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AND
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**CONSEIL
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**REPORT OF THE DRAFTING COMMITTEE OF THE PREPARATORY COMMITTEE
OF UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT**

CHAPTER VIII

ORGANIZATION

The text of Chapter VIII as redrafted by the Drafting Committee appears in document E/PC/T/C.6/W.83 and as revised by the Legal Drafting Sub-Committee in this Report.

CHARTER

CHAPTER VIII

ORGANIZATION

SECTION A - FUNCTIONS AND STRUCTURE OF THE ORGANIZATION

Article 61

Functions

In addition to the functions provided for elsewhere in this Charter, the Organization shall have the following functions:

- (a) to collect, analyze and publish information relating to international trade, including information relating to commercial policy, business practices, commodity problems and industrial and general economic development;
- (b) to facilitate consultation among Members on all questions relating to the provisions of this Charter and to provide for the settlement of disputes growing out of the provisions of the Charter;
- (c) to make recommendations for, and promote international agreement on measures designed to improve the bases of trade and to assure just and equitable treatment for the enterprises, skills, capital, arts and technology brought from one country to another, including agreement on the treatment of foreign nationals and enterprises, on the treatment of commercial travellers, of commercial arbitration and on the avoidance of double taxation;
- (d) generally to consult with and make recommendations and, as necessary, furnish advice and assistance to Members regarding any matter relating to the purposes or the operation of this Charter, and to perform any other function appropriate to the purposes and provisions of this Charter;
- (e) to co-operate with the United Nations and with other inter-governmental organizations for the purpose of furthering the attainment, with an economy of effort, of the economic and social

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CHAPTER VIII

ORGANIZATION

SECTION A - FUNCTIONS AND STRUCTURE OF THE ORGANIZATION

Article 61

Functions

General Comments.

The First Session of the Preparatory Committee had instructed the Drafting Committee to examine Article 61 with a view to insuring that the provisions of this Article are consistent with other provisions of the Charter, especially with those relating to Employment Policy and Industrial Development. The Drafting Committee, after thorough discussion of all issues entering into the formulation of Article 61, decided against the course of spelling out specifically all functions of the Organization mentioned in other articles of the Charter.

CHARTER

objectives of the United Nations and the restoration and maintenance of international peace and security.

Article 62

Structure

The Organization shall have as its principal organs a Conference, an Executive Board, Commissions as established under Article 72; and a Secretariat.

COMMENTARY

[The following text is extremely faint and largely illegible due to low contrast and scan quality. It appears to be a multi-paragraph commentary or report.]

COMMENTARY

Article 64

Voting

General Comments.

1. The First Session, referring to its discussions on the subjects of Voting in the Conference and Executive Board membership, had instructed the Drafting Committee, "insofar as it is able to do so within its terms of reference," to formulate alternative schemes, taking account of the suggestions for a system of weighted voting and for provisions for permanent seats on the Executive Board.
2. The Drafting Committee referred the issue of Executive Board membership and Voting in the Conference to its Administrative Sub-Committee, which discussed the issue of weighted voting without arriving at any final conclusions. In this respect reference is made to the Report of the Administrative Sub-Committee which appears as Annexure B to this Report.

COMMENTARY

3. The Delegation of the United Kingdom submitted a formula on weighted voting and a note on two-thirds majorities, which are attached to the Report of the Administrative Sub-Committee as Appendices I, II, XI and XII.

4. The Delegate of France, pointing out that any modification of paragraph 2 would involve a change in substance, directed the attention of the Drafting Committee to a discrepancy in voting procedure under the Charter; whereas the Charter calls for a two-third vote on procedural questions such as in paragraph 3 of Article 66, the most important decisions on substance are subject to a simple majority vote. He suggested that the attention of the Second Session be drawn to this anomaly and recorded the reservation of France that the text should be changed in such a manner as to call for a two-third majority vote on all major substantive issues.

CHARTER

Article 65

Sessions, Procedure and Officers

1. The Conference shall meet in regular annual sessions and in such special sessions as may be convoked by the Director-General at the request of the Executive Board or of a majority of the Members.
2. The Conference shall adopt its own rules of procedure. It shall annually elect its President and other officers.

COMMENTARY

CHAPTER

Article 66

Powers and Duties

COMMENTARY

Article 66

Powers and Duties

General Comments

The First Session had instructed the Drafting Committee to review the text of paragraph 8 of Article 66 in the light of observations of the French Delegation to the effect that the Charter contained elsewhere important decisions to be taken by the Conference, with respect to which no precise voting requirement had been laid down. It was not found necessary to effect this review, because the Drafting Committee decided to delete the above mentioned paragraph, in view of the fact that the majority provision of paragraph 7 Article 22 had been amended.

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Article 66

Powers and Duties

1. The Conference shall have final authority to determine the policies of the Organization. It may make recommendations to the Members and to other international organizations regarding any matter pertaining to the purposes of this Charter.
2. The Conference may delegate to the Executive Board authority to exercise any of the powers or perform any of the duties of the Organization, except such specific powers and duties as are expressly conferred or imposed upon the Conference under this Charter.
3. The Conference may, by the affirmative votes of two-thirds of the Members of the Organization, determine criteria and set up procedures, including voting procedures, for waiving, in exceptional circumstances, obligations of Members undertaken pursuant to this Charter.
4. The Conference shall establish procedures for making the determinations provided for in Article 30 and in Article 52, whereby any such determinations shall be made through the Organization by consultation among the Members substantially interested in the product concerned.

COMMENTARY

Powers and Duties

66:1 The Drafting Committee was of the opinion that the words
"international organizations" in this context were intended to
cover both private and public international organizations.

66:2

66:3 The Delegate of Australia, seconded by France, suggested
to include in this paragraph a catalogue of those powers which
may not be delegated by the Conference to the Executive Board.

CHARTER

5. The Conferences shall establish procedures for making the determinations, decisions and recommendations provided for in paragraphs 3 (c) and (d) of Article 26, paragraph 1 (e) (1) and paragraph 2 of Article 28, paragraph 2 of Article 34 and Article 35.

6. The Conference may prepare or sponsor agreements with respect to any matter within the competence of the Organization and by the affirmative votes of two-thirds of the Members present and voting recommend such agreements for acceptance. Each Member shall within a period specified by the Conference notify the Director-General of its acceptance or, in the case of non-acceptance, shall furnish a statement of the reasons therefor.

7. The Conference shall approve the budget of the Organization, and shall apportion the expenditure of the Organization among the Members.

8. The Conference shall determine the site of the Organization and shall establish such branch offices as it may consider desirable.

COMMENTARY

66:7 The Delegate of the United States suggested to amend paragraph 4 by adding the following sentence: "No one Member shall be required to pay more than one-third of the total expenses of the Organization for any given budgetary period." The Delegates of the United Kingdom, Canada and of South Africa agreed with the principle incorporated in this amendment. The Drafting Committee noted the reference in the report of the First Session which suggested that apportionment of expenses should follow the general principles adopted by the United Nations.

The Delegates of Australia, China and Cuba considered that no rigid maximum should be laid down in the Charter for the contribution of any Member.

CHARTER

SECTION C - TARIFF COMMITTEE

Article 67

Tariff Committee

1. There shall be a Tariff Committee which shall act on behalf of the Organization in the making of recommendations and determinations pursuant to paragraph 3 of Article 24.
2. The Committee shall consist originally of those Members of the Organization which shall have made effective the General Agreement on Tariffs and Trade dated, 194.. Any other Member of the Organization shall be a member of the Committee when, in the judgment of the Committee, that member shall have completed negotiations pursuant to paragraph 1 of Article 24 comparable in scope or effect to those completed by the original members of the Committee.
3. Each member of the Committee shall have one-vote.*
4. Decisions of the Committee pursuant to paragraphs 1 and 2 of this Article shall be taken by a two-thirds majority of its members and other decisions by a simple majority.
5. The Committee shall adopt its own rules of procedure, including provision for the election of its officers.

* See Annexure B

COMMENTARY

Article 67

Tariff Committee

67

The Committee deleted the provision that the functions of the Tariff Committee should be transferred to the Conference, because it was of the opinion that membership of the Tariff Committee should be confined to those Members of the Organization, who had carried out the obligations under Article 24.

CHARTER

SECTION D -- EXECUTIVE BOARD

Article 66*

Membership

1. The Executive Board shall consist of fifteen Members of the Organization elected by the Conference.

2. Subject to the provisions of paragraph (3) one-third of the members of the Executive Board shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election fifteen members of the Executive Board shall be chosen. The term of office of five members shall expire at the end of one year and of five other members at the end of two years, in accordance with arrangements made by the Conference.

* See Annexure B

COMMENTARY

SECTION D - THE EXECUTIVE BOARD

Article 68

Membership

General Comments

1. The First Session of the Preparatory Committee had instructed the Drafting Committee to consider the question of Executive Board membership in conjunction with the question of voting in the Conference and reference is made in this respect to the commentary to Article 64.

2. The Drafting Committee referred this matter to its Administrative Sub-Committee, which discussed all aspects of Executive Board Membership and reported on its conclusions in the First Report of the Administrative Sub-Committee, which forms an annexure to the Report of the Drafting Committee. Reference is made to this annexure and all appendices attached to it.

3. The Drafting Committee, without reaching any decision on the substance of the Report of its Administrative Sub-Committee, decided to attach it with Appendices to its own Report, in order to make it available as a working document for the Second Session. The Drafting Committee also decided to show in the Charter text the first alternative of the London Report in square brackets and to attach as further appendices to the Administrative Sub-Committee's Report the second, third and fourth alternatives of the

ARTICLE 68

CHARTER

4. Each member of the Executive Board shall have one representative and may appoint alternates and advisers to its representative.⁷

Article 69

Voting

1. Each member of the Executive Board shall have one vote.
2. Decisions of the Executive Board shall be made by a majority of members present and voting.

Article 70

Sessions, Procedure and Officers

1. The Executive Board shall adopt its own rules of procedure, including rules concerning the convening of its sessions.
2. The Executive Board shall annually elect its Chairman and other officers, who shall be eligible for re-election.

3. The Chairman of the Executive Board, as such, shall be entitled to participate, without the right to vote, in the deliberations of the Conference.

4. Any Member of the Organization which is not a member of the Executive Board, shall be invited to send a representative to any discussion by the Board of a matter of particular and substantial concern to that Member. Such representative shall, for the purpose of such discussion, have all the rights of members of the Board except the right to vote.

Article 71

Powers and Duties

1. The Executive Board shall be responsible for the execution of the policies of the Organization and shall exercise the powers delegated to it and perform the duties assigned to it by the Conference. It shall supervise the

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of the London Draft Charter and the United Kingdom's Delegate's
paper on the question of two-third majorities

Article 70

Sessions, Procedure and Officers

70:1 The Drafting Committee draws the attention of the Second
Session to the possible desirability of providing for the manner
in which the functions of the Executive Board will be exercised
while the Board is not in session.

Article 71

Powers and Duties

71:1 The Drafting Committee is of the opinion that the last
sentence of this paragraph will be redundant if the second
Session should decide to include provision for a Commission
for industrial development in the text of the Charter.

CHARTER

activities of the Commissions provided for in this Charter and shall take such action upon their recommendations as it may deem appropriate. It shall provide adequate machinery to review the work of the Organization relating to industrialization and general economic development.

2. The Executive Board may make recommendations to the Conference, to the Members of the Organization, or to other international organizations, on any subject falling within the scope of this Charter, and shall prepare the preliminary agenda of the Conference.

3. The Executive Board may recommend to the Conference the admission of new Members of the Organization.

COMMENTARY

Subject: ...

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SECTION E - COMMISSIONS

Article 72

Establishment

The Conference shall establish a Commission on Commercial Policy, a Commission on Business Practices and a Commodity Commission and may establish such other Commissions as may be required. The commissions shall be responsible to the Executive Board.

Article 73

Composition and Procedure

1. Commissions shall be composed of persons chosen by the Executive Board and qualified by training or experience to carry out the functions of the Commissions in accordance with the purposes of this Charter.
2. The number of members of each Commission and the conditions of service of the members of each Commission shall be determined in accordance with regulations prescribed by the Conference.
3. Each Commission shall elect its Chairman, and shall subject to approval by the Executive Board, adopt its own rules of procedure.
4. The Chairman of each Commission shall be entitled to participate, without the right to vote, in the deliberations of the Executive Board and of the Conference.
5. Pursuant to agreements under paragraph 2 of Article 81, the Organization may make arrangements for representatives of other inter-governmental

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SECTION E - COMMISSIONS

Article 72

Establishment

Article 73

Composition and Procedure

73:5

The Delegation of South Africa, with the support of the Delegate for Australia, felt that this provision was redundant in

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organizations having a special interest in the activities of any of the
Commissions to participate in the work of such Commissions.

COMMENTARY

view of provisions of Article 81

The Food and Agriculture Organization Observer, stressing the importance of close working relations between the International Trade Organization and the Food and Agriculture Organization suggested inclusion of the following note in the report, as an observation on this Article and on paragraph 2 of Article 86;

"While this phraseology appears the most appropriate for covering all the specialized agencies, it is clear that there is one, namely the Food and Agriculture Organization, which has specific responsibilities for products of farms, forests, and fisheries, some of which products may be, or may become subject to commodity arrangements. It is evident that the close co-operation and reciprocal representation which this special situation requires needs to be adequately provided for in the agreement negotiated between the International Trade Organization and the Food and Agriculture Organization. If, however, it is desired to provide specifically for this in the Charter, appropriate changes could be made in these two Articles.

It may be noted that the Report of the Food and Agriculture Organization Preparatory Commission provides for International Trade Organization representation in the Food and Agriculture Organization Annual Programme Review and on the World Food Council."

GENERAL COMMENT TO ARTICLES 74 TO 77, INCLUSIVE

1. The First Session of the Preparatory Committee had instructed the Drafting Committee to prepare appropriate drafts covering the functions of the commissions on commercial policy, business practices and commodities. The Drafting Committee

COMMENTARY

The Drafting Committee, after discussing the advantages and disadvantages of spelling out in Articles 75, 76 and 77 all functions which are assigned to the commissions in the respective parts of the Charter, decided against such a course and drafted the text of these Articles in a more general manner. The draft of the Administrative Sub-Committee in this respect was unanimously approved by the Drafting Committee.

Article 74

General Functions

The Drafting Committee felt that the commissions should be authorized to consult with each other on matters falling within the purview of two or more commissions and, consequently, added a sentence to this effect in the text of Article 74.

CHARTER

(b) to develop and to recommend to the Executive Board programmes designed to further the objectives of this Charter in the general field of commercial policy.

Article 76

Functions of the Commission on Business Practices

The Commission on Business Practices shall have the following functions:

- (a) to conduct studies in the field of Restrictive Business Practices, as provided for in paragraph (a) of Article 41; and
- (b) to advise and make recommendations to the Executive Board on all matters falling within the scope of Chapter VI and regarding the exercise of the functions of the Organization under this Charter, insofar as they relate to Restrictive Business Practices.

Article 77

Functions of the Commodity Commission

The Commodity Commission shall have the following functions:

- (a) to study commodity problems and proposals for dealing with them and to prepare the reviews called for in Article 55; and
- (b) to advise and make recommendations to the Executive Board on all matters falling within the scope of Chapter VII and those arising from the provisions of paragraph 4 of Article 30.

COMMENTARY

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SECTION F - THE SECRETARIAT

Article 78

Composition

1. The Secretariat shall consist of a Director-General and such staff as may be required,
2. The Director-General shall have authority to appoint Deputy Directors-General in accordance with regulations approved by the Conference.

Article 79

The Director-General

1. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Board. The powers, duties, terms and conditions of office of the Director-General shall be in accordance with regulations approved by the Conference. He shall be the chief administrative officer of the Organization, and shall be subject to the general supervision of the Executive Board.
2. The Director-General or his representative shall be entitled to participate, without the right to vote, in all meetings of the Conference, of the Executive Board, of the Commissions and of the committees of the Organization. The Director-General may initiate proposals for the consideration of any organ of the Organization. He shall present through the Executive Board an annual report to the Conference on the work of the Organization and shall in consultation with the Executive Board prepare the budget of the Organization for submission to the Conference.

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Article 80

Employment of Staff

1. The Director-General shall appoint the staff of the Secretariat and fix its duties and terms and conditions of service in accordance with regulations approved by the Conference. The paramount consideration in the employment of the staff and in the determination of its conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, due regard being paid to the importance of recruitment on as wide a geographical basis as possible.
2. The conditions of service, such as the provisions governing qualifications, salary, tenure and retirement of members of the Secretariat shall be fixed, so far as practicable, in conformity with those for members of the Secretariat of the United Nations and of other specialized agencies.

COMMENTARY

Article 80

Employment of Staff

The text of Article 80 is extremely faint and largely illegible. It appears to be a multi-paragraph commentary on the 'Employment of Staff' section of Article 80. The text is scattered across the page with significant noise and low contrast, making it impossible to transcribe accurately. It seems to contain several paragraphs of text, possibly including sub-sections or numbered points, but the content is unreadable.

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SECTION C - MISCELLANEOUS PROVISIONS

Article 61

Relations with Other Organizations

1. The Organization shall be brought into relationship with the United Nations as soon as practicable as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through agreement with the United Nations under Article 63 of the Charter of the United Nations, which agreement shall be concluded by the Director-General and approved by the Conference. The agreement shall provide for effective co-operation between the two Organizations in the pursuit of their common purposes, and at the same time shall recognize the competence of the Organization within its jurisdiction as defined in this Charter. The Conference may adjust the provisions of this Charter to conform to any such agreement provided such adjustments do not involve new obligations on the part of Members.
2. The Organization shall co-operate with the other inter-governmental organizations having related interests and activities. Arrangements for co-operation with such organizations may be made by the Executive Board. Effective working relationships with such organizations, which may include the establishment of joint committees or provision for reciprocal representation at meetings or such other measures as may be necessary to assure effective co-operation, may be established by the Director-General.
3. The Organization may make suitable arrangements for consultation and co-operation with non-governmental organizations concerned with matters within its competence and may invite them to undertake specific tasks.
4. Whenever the Conference of the Organization and the competent authorities of any other international organization, whose purposes and functions lie within the competence of the Organization, deem it desirable to effect a transfer of its resources and functions to the Organization, to incorporate

COMMENTARY

Article 81

Relations with Other Organizations

81:1 The Australian Delegation moved, supported by the South African Delegation, to delete the words "by the Director-General and" in the second sentence of this paragraph because it was unrealistic to assume that negotiations of this kind would actually be conducted and concluded by the Director-General. The Delegate for France expressed the opposite view pointing out the need for clear designation which official or organ of the International Trade Organization would be competent to represent the Organization in such proceedings.

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it into the Organization or to bring it under the supervision or authority of the Organization, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for this purpose. The Organization may acquire such resources and assume such functions of, or incorporate or exercise such control over, such other organizations as may be provided by any convention or agreement appropriate to the purpose. The Members shall, subject to their respective constitutional requirements, take such steps as the Conference may determine to integrate such other international organizations into the structure of the Organization.

Article 82

International Responsibilities of Personnel of the Organization

1. The responsibilities of the Director-General of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government, or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials.
2. The provisions of paragraph 1 of this Article shall also apply to the members of the Commissions provided for in Article 72.
3. The Members shall respect the international character of the responsibilities of these persons and shall not seek to influence them in the discharge of their duties.

Article 83

International Legal Status of the Organization

The Organization shall have legal personality and shall enjoy such legal capacity as may be necessary for the exercise of its functions.

COMMENTARY

The following text is extremely faint and largely illegible. It appears to be a commentary or a list of points related to the document's subject matter. The text is organized into several paragraphs, with some lines appearing to be bulleted or numbered. Due to the low contrast and quality of the scan, the specific content of the text cannot be accurately transcribed.

CONFERENCE

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Article 84

Status of the Organization in the Territory of Members

1. The Organization shall enjoy in the territory of each of its Members such legal capacity privileges and immunities as may be necessary for the exercise of its functions.
2. Representatives of the Members of the Organization and its officials shall similarly enjoy such privileges and immunities as may be necessary for the independent exercise of their functions in connection with the Organization.
3. The Conference may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article and may propose conventions to the Members for this purpose.

Article 85

Amendments to the Charter

1. Any amendment to this Charter which does not involve new obligations on the part of Members shall become effective upon receiving the approval of the Conference by the affirmative votes of two-thirds of the Members.

2. Any amendment to this Charter which involves new obligations on the part of Members, shall become effective for each Member accepting the amendment, upon acceptance on the part of two-thirds of the Members, and thereafter for each remaining Member on acceptance by it. The Conference may determine that any Member which has not accepted an amendment under this paragraph within a period specified by the Conference, shall cease to be a Member of the Organization. In the absence of such determination, a Member not accepting an amendment shall, notwithstanding the provisions of paragraph 1 of Article 89, be free to withdraw from the Organization upon the expiration of six months from the

COMMENTARY

Article 85

Amendments to the Charter

85:1 The Delegate for France reserved his position in regard to the present phrasing of this paragraph.

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day on which written notice of such withdrawal is received by the
Director-General.

3. The Conference shall, by the affirmative votes of two-thirds of the
Members, adopt rules of procedure for carrying out the provisions of this
Article.

Article 86

Interpretation and Settlement of Disputes

COMMENTARY

Article 86

Interpretation and Settlement of Disputes

86: 2,3 & 4

The Delegate for the United Kingdom explained his view that it was imperative for the Organization to be master in its own house and to be able to make final determinations of a nature provided for in the Charter. These determinations call for the exercise of discretion and for rulings on economic subjects on the basis of economic reasoning. In this respect, there exists a wide difference between normal commercial treaties, whose character is static, and the Charter, which is dynamic and subject to change in the light of experience. The determinations and rulings of the Organization do not form a proper object for judicial review, even by an economic chamber of the International Court of Justice. Judicial decisions call for the exercise of legal judgment but not for economic evaluation. The distinction between "justiciable" and other issues in Article 86 of the London text is untenable and unworkable. But in order to prevent abuse of majority power provision should be made whereby, on the motion of one-third of the Members, an advisory opinion of the International Court of Justice would be sought on any issue involving interpretation of the Charter. In the United Kingdom Delegate's view, the subjects of nullification and impairment and of interpretation and settlement of disputes belong together, and for this reason the United Kingdom draft has combined the provisions of Article 33, paragraph 2 and Article 86.

CHARTER

1. The texts of this Charter in the official languages of the United Nations shall be equally authoritative.

2. Any question or difference concerning the interpretation of this Charter or arising out of its operation shall be referred to the Executive Board for a ruling thereon. The Executive Board may decide either to give a ruling on the matter itself, or to refer it, with the consent of the parties, to arbitration upon such terms as may be agreed by the parties. Any ruling of the Executive Board shall, upon the request of any Member directly affected or, if the ruling is of general application, upon the request of any Member, be referred to the Conference.

3. Any justiciable issue arising out of a ruling of the Conference with respect to the interpretation of sub-paragraphs (c), (d), (e), or (k) of Article 37 or of paragraph 2 of Article 59 may be submitted by any party to the dispute to the International Court of Justice, and any justiciable issue arising out of any other ruling of the Conference may, in accordance with such procedures as the Conference shall establish, be submitted by any party to the dispute to the International Court of Justice. The Members accept the jurisdiction of the Court in respect of any dispute submitted to the Court under this Article.

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The Committee decided that this as well as the Memorandum, submitted to the First Session by the Delegations of France, Belgium and the Netherlands, on the subject of arbitration, was a substantive matter of the highest importance which would have to be referred to the Second Session of the Preparatory Committee. For this reason it was agreed to put paragraphs 2-4 inclusive of the London draft into square brackets.

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4. The Organization may, in accordance with paragraph 2 of Article 96 of the Charter of the United Nations, request from the International Court of Justice advisory opinions on legal questions arising within the scope of its activities.⁷

Article 37

Contributions

Each Member shall contribute promptly to the Organization its share of the Organization's expenditures as apportioned by the Conference. A Member of the Organization, which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the organs of the Organization if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, nevertheless, permit such a Member to vote, if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Article 38

Entry into Force

1. The original of this Charter, as set forth in the Final Act of the United Nations Conference on Trade and Employment, shall be deposited with the Secretary-General of the United Nations, who will furnish certified copies thereof to all interested governments.

COMMENTARY

86:4 The First Session of the Preparatory Committee had instructed the Drafting Committee to consider the desirability of redrafting paragraph 4 in view of the possibility that the General Assembly of the United Nations might agree to grant to other specialized agencies a general blanket authorization to seek advisory opinions from the International Court. Since paragraph 3 of Article 86 in its present form provides for the possibility of review of decisions of the International Trade Organization by the International Court, the Drafting Committee feels that a blanket authorization to seek advisory opinions might conflict with possible later litigation before the International Court and for this reason refers this issue for consideration in conjunction with Article 86, paragraph 3, to the Second Session of the Preparatory Committee.

Article 87

Contributions

Article 88

Entry into Force

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2. Each government accepting this Charter shall deposit an instrument of acceptance with the Secretary-General of the United Nations, who will inform all governments represented at the United Nations Conference on Trade and Employment and all other Members of the United Nations which were not represented at that Conference, of the day of deposit of each instrument of acceptance and of the day on which this Charter enters into force under paragraph 3 of this Article.

3. This Charter shall enter into force on the sixtieth day following the day on which the number of governments represented at the United Nations Conference on Trade and Employment which have deposited instruments of acceptance pursuant to paragraph 2 of this Article shall reach twenty, and the acceptance of each other accepting government shall take effect on the sixtieth day following the day on which the instrument of such acceptance is deposited, Provided that, if this Charter shall not have entered into force by 194 , any of the governments which have made effective the General Agreement on Tariffs and Trade dated.....194 , together with any other governments represented at the United Nations Conference on Trade and Employment, may agree to bring this Charter into force among themselves in accordance with arrangements which they may agree upon. Any instrument of acceptance deposited with the Secretary-General of the United Nations shall be taken as covering both procedures for bringing this Charter into force, unless it expressly provides to the contrary or is withdrawn.

4. Each government accepting this Charter does so in respect of its metropolitan territory, and such other territories for which it has international responsibility with the exception of those territories which are self-governing in respect of matters provided for by this Charter. Each Member shall notify the Secretary-General of the United Nations of its acceptance of this Charter on behalf of any such self-governing territory,

COMMENTARY

88:3

The Delegate for the United Kingdom proposed the re-insertion of the original text of paragraph 3 of Article 78 in the United States Draft Charter in place of the London text of this paragraph. The Drafting Committee decided to approve temporarily the text of paragraph 3 in the formulation of the London report but to note in its report that the differences between the two texts have been discussed and that there existed a body of opinion for the re-insertion of the text of the United States Draft Charter.

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and the provisions of this Charter shall become applicable to that territory on the sixtieth day following the day of the receipt of such notification.

5. Each accepting government shall take such reasonable measures as may be available to it to assure observance of the provisions of this Charter by subsidiary governments within its territory.

Article 39

Withdrawal and Termination

1. Without prejudice to the provisions of paragraph 3 of Article 24 or paragraph 2 of Article 35 any Member may withdraw from the Organization, either on its own behalf or on behalf of a territory which is at the time self-governing in respect of matters provided for by this Charter at any time after the expiration of the three years from the day of the entry into force of this Charter, by written notice addressed to the Director-General.

The Director-General shall immediately notify all other Members.

2. A withdrawal under paragraph 1 of this Article shall take effect upon the expiration of six months from the day on which written notice of such withdrawal is received by the Director-General.

3. This Charter may be terminated at any time by agreement of three-fourths of the Members.

COMPLEMENTARY
