, and so it was. The second point is that in order not to continue with this apparent confusion we should indicate that we understand that we can make a reservation to the Article as far as the Annex is concerned. However, it must contain the necessary references to give us the freedom of withdrawing our reservation to the Article whenever we wish. I believe this was understood in the Committee.

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CHAIRMAN: Dr. Coombs

DR. H.C. COOMBS (Australia): Mr. Chairman, I am not sure that I understand this controversy fully, but it does seem to me that it is about very little, if not about nothing.

If a base date is not determined, then, under the terms of this Article, no margins of preference are saved other than those which existed on the 10th April, 1947, which I think was the date which the Delegate for the United States has suggested might be specified as the base date for negotiations. If that is so, then I do not see that anything is gained or that anything is changed by the declaration of such a date as a base date, that is, in the absence of a declaration of an earlier date for negotiation.

Consequently, I feel that there is nothing involved in this point, and I must confess that I find some difficulty in understanding why the United States feels difficulty in the inclusion of those two countries in the list.

MR. C. WILCOX (United States): Mr. Chairman, if it is perfectly clear to the Committee that the situation is as Dr. Coombs has described it, that is, the base date must be April 10th, 1947, or earlier, we entirely withdraw our suggestions on this point.

CHAIRMAN (Interpretation): Is everybody agreed?

DR. G. GUTIERREZ (Cuba): Mr. Chairman, I think it is my duty to say a few words, because I have understood very clearly what the Delegate of Chile has said and what the Delegate of the United States has said. They have agreed, but a question of mis-interpretation is making a disagreement that does not exist, and it is my duty,

understanding both languages, to try to make it clear. If I fail, I will not speak any more about it.

The Delegate of Chile said that he wished to state the names of Argentine and Bolivia in the Annex; the Delegate of the United States answered that he had no objection if the date in relation to Argentine were included; afterwards, came the question of the date, and Mr. Wilgress raised a question about the base date for the negotiation of preferences; the Delegate of Chile explained that he accepted, and gave as a provisional date, the 10th April, 1947; the Delegate of the United States answered that if the Chilean Government accepted that date he would have no objection to the insertion of the names of the nations without the date. Therefore, both were in agreement, because that is exactly what Mr. Faivovich said and he accepted the interpretation of Mr. Wilcox.

CHAIRMAN (Interpretation): I thank Mr. Gutierrez for his statement, and I hope that we can now stop the discussion at this stage.

We must finish Chapter III, Gentlemen. The discussion connected with Article 16 was not concerned with Chapter III.

Are there any further remarks on Chapter III?

H.E. DR. WUNSZ KING (China): The Chinese Delegation, Mr. Chairman, withdraws its reservation on page 21 in respect of Article 14, because Article 14, which was formerly Article 13A, is fully covered by Article 13, regarding which we have made a reservation which we maintain.

MR. J.P.D. JOHNSON (New Zealand): Mr. Chairman, New Zealand has recorded a reservation provisionally on Articles 13 and 14 pending receipt of instructions from our Government. We hope that

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we might be able to determine our position prior to the printing of the Report.

CHAIRMAN (Interpretation): Are there any other remarks on Chapter III?

The Delegate for the Netherlands.

DR. A.B. SPEEKENBRINK (Netherlands): Mr. Chairman, I think we still have a few provisional reservations standing. There is one of the United Kingdom, and one of the United States with regard to Article 14, and mine is connected with theirs.

No, I am sorry, Mr. Chairman, I am looking at Chapter IV.

CHAIRMAN (Interpretation): Is everybody agreed on Chapter III?

Chapter III is approved.

The Chair was then taken by Mr. Erik COLBAN (Norway).

CHAIRMAN: Chapter III has been approved. We now start with Chapter IV. We have already had discussions on certain aspects of Article 16 and I would now ask if there are any further remarks with regard to Article 16.

Mr. CLAIR WILCOX (U.S.A.): On page 136, under Annex C, there is a note which says that the Delegates for the United Kingdom and the United States provisionally reserve their position on this Annex. The United States would wish to withdraw its reservation on that point, which we believe to be related to the reservation of the Netherlands on Article 16 on page 25.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. R. J. SHACKLE (United Kingdom): Mr. Chairman, I also wish to withdraw the United Kingdom reservation.

CHAIRMAN: The Delegate of Belgium.

M. Pierre FORTHOMME (Belgium) (Interpretation): Mr. Chairman, we are very happy to see that reservations connected with Annex C have been withdrawn. The difficulties arose through misunderstanding and, in an exchange of views with the interested Delegations, we have clearly shown that no new preference was created and that, on the other hand, the margin of preference which would be applied would be the difference between the free entry which is foreseen by law and the rates which are applied for the different goods in the common tariff between Belgium, Luxembourg and the Netherlands, which was in the hands of Delegations here and of other Governments on 10 April 1947. This tariff has been subsequently approved by the three Parliaments without any changes. Moreover it had been specified that the preference would be acted upon in conformity with Articles 14 and 24 and that no preferential margin would be increased any more beyond the frame of those existing on 10 April 1947, as has

been explained here.

Dr. A. B. SPEEKENBRINK (Netherlands): Mr. Chairman, it is with great pleasure that I withdraw my provisional reservation on Article 16; and, being in that mood, I also would like to withdraw my reservation on Article 19, being Special Provisions Relating to Cinematograph Films.

CHAIRMAN: The Delegate of France.

M. Pierre BARADUC (France) (Interpretation): I should like to mention, Mr. Chairman, that, as far as Annex B is concerned, a few typographical errors must be corrected, which have already been brought to the notice of the Secretariat. After "French Equatorial Africa" a colon must be inserted; and the asterisk must be suppressed after "French Occidental Africa" and added after "French Establishments in India."

The French Delegation withdraws its reservation as far as Article 19 is concerned - Special Provisions Relating to Cinematograph Films - as well as the reservation connected with paragraph 6 of Article 32.

CHAIRMAN: I am sure the Commission hears with very great satisfaction these declarations as to withdrawal of reservations. In order to get on with our work with reasonable speed, I would suggest that nobody who maintains his reservation should speak about it, but that we only have the declarations from those who can withdraw their reservations.

The Delegate of Australia.

Dr. H. C. COOMBS (Australia): Mr. Chairman, in relation to Article 16, Delegates will recall that in the Report of the Sub-Committee the opinion was recorded that certain

administrative practices, which were described in detail to the Sub-Committee, should not be regarded as conflicting with the provisions of this Article. The Australian Delegation would wish to have the substance of the Sub-Committee's Report on that matter included as an Interpretative Note to Article 16.

CHAIRMAN: If I am not mistaken, Commission "A" was unanimous in approving the interpretation given in the Report of the Sub-Committee, and in those circumstances I cannot see anything but disadvantages in adding the substance of that interpretation as an Explanatory Note in the text of the Article.

Dr. GUTIERREZ (Cuba): I would like to know the exact text - the reference.- which page it is.

Dr. H.C. COOMBS (Australia): The reference to which I refer is on pages 4 and 5 of the text of the Sub-Committee's Report, which is document T/174. The text of the Report is fairly long.

Dr. GUTIERREZ (Cuba): I would only like to know the text that is proposed to be inserted in the text of the Draft Charter.

Dr. H.C. COOMBS (Australia): What we would suggest is something to this effect: "It was considered that actions of the following types should not be contrary to a general binding of margins of preference" and then put the two cases given:

"(i) the re-application to an imported product of a tariff classification or rate of duty, properly applicable to such product, in cases in which the application of such classification or rate to such product was temporarily suspended or inoperative on 10 April 1947; and

(ii) the application to a particular commodity of a tariff item other than that which was actually applied to importations on that commodity on 10 April 1947, in cases in which the tariff law clearly contemplates that such commodity may be classified under more than one tariff item."

That is just a suggestion - whether that is the best way of expressing it we would be prepared to leave to the Secretariat.

CHAIRMAN: Is the explanation given by the Chairman of the Sub-Committee on Articles 14, 15 and 24 satisfactory for the inclusion of the note?

Dr. GUTIERREZ (Cuba): I do not raise any objection, Mr. Chairman. I only wanted to know the text.

CHAIRMAN: May I take it that the Commission is in agreement with the Australian suggestion to insert this explanatory note?

Mr. CLAIR WILCOX (United States): If this proposal is coming to us in isolation, I have no objection. If it is the beginning of a long series of suggestions for writing detailed text from the Sub-Committee's Report into footnotes to the Charter, I would object.

CHAIRMAN: There were quite a number of such statements in the Sub-Committee's Report, and the Delegate of Australia, as Chairman of the Sub-Committee, has only brought up this one point.

Dr. H.C. COOMBS (Australia): I would just like to be quite complete on this matter. It was our intention also to suggest that a note arising out of the same Sub-Committee's work should be added in respect of Article 18. I think that represents the complete list of requests which we would have to make.

Mr. Clair WILCOX (United States): Mr. Chairman, I have not had an opportunity to examine all the Reports of all the Sub-Committees with a view to suggesting which paragraphs should be taken from those Reports and included along with the text of the Charter. I should suggest that approval of the text by a Commission might suffice, without opening the door to the selection of certain passages for inclusion here to the exclusion of other passages, all of which were approved by the Commission.

CHAIRMAN: It is quite correct what the United States Delegate has said, that these different explanatory notes were unanimously approved by Commission A representing all the Delegations. The record of these decisions will be in the hands of the Delegates to the Havana Conference. Does the Delegate of

Australia, in these circumstances, feel very strongly about his proposal to insert two of them as explanatory notes under the text of the Charter?

Dr. H.C. COOMBS (Australia): Mr. Chairman, I feel a little diffident about this; but I do feel that in this case particularly there are strong reasons for including the note. The examples are exceedingly difficult ones from the point of view of Australian interpretation of the text. I do not necessarily want the precise wording we have suggested, but we do think that some reference to that - perhaps a reference back at this point would be satisfactory to us - but we do think it is quite important there should be some reference here in the text of the Charter itself to that interpretation. Otherwise, we believe there is real danger of misunderstanding.

CHAIRMAN: Would it be acceptable to the Commission, or, first and foremost, to the Australian Delegate, if the Secretariat arranged for a footnote in respect of this Article "See Minutes of such-and-such Meeting of the Preparatory Committee"?

Mr. R.J. SHACKLE (United Kingdom): Mr. Chairman, my understanding was that Commission A approved this note with a general understanding that it would appear in the notes appended to this Report, and I would like to suggest that it be written in. I do not think that the Minutes of the Commission will be generally available, and for that reason I think this is an important point, and should be put in.

CHAIRMAN: Would the Delegate of the United States be able to agree to the same proposal if it was only a question of one of these explanatory notes?

Mr. Clair WILCOX (United States): I shall accede to the suggestion of the Delegates of Australia and the United Kingdom

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for the inclusion of this note. I do not know whether the Delegate of Australia will feel equally strongly about the other note, but when the third suggestion for writing Sub-Committee Reports into the Charter is presented, I shall oppose it vigorously.

Dr. H.C. COOMBS (Australia): We will "endure" the concession which has been made to our wishes in this matter, and we withdraw our request for an additional note regarding Article 18.

Mr. RAGANATHAN (India): Mr. Chairman, I had a similar suggestion to make with reference to the present Article 54.

I shall now make it when the time comes. I was afraid of a decision contrary to me being taken.

CHAIRMAN: After this I take it that the Secretariat will draft explanatory notes on Article 16.

Is Article 16 and Annexes now formally approved? Approved.

Article 17, "Reduction of Tariffs and Elimination of Preferences.

The Delegate of Norway.

Mr. MELANDER (Norway): Mr. Chairman, I have one slight drafting amendment to the note on page 18. That is the first note on Article 17. I suggest that in the second sentence from the bottom of that note the words "arising out of" should go out, and we should introduce "given by a member under such agreements". The reason is that as the sentence stands now it reads "concessions arising out of such agreements are generalized to all members in accordance with Article 16." That could perhaps be interpreted to mean that also, for example, concessions given by a non-member party to such an agreement should be extended to members of the ITC, which, of course, is not the intention. So to make that completely clear it is suggested that the sentence should read "concessions given by a member under such agreements are generalized to all members".

CHAIRMAN: Is that suggestion agreeable to the Commission?

It is agreed.

I wonder whether "given by" might not be made into "made by", when we make a concession.

Is Article 17 agreed? Agreed.

Article 16. "National Treatment on Internal Taxation and Regulation". Any observations? Agreed.

Article 19. "Special Provisions Relating to Cinematograph Films"

The Delegate of the United Kingdom.

Mr. SHACKLE (United Kingdom): Mr. Chairman, I am sorry it was your suggestion that we should not maintain our reservation. I think I must say on this particular article that we do need to maintain it for the time being, but we are hopeful that it may be possible to withdraw it later on.

CH. IRLAN: The Netherlands and France have already withdrawn their reservations; but reservations are maintained by the United Kingdom and Czechoslovakia.

Mr. MENCVSKY (Czechoslovakia) (Interpretation): We have asked the Czechoslovak Government for permission to withdraw this reservation. We have not yet received their answer, but we hope it will be in the affirmative.

CHAIRMAN: I hope that Delegation may be able to withdraw their reservation direct to the Executive Secretary, so that it may be omitted from the printed text.

The Delegate of France.

Mr. BARJUS (France) (Interpretation): Mr. Chairman, only one word on Article 19. The French text has not been reviewed by the Legal Drafting Committee. We have made a certain number of reservations on this text, as it is not always clear.

CHAIRMAN: Article 20. "General Elimination of Quantitative Restriction".

Mr. MOBRAK (Syria and the Lebanon) (Interpretation): The Amendment of the Syro-Lebanese Delegation on this Article 20 was not mentioned. We would ask to mention it after the reservation put in by the Chinese Delegation.

CHAIRMAN: That will be to re-craft the second note at the bottom of page 35. "The Chinese and Syro-Lebanese Delegations reserved their positions, etc."

Is Article 20 agreed?

It is agreed with the reservations now introduced.

The Delegate of the United States.

Mr. CLAIR WILCOX (United States): At the bottom of page 36 there occurs one of the meaningless footnotes to which I referred earlier.

I do not wish to precipitate a Debate on any of these, but venture to suggest they should have been deleted, if no Delegate objects.

Mr. SHACKLE (United Kingdom): Mr. Chairman, referring to these unnecessary notes, I may say we had a rather lengthy discussion on the interpretation as we could not make out what it meant. Or at least we had a little difficulty, as to what the correct interpretation should be, as it is recorded here. But I suggest this note should be kept.

CHAIRMAN: The Delegate of the United States.

Mr. CLAIR WILCOX (United States): Mr. Chairman, in that case, I withdraw the suggestion.

CHAIRMAN: The Delegate of China.

H.E. Mr. WUNSZ KING (China): As to the Chinese Delegation's reservation to Article 20 on Page 35, I certainly have no objection to the fact that the Chinese Delegation will be enriched by the addition of the two Delegations of Syria and Lebanon making the same reservation, but I take it that, in joining the Chinese Delegation in regard to this reservation, the other two Delegations have also adhered to the proposal made by the Chinese Delegation.

CHAIRMAN (To the Delegate for the Lebanon): That is agreed?

Mr. Moussa MOBARAK (Lebanon): Yes.

CHAIRMAN: May I take it that Article 20 is now agreed?

(Agreed).

Article 21 - Restrictions to Safeguard the Balance of Payments. Are there any observations?

The Delegate of Australia.

Dr. COOMBS (Australia): Mr. Chairman, the Australian Delegation has recorded a reservation against the text of Paragraph 2 (b) of this Article. This is the Article to which I referred when I said that our reservation related to the wording and not to the meaning. We doubt whether Paragraph 2(b) accurately expresses the intention of the paragraph and we wish to record our reservation in that sense.

I do not necessarily ask for any change, Mr. Chairman, but we would be prepared to add, on the grounds that it does not

accurately express the intention, that if it is desired to leave it unchanged, we have no objection.

CHAIRMAN: I think we can leave it to the Australian Delegation, in consultation with the Secretariat, to decide the form of their final reservation.

Did I understand that the Chilean Delegate wished to speak?

Mr. FAIVOVICH (Chile) indicated that he did not wish to say anything.

CHAIRMAN: Article 21 is thus approved.

Article 22 - Non-Discriminatory Administration of Quantitative Restrictions. Are there any comments?

(Agreed)

Article 23 - Exceptions to the Rule of Non-Discrimination. Are there any remarks?

(Agreed)

We arrive at Section C of the new Chapter IV - Subsidies. You will remember that ^{the} old Article 30 was, by the Sub-committee and by Commission A, divided into different Articles.

Article 25 - Subsidies in General. No comments?

(Agreed)

Article 26 - Additional Provisions on Export Subsidies. No comments?

(Agreed)

Article 27 - Special Treatment of Primary Commodities. The Delegate of Australia.

Dr. COOMBS (Australia): Mr. Chairman, we had to record a reservation. We withdraw that reservation on the assumption that Article 33 is approved in its present form.

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CHAIRMAN: Thank you.

Mr. WILCOX (United States): Mr. Chairman, in accordance with the decision of the Committee, the reservation of the United States will be confined to the statement that its reservation is simply as to the question of form.

CHAIRMAN: The Charter will look much nicer after our work today.

Mr. L.D.WILCRESS (Canada): Mr. Chairman, I wish to thank the United States Delegation for their action in this matter.

CHAIRMAN: Article 28 - Undertaking Regarding Stimulation of Exports. Are there any remarks?

(Agreed)

Article 29 - Procedure. No remarks.

(Agreed)

Section D. - from the old Chapter IV - State Trading. Article 30 - Non-discriminatory Treatment. Are there any remarks?

(Agreed)

Article 31 - Expansion of Trade. Are there any remarks?

(Agreed)

Please do not forget to withdraw your observations!

Section E. - General Commercial Provisions. Article 32 - Freedom of Transit. No comments?

(Agreed)

Article 33 - Anti-Dumping and Countervailing Duties. No remarks?

(Agreed)

The Delegate of the Lebanon.

Mr. Mousse MOBARAK (Lebanon)(Interpretation): I would like to associate myself with the D-delegation of Cuba in the condemnation of the principle here involved.

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CHAIRMAN: That would mean the Note will read: "The Delegates for Cuba and the Lebanon would have preferred to introduce the Article by an express statement of condemnation of dumping.

We have already agreed to the adoption of Article 33, and the Secretariat will find out which are the four Delegations mentioned in the Note to Paragraph 6.

Article 34 - Valuation for Customs Purposes. Are there any observations?

(Agreed)

Article 35 - Formalities Connected with Importation and Exportation. Are there any comments?

(Agreed)

Article 36 - Marks of Origin. Are there any remarks?

(Agreed)

Article 37 - Publication and Administration of Trade Regulations.

The Delegate of the United States.

Mr. Clair WILCOX (United States): Mr. Chairman, this remark relates to Article 36, not Article 37. I should like to know if any Delegation would object to dropping the unnecessary Note at the bottom of Page 84.

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CHAIRMAN: You have heard the United States proposal. Is there any objection to leaving out that footnote?

No objection. The note is omitted.

Article 37 - Publication and Administration of Trade Regulations.
Are there no observations? Agreed.

Article 38 - Information, Statistics and Trade Terminology.

Dr. HOLLOWAY (South Africa): May I suggest that it would save time if you read out the number of the article and left out the titles, as we have all got the document in front of us.

CHAIRMAN : Article 38. Agreed.

" 39 "

" 40 "

" 41 "

" 42 "

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There I should mention, in view of the decision taken earlier to-day to adopt a note of the Subcommittee containing an addition to Article 37, but that was un-animously agreed in Commission A. I take it that article 43 is approved.

We now come to Chapter V. which is the old Chapter VI - Restrictive Business Practices. As far as I can see there is practically no observation on the text submitted by Commission B.

Mr. R.J. SHACKLE (United Kingdom): A small point on Article 51, sub-paragraph 1 (b). The position about that is that we do not want to maintain a formal reservation on this sub-paragraph. The fact remains that we are not quite happy about the position, but we are content that the state of mind on our part is recorded in the Minutes, and we may see later if we want to revert to the point at the Havana Conference.

CHAIRMAN: I take it that we are all in agreement with the text of Chapter V.

Dr. A.B. SPEEKENBRINK (Netherlands): Mr. Chairman, before we pass on Chapter VI, I must say that I do not insist on the retaining of the note on page 97, paragraph 1.

CHAIRMAN: Thank you. We have then approved Chapter V. We will pass on to Chapter VI - Inter-Governmental Commodity Agreements.

Mr. S. RANGANATHAN (India): I have one point on Article 54. There is an important question on interpretation which was decided in the sub-Committee, and which was accepted, I think, unanimously, by Commission B. "The question was specifically raised as to whether inter-Governmental Commodity Agreements approved by the Food and Agricultural Organisation for the distribution of basic foods at special prices, were permitted under the Charter. The sub-Committee considered that such agreements were permitted under the Charter, and the new text of paragraph 3 of article 48, present article 54, covered them." We feel that it would be necessary to have this recorded in some suitable way as a footnote to article 54.

MR. CLAIR WILCOX (United States): I indicated that I would oppose a third attempt to insert . . . new text. This is the second attempt.

Mr. L.D. WILGRESS (Canada): Could we have the text, Mr. Chairman, please?

CHAIRMAN: Will you please leave it.

CHAIRMAN: The question was specifically raised: "whether inter-Governmental Commodity Agreements approved by the Food and Agricultural Organisation for the distribution of basic foods at special prices were permitted under the Charter. The Sub-Committee considered that such Agreements were permitted under the Charter, and the new text of paragraph 7 of Article 48, present Article 54, covered them."

Of course the word "Sub-Committee" must be changed to the "Preparatory Committee."

Mr. L. D. WILGRESS (Canada): No objections, Mr. Chairman.

CHAIRMAN: May I take it that we agree unanimously to this explanatory note?

We agree therefore on the whole of the new Chapter VI.

We pass on to Chapter VII. Article 68.

DR. J.E. HOLLOWAY (South Africa): Mr. Chairman, as the Note on page 138 is not intended to be part of the Charter, it can be suppressed.

CHAIRMAN: I would like to ask Delegates, who have practically all been present at the sessions of Commission B when Chapter VII was discussed - and they have already had the papers before them for a few days, whether we may take this Chapter in the same way as we took Chapters V and VI, calling out observations if there are any, in order to speed up our procedure.

I will enumerate the Articles rapidly, and you will stop me if there are any observations. Article 68? Article 69? Article 70? Article 71? Article 72? Article 73? Article 74? Article 75? Article 76?

The Delegate for the Lebanon.

MR. M. MOBARAK (Lebanon) (Interpretation): Mr. Chairman, in the Annex there is a list of countries where Lebanon and Syria are listed together under one single name, and I would ask that the two countries be listed separately. It is only in the case of a customs union that they should be put together, the same as the case of Belgium and Luxembourg.

CHAIRMAN: I understand that that point has already been settled by the Secretariat.

Article 77? Article 78? Article 79? Article 80? Article 81?

The Delegate of Chile.

MR. A. FAIVOVICH (Chile) (Interpretation): We have a reservation to make on paragraph 3. I do not want the interpretation to be construed as having been in favour of a weighted voting system

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here. We are agreeable to this being sent to the Havana Conference, without committing ourselves to the system which may be accepted there.

CHAIRMAN (Interpretation): I would like to assure the Chilean Delegate that there is no possibility of a misunderstanding in this matter.

MR. A. FAIVOVICH (Chile) (Interpretation): If that is so, so much the better, but we still maintain the reservation.

CHAIRMAN: Is Article 81 agreed?
The Delegate of the United States.

MR. C. WILCOX (United States): I believe that the arguments with respect to a particular point raised by a particular Delegation would not be implied by their reservation. In view of misunderstanding of that point, I remove such a statement from any connection with the reservations made by the United States. I suggest that the same principle might apply with respect to the reservations made by the Delegation of Brazil with regard to Article 81.

CHAIRMAN: It is quite correct that we have decided to avoid longer explanatory notes than necessary, so I take it that it would be quite agreeable if we simply say "The Delegate of Brazil reserves his position".

Mr. O. PARANAGUA (Brazil): That would be meaningless, Mr. Chairman, because it is a reservation about a Note, not about the text, and that needs an explanation.

Mr. C. WILCOX (United States): Well, I quite agree with the Delegate of Brazil that a reservation with regard to a non-existent position may be meaningless, but I think this would be the only case in the text of the Charter in which an argument by one Delegation would be set forth. I suggest that this might read:- "The Delegation of Brazil reserves its position with respect to this Note".

Mr. O. PARANGUA (Brazil) (Interpretation): Mr. Chairman, I have no right to concern myself with a reservation which is voiced by any other Delegation, and I can claim the same right for myself - that nobody concerns himself with my reservations which I consider it necessary to maintain.

Dr. H. C. COOMES (Australia): Mr. Chairman, I wonder whether the position of the Delegate of Brazil would be met if the preceding note could be amended to read:

The question of whether such paragraphs are necessary
if they are
and their content, included, has been referred to the
United Nations Conference on Trade and Employment.

CHAIRMAN: Does that give satisfaction to the Delegate of Brazil?

Mr. O. PARANGUA (Brazil): In that case I propose the suppression of the Note.

Dr. J. E. HOLLOWAY (South Africa): Hear, hear.

CHAIRMAN: Is that acceptable to the Commission?

Mr. J. R. C. HELMORE (United Kingdom): It refers both to "x" and "xx"?

CHAIRMAN: Yes. But of course paragraphs 3 and 4 of Article 81 will remain in square brackets. Is that agreed?

Article 82,

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The whole of Chapter VII is now approved,

Chapter VIII: Settlement of Differences - Interpretation.
Article 89.

Mr. Clair WILCOX (U.S.A.): Mr. Chairman, with respect to the footnote at the bottom of page 166, I question the necessity for a note at all, and, if it were included, I believe it was not intended to apply to the whole Chapter, but only, I believe, to Article 91. I wonder if any Delegate would object to the dropping of the Note?

CHAIRMAN: The Delegate of South Africa.

Dr. J. E. HOLLOWAY (South Africa): I object.

Mr. Clair WILCOX (U.S.A.): In that case, I withdraw the suggestion that the Note be dropped and ask if it cannot be moved to its proper place in the text. I do not believe that when it was drafted it was designed to apply to all these Articles.

CHAIRMAN: Has the Chairman of Commission "B" any objection to the transfer of the Note under, I think, Article 91.

Hon. L. D. WILGREGG (Canada): I think that would be the more appropriate place, Mr. Chairman.

CHAIRMAN: Article 89.

Dr. J. E. HOLLOWAY (South Africa): You say 91. It does not refer to 91. It may also apply to 91 but when I raised the matter it was in connection with 89 and 90, not 91.

Mr. Clair WILCOX (U.S.A.): Mr. Chairman, I suggest that the Secretariat be instructed to examine the Minutes of the Sub-Committee which drafted this and indicate where to place this note.

CHAIRMAN: Then I take it that is approved.

Article 90.

Article 91.

Dr. H. C. COOMBS (Australia): Mr. Chairman, in reply to your request that we make our reference to reservations which we maintain, I wish to refer to our reservation here and to say that we must maintain it, and, on instructions from my Government, to express their extreme regret at what they regard as a serious whittling down of the authority of the proposed Organization.

CHAIRMAN: Are there any further remarks? 91 is approved.

Article 92.

Dr. A. B. SPEEKENBRINK (Netherlands): Mr. Chairman, as we have Article 91, also, I have still certain doubts with regard to this Article, especially paragraph 3, but I do not insist on our reservation.

CHAIRMAN: 92 is approved.

Then comes Chapter IX, old Article 36, "Relations with Non-Members - put in square brackets.

Mr. Clair WILCOX (U.S.A.): A mere editing point: I suggest that the title be given at the head of the Article, then "Version" or "Alternative" to be the heading of each of the sections. I think "Alternative" is the term which has been used elsewhere in the document.

CHAIRMAN: The Secretariat draws my attention to something I did not notice before - that Version C is not to be an alternative to A and B, and that is why we use the word "Version" instead of "Alternative".

Mr. Clair WILCOX (U.S.A.): I suggest that the title, "Relations with Non-Members" be applied all the way through and that the title "Contractual relations with non-Members: Treatment of the Trade of non-Members" be dropped.

CHAIRMAN: And we produce the whole alternatives?

M. P. BARADUC (France) (Interpretation): I am very sorry, Mr. Chairman, but in French there can be no three alternatives.

Mr. J. R. C. HELMORE (United Kingdom): The same in English.

CHAIRMAN: Then we can keep "Version"?

Mr. J. R. C. HELMORE (United Kingdom): No, Mr. Chairman, because already in the language of this Committee we have used "Alternative" in connection with A, B, and C, and I suggest that M. Baraduc and I should suffer this maltreatment of our languages in silence.

CHAIRMAN: Then, with this drafting amendment, Article 93 goes forward to the Conference.

Article 94.

Article 95.

M. P. BARADUC (France): (Interpretation): In French the word "variant" would be used.

CHAIRMAN: Article 96.

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CHAIRMAN: Article 97.

M. Moussa MOBARAK (Lebanon): (Interpretation): I would like to draw attention to some inappropriate French wording.

CHAIRMAN: That drafting difficulty will be settled by the Secretariat.

Article 98. Article 99. Article 100.

Mr. WYNDHAM-WHITE (Executive Secretary): Mr. Chairman, as we are bringing one part of the proceedings of the Preparatory Committee to an end tomorrow I think it would be desirable to make provision for the continuation of the tariff work before we finish this section of the work; therefore that we re-convene this meeting at 6.50, terminating the Plenary Meeting at 6 o'clock, and leaving half-an-hour interval between the two.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I only wanted to say before we left the subject of the Charter that I hope you would be able to inform the Chairman of the Preparatory Committee that a number of reservations have been withdrawn this morning, and he might find it appropriate to make a passing reference to that in his introductory speech.

Mr. J.G. TORRES (Brazil): I would just like to say that the Brazilian Delegation has been very happy in dropping many of its reservations that had been appended to the draft Charter before; but in order to leave our situation quite clear, I would like to say that we still maintain two reservations: one to Article 17 on page 24, and one to Article 23, paragraph 5(b) on page 52. Those are the only two reservations we have, and on page 27 there should be a cross-reference indicating the reservation on Article 23, paragraph 5(b)

CHAIRMAN: The meeting is adjourned.

(The Meeting rose at 1.45 p.m.)