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

VERBATIM REPORT

THIRTY-SECOND MEETING OF COMMISSION "B"

HELD ON TUESDAY, AUGUST 19, 1947, AT 10.30 A.M.

IN THE

PALAIS DES NATIONS, GENEVA.

The Hon. L.D. WILGROSS (Chairman) (Canada)

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CHAIRMAN: The Meeting is called to order.

We shall begin our discussion on Chapter VIII, and first of all we shall endeavour to terminate Article 72 - Composition of the Executive Board. I call the attention of the Members of the Commission to Document W.303, - the three alternative texts of Article 72. You will notice that in the opening paragraph it is stated that "Commission B has not yet adopted the texts of Alternatives of B. and C." So our first task will be to consider the texts of Alternatives B. and C. to be quite sure of presenting to the World Conference the text in the form in which we feel it should be presented.

The texts of Alternatives B. and C. incorporate the amendments that were suggested by the Cuban delegation to Alternative B., and by the United Kingdom delegation to Alternative C.

We will first consider Alternative B, paragraph 1.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I do not wish to put forward any amendments at all on this if the Commission feels that it would be better not to have amendments. I merely wish to point out the apparent inconsistency which Members may like to consider: that is that in Alternative B, line 3 of paragraph 1 we say: "by the affirmative vote of two-thirds of those present and voting", whereas in the last line of paragraph 2 we say: "by a two-thirds majority of the votes cast." I do not believe there is any significant difference in the results because, after all, if somebody does not want to cast a vote he can go out of the room and he is not present. I merely suggest that it would be better to adopt one formula or another.

Mr. ERIK COLBAN (Norway): Mr. Chairman, I made my proposal in order to submit my idea on the question of principle. I did not intend to elaborate a full text, and I do not think it strengthens,

but rather weakens, my proposal to add paragraphs 2 and 3. I have no real objection to the ideas contained in these paragraphs, but I feel that my proposal would carry more weight if it were in my original form.

Dr. GUSTAVO GUTIERREZ (Cuba): Mr. Chairman, if we present the Alternative B with only paragraph 1, all the delegates present at the World Conference will ask themselves for what extension of time the Executive Board is elected, and what are the possibilities of an increasing relation of combination ^{the} of elections. The first observation especially would be, in my opinion, of a very technical nature because to say that the Executive Board should consist of a certain number, and not to say for what extension of time the Executive Board is elected, is really something unique in this matter. Nevertheless, as nothing has been added to the principle, but just a question of basic importance has been introduced by paragraphs 2 and 3, if this is going to be a matter of long discussion, I shall not take any interest in the discussion.

Mr. ERIK COLBAN (Norway): Mr. Chairman, I also would like to avoid any further discussion, so as I feel that the Cuban delegate attaches considerable importance to these additions, I shall not object.

Mr. H.F. ANGUS (Canada): Mr. Chairman, might I call attention to a very minor point. Alternative B says that "the Executive Board shall consist of representatives of the Members." The other Alternative says that it "shall consist of Members." Is that an intentional difference?

Mr. ERIK COLBAN (Norway): Yes, Mr. Chairman, I think that it is a more logical way of putting it that the Executive Board has 15

Members but each one of these Members is the representative of a Member of the Organisation.

CHAIRMAN: Are there any further comments?

DR. GUSTAVO GUTIERREZ (Cuba): Mr. Chairman, I think that the suggestion made by the United Kingdom delegate is acceptable to us; that is to say, to have the same wording in both paragraphs 1 and 2. That is to say "by the affirmative vote of two-thirds of those present and voting."

CHAIRMAN: Is that agreed? Can we now adopt the text of paragraph 1. Adopted.

Paragraph 2 will have the change suggested by the United Kingdom delegate.

It will now read:- "The number of Members on the Executive Board may, upon a recommendation of the Board, be increased by the Conference by a two-thirds majority of the Member present and voting". Is that agreed?

Agreed.

Paragraph 3.

The Delegate for Brazil.

MR. O. PARANAGUA (Brazil): Mr. Chairman, I read here "The Members elected to the Executive Board shall normally be elected for terms of three years". What are we to understand by the word "normally"?

CHAIRMAN: It seems to be the same wording as paragraph 3 of Alternative A.

Is paragraph 3 approved?

Approved.

We now pass to Alternative C.

Paragraph 1. Any comments?

Paragraph 1 is adopted.

Paragraph 2?

Approved.

Paragraph 3?

Approved.

Paragraph 4?

DR. E. COLBAN (Norway): Mr. Chairman, I just want to ask the Delegate for Australia whether the last sentence of paragraph 4 is correctly given here:- "A retiring Member shall be eligible for immediate re-election". That refers to "Nine other Members"

and, as it stands here, it would not guarantee any reasonable protection. I just want to ask whether he has purposely put in "shall be eligible for immediate re-election"?

DR. H.C. COOMBS (Australia): It was quite deliberate, Mr. Chairman. It was my view that the countries, in voting at each election, would take into account such need for rotation of places on the Executive Board as they considered desirable.

CHAIRMAN: Does that satisfy the Norwegian Delegate?

DR. E. COLBAN (Norway): Certainly, Mr. Chairman.

CHAIRMAN: Is paragraph 4 approved?

Approved.

Paragraph 5?

The Delegate of Belgium.

Baron P. de GAIFFIER (Belgium) (Interpretation): Mr. Chairman, I would just like to put a question to the Australian Delegate. In sub-paragraph (a) of paragraph 5, I see that the formula which appears in that sub-paragraph, regarding the Customs Union of Belgium, Luxembourg and the Netherlands, is different from the formula which appears in Alternative A. The formula in Alternative A is more flexible, and we have said many times that we ought to have flexible provisions in the Charter. Therefore, it seems to me that Alternative A presents certain advantages, especially if we consider the observation made the other day by the Cuban Delegate.

CHAIRMAN: The Delegate of Australia.

Dr. H.C. COOMBS (Australia): I take it that the Delegate for Belgium is referring to the way in which the Customs Union between Belgium, Luxembourg and the Netherlands has been dealt with, without offering the alternative that, if they do not wish to be represented as a Customs Union, they would be represented in turn, that is, either the representative of Belgium or the representative of the Netherlands. I would not object to the inclusion of the words "should these States desire to be represented as a unit" but, in my opinion, if they do not so wish to be represented, then the number of permanent seats should be correspondingly reduced and the two countries concerned should take their place with the rest, the number of places to be filled by election being correspondingly increased.

Baron P. de GAIFFIER (Belgium) (Interpretation): Mr. Chairman, I thank the Australian Delegate for the explanation he has just given. I wanted to know whether this text was drafted purposely in the way it is now, and I am satisfied.

DR. A.B. SPEEKENBRINK (Netherlands): May I ask, Mr. Chairman, whether these words suggested by Dr. Coombs will now be included?

CHAIRMAN: Does the Delegate of the Netherlands propose that, after the word "Netherlands", the words "should these States desire to be represented as a unit" should be added?

DR. A.B. SPEEKENBRINK (Netherlands): Yes, Mr. Chairman.

CHAIRMAN: Is that agreed?

The Delegate for Cuba.

Dr. G. GUTIERREZ (Cuba): Mr. Chairman, I think that a Note should be inserted at the foot of the page saying that the previous Note extends to this matter of the Customs Union.

CHAIRMAN: We will be dealing with the text of the Notes given on page 1 later. I take it that the Cuban Delegate would like to have that Note repeated here, or rather, it will not be repeated, it will be incorporated by reference. Is that agreed?

Approved.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, I take it that what we have just approved is the insertion of the words?

CHAIRMAN: Yes, the insertion of the words and the reference to the note. Any other comments on paragraph 5? Is paragraph 5 approved with the changes we have made?

(Approved)

Paragraph 6. Sub-paragraph (a). Any comments?

Mr. H.F. ANGUS (Canada): Mr. Chairman, unless the matter is covered by the note inserted, this paragraph would have this operation: that unless a Customs Union could be a Member, the Customs Union could not achieve membership under paragraph 5(a) and the number of seats would be reduced accordingly. If the Customs Union is a Member, it is presumably a Member for all purposes, and the States lose their identity to that extent.

Mr. J.R.C. HELMORE (United Kingdom): Mr. Chairman, might I attempt to analyse, for the benefit of the Delegate of Canada, the possible alternatives which might arise under the wording we have just adopted for paragraph 5(a), and their effect on paragraph 6(a)?

There are three possibilities in theory: One is that one of the States (Belgium, Luxembourg and the Netherlands) would not be a Member of the Organization. In that case, the size of the Board would be reduced accordingly. The second possibility is that the Customs Union of Belgium, Luxembourg and the Netherlands, all Members of the Organization, would not desire to be represented, in which case there would be no change in the size of the Board, since all the States mentioned in paragraph 5(a) would be Members and therefore the proviso in paragraph 6(a) would not operate. The third alternative is the one which I think the

Delegate of Australia has contemplated in his text, that is, that the Customs Union would desire to be represented as a unit, in which case no question would arise.

I take it that the theoretical proposition that Belgium could be a Member and the Netherlands not, is not really a very likely proposition, since I can see great difficulties in a Customs Union of which one party was a Member of the Organization and the other party not. I suggest to the Delegate of Canada that we can leave it as it stands.

CHAIRMAN: Is the Delegate of Canada satisfied with the explanation?

Mr. H.F. ANGUS (Canada): I do not wish to pursue the discussion. It seems to me it is the Legal Drafting Committee who will eventually have to decide that.

CHAIRMAN: Is sub-paragraph (a) approved?

Dr. Gustavo GUTIERREZ (Cuba): I suggest that we leave the text as it is, to be considered by the World Conference, because I think the Legal Drafting Committee is exhausted!

CHAIRMAN: I take it that the Commission is agreed on sub-paragraph (a). Sub-paragraph (b). No comments? The text is approved.

Paragraph 7? Approved.

We now take up the two notes that appear on Page 1 of document W/30C. The first note was approved and is in the Report of the Committee. The second note reads: "The Preparatory Committee was not able to examine fully the conception of giving membership in the Board to customs unions. This matter may need to be considered more thoroughly by the World Conference".

Dr. Gustavo GUTIERREZ (Cuba): Mr. Chairman, I think that the word "may" in the last sentence of the note should be replaced by another word - I should suggest "must" or some other appropriate English word.

CHAIRMAN: I suggest the phrase "This matter should be considered more thoroughly by the World Conference" would meet the point.

Is that acceptable to everybody in the Commission?

(France)

M. ROYER/(Interpretation): Mr. Chairman, I want to go back to footnote 1. I do not think that we can insert this footnote, as it stands here, under Alternative C, especially after the explanations which were given to us by Dr. Coombs. Dr. Coombs said that if the three countries composing the Benelux Customs Union did not wish to be represented as a unit, not only would Luxembourg fall under the common law, but the other two countries. Therefore I think that to insert such a note we would have to modify the draft.

CHAIRMAN: I think that we only agreed to insert a cross-reference under Alternative C to the second of the two notes here. Is the second note approved with the change we have made?

(Approved)

We have now completed our work on Article 72.

Article 73 - this was formerly Article 69 - Voting.

Paragraph 1.

CHAIRMAN: The Delegate of Czechoslovakia.

Mr. AUGENTHALER (Czechoslovakia): Mr. Chairman, I apologise for coming back to Article 72, but I wanted to ask what would be the introduction to this Article, because as it stands here it says "text of Alternative^{tive} A (prepared by the Committee)" followed by "Alternative B, (prepared by the Norwegian Delegate)" followed by "Alternative C (prepared by the Australian Delegate)".

In a sense it seems there is a majority of the Committee in favour of Alternative A, but that the Alternatives B and C had only the support of one Member, so what should be the text of the introduction to these Article?

CHAIRMAN: It is possible that the weather was so hot on Sunday that the Czechoslovak Delegate had probably forgotten that we did decide this point. We decide to put the three alternatives in under A, B and C. The Introduction which appears here is probably a secretariat note for the information of the Members of this Commission, and will not appear in the text which appears in the Charter. It will simply be Article 72 A, B and C.

Dr. COOMBS (Australia): Mr. Chairman, I presume that this note will appear in the record of this Commission and therefore, in order to make the Australian position quite clear, I will ask to add to the words in brackets, after Alternative C, "prepared by the Australian Delegate for consideration, if a decision is made in favour of permanent seats".

CHAIRMAN: The change in the record recommended by the Australian Delegate will be noted.

Article 73, paragraph 1. Any comments?

Paragraph 1 is approved.

Paragraph 2.

Mr. SHACKLE (United Kingdom): I propose that we adopt the recommendation of the Legal Drafting Committee.

CHAIRMAN: The note by the Legal Drafting Committee reads: "The present text precludes the possibility of postal voting. This could be made possible by using the words "majority of the votes cast".

The United Kingdom Delegate has proposed that we adopt the recommendation of the Legal Drafting Committee.

BARON DE GAIFFIER: (Belgium) (Interpretation): Mr. Chairman, the Belgian Delegation is in favour of the deletion of the note of the Legal Drafting Committee. We think that the Executive Board ought to sit in a permanent way, and if this is necessary we are ready to present an Amendment to one of the Articles of the Charter to insert such provision in the Charter. We could add a paragraph to one of these subsequent Articles, and therefore we regret here to disagree with the suggestion made by the United Kingdom Delegate.

Mr. NAUDE (South Africa): I wish merely to explain that this particular point was rather thoroughly considered in the Sub-Committee, and it was decided not to write ⁱⁿ specific provisions for the vote. After taking due note of the considerations before the Sub-Committee, it was decided not to write it into the Report.

Mr. SHACKLE (United Kingdom): Mr. Chairman, it is one thing to insert the provision about interpretation, but it is quite another to put in a definite rule, and that is, in fact, what the text of paragraph 2 would do. Of course, it may be that the right course is to provide that the Executive Board shall make their decisions by a majority of members present and voting, in which case it is an idea to be considered rather carefully and have written into the text, if we adopt it.

CHAIRMAN: The Delegate of Belgium.

Baron P. DE GAIFFIER (Belgium) (Interpretation): Mr. Chairman, when we began studying this question in Commission B, the United Kingdom Delegate proposed that a clause should be inserted stating that during the intervals of the sitting of the Executive Board, the Board should delegate its powers to one organization which it would set up. In the course of the discussion in the Sub-committee, it was decided that this clause was useless, because the Executive Board would sit in a permanent way. Therefore, may I say that this question was discussed more thoroughly than the United Kingdom Delegate stated.

CHAIRMAN: The Delegate of Brazil.

Mr. O. PARANAGUA (Brazil): Mr. Chairman, I propose an addition to this Article, meaning that the Executive Board shall function in continuous session at the principal office of the Organization and shall meet as often as the business of the Organization may require.

This is not an innovation, as the United Kingdom Delegate said; it is a reproduction of a provision from the Fund and from the Bank. The Executive Board must be in permanent session, otherwise I cannot see how the Organization can work.

I can quote the Article; it is Article 12 of the Articles of Agreement of the International Monetary Fund, sub-section (g) of Section III, and the Convention relating to the International Bank is Article 5, Section IV (e). Both read as follows:

"The Executive Directors shall function in continuous session at the principal office of the Bank (or the Fund) and shall meet as often as the business of the Bank may require."

I propose this addition to the Article about the Executive Board.

CHAIRMAN: I regret that I must call the attention of the Brazilian Delegate to two things. I consider his proposal cannot be considered in connection with this Article or at this present time. In the first place, Article 73 deals with voting; therefore the change he suggests would not be appropriate to this Article. In the second place, I do not think we can, at this stage, admit for consideration changes in substance to the Articles unless they have been circulated in advance, because we cannot give proper consideration to changes of substance involving lengthy wording which are submitted from the floor of the Commission.

The Delegate of Brazil.

Mr. PARANAGUA (Brazil): Mr. Chairman, I do not insist on this proposal. What I wanted was to call attention to the subject, because, whether it is debated here or at Havana, the result would be the same. I wanted to call attention to the necessity of a provision stating that the Executive Board ought to stay in permanent session.

The Delegate of the United States.

Mr. L. R. EDMINISTER (United States): Mr. Chairman, it seems to me it would be better to permit the Executive Board to decide for itself whether it should remain in permanent session. It will probably find it has to be in session much of the time, but, in order to provide for the possibility that it might not always be in session, it seems to me it would be better to adopt the language proposed by the Legal Drafting Committee.

CHAIRMAN: The Delegate of France.

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M. ROYER (France) (Interpretation): Mr. Chairman, I am quite ready to adopt the draft proposed by the Legal Drafting Committee, but we must see that, if we adopt this text, it would not have implications which are not in this text; that is, that we do not say in the text proposed by the Legal Drafting Committee that we favour a system of postal voting or a system of voting by cable, or that we favour the solution of the Executive Board being in permanent session. We should only use here the more flexible formula, the one which appears in the present text.

DR. HOLLOWAY (South Africa): Mr. Chairman, may I just draw attention to the very limited scope of this Article. This is a Charter Article. These are not bye-laws or rules of procedure which are provided for under the next Article. When you come to rules of procedure for a thing like this, you want to be practical. In some cases you circulate a document and people sign "Yes" or "No" or "We want this considered at a meeting." That is voting in a sense, but we do not want to go into meticulous details. The question is whether we want to make the thing wide enough to enable the rules to allow of postal voting, or whether we consider that postal voting should be anathema. My own feeling is that we should make it as wide as possible in the Charter and leave the matter of the bye-laws, which, in any case, have to be approved by the Conference.

CHAIRMAN: It seems to me there is a clear division of opinion in the Commission as to the proposal of the United Kingdom delegate that we adopt the suggestion made by the Legal Drafting Committee and substitute the words "majority of the votes cast" for the words "majority of Members present and voting."

Will all those Members of the Commission who are in favour of the proposal of the United Kingdom please raise their hands? Those against?

The proposal to adopt the suggestion of the Legal Drafting Committee has been approved.

I would like to point out that we cannot decide here on whether there will be a system of postal voting or not. It is for the members of the Executive Board or the Conference to decide and approve the rules of procedure. I do not think it is necessary to insert a note on this matter in the text.

Is paragraph 2 of Article 73 approved?

I would like to draw the attention of Members of the Commission to a footnote on page 6 of the Report of the ad hoc Sub-Committee on Voting and Membership of the Executive Board. It is given in Document E/143. The note reads: "Part C covers both voting in the Conference and in the Tariff Committee. It does not cover voting in any interim tariff body which may be set up prior to the establishment of the Organisation. The text recommended for Article 73 (Voting in the Executive Board) is that of Article 69 of the Report of the Drafting Committee." I take it that we have adopted the text of Article 73. Does the Commission agree with the recommendation of the Sub-Committee with respect to the voting in the Executive Board? We shall deal with the voting in the Tariff Committee in a few minutes.

We will now pass on to Article 74, paragraph 1. In this connection I would draw the attention of the Committee to the

amendment proposed by the Czechoslovakian delegation which is given in Document W.306, and which adds to the end of the words: "its sessions" "which shall be subject to approval by the Conference,"

H.E. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, in Article 77, paragraph 3, we say: "Each Commission shall elect its Chairman, and shall adopt rules of procedure which shall be subject to approval by the Executive Board." It is here a question of Commissions of minor importance, and here there are rules of procedure of the Executive Board which will have, as we see, an extremely large power; and therefore we thought that those rules of procedure should also be subject to the approval of the Conference.

CHAIRMAN: I will ask the Chairman of the Sub-Committee to explain what were the views of the Sub-Committee when they studied this question.

Dr. W.O. NAUDE (South Africa): Mr. Chairman, the view of the Sub-Committee, I imagine, could be summed up like this. The Executive Board is dependent on the Conference, and therefore can at any moment be called to order by the Conference. There was a slight practical problem there, that the Executive Board may wish to change the rules of procedure and may have to wait twelve months for the approval of the Conference which is a practical difficulty in some instances. I think those are primarily the considerations that we had in mind. At the same time the Executive Board which is dependent on the Conference will be a body of responsible people and one would assume that they would discharge their duties properly.

Dr. H.C. COOMBS (Australia): Mr. Chairman, I have much the same points to make as were made by the delegate of South Africa. It does seem to me that perhaps the Czechoslovakian point can be met if we varied this amendment to read: "which shall be subject to the confirmation or review by the Conference". That means, which would enable the Board to change its procedure to meet a particular problem, but it would necessarily thereafter have to obtain the confirmation of the Conference for that.

CHAIRMAN: The Chairman of the Sub-Committee.

DR. W.C. NAUDE (South Africa): Dr. Coombs has put a reasonable proposal, Mr. Chairman. If it is adopted, I would suggest that it be incorporated as a second sentence simply saying "The Rules of Procedure shall be subject to the confirmation of the Conference".

MR. R.J. SHACKLE (United Kingdom): Mr. Chairman, there is a question I would like to ask about the work of the Conference. I am afraid it arises from the fact that I was not here during the discussion on the second paragraph of Article 70. I see that the second paragraph of Article 70 says that the Conference may include rules appropriate for the carrying out of its functions during the intervals between its sessions. Well, does that mean that a question of this kind could be settled by some sort of procedure of correspondence with the Members of the Conference, even at the time when the Conference is not sitting? Am I right in thinking that it covers that question or not?

CHAIRMAN: Would the Chairman of the Sub-Committee enlighten Mr. Shackle on that point?

DR. W.C. NAUDE (South Africa): I am a little timid about answering that, Mr. Chairman. I would not quite say that the point that Mr. Shackle mentions covers the other issue. I should imagine that chiefly the intention there is that the Conference should be left free to make whatever provisions it considers appropriate for the carrying out of its functions when it is not in session. I conceive the possibility, such as delegating a special authority to a body when it is foreseen that the Conference could not meet for two or three years, possibly in the case of emergency.

CHAIRMAN: The Delegate of Belgium.

Baron P. de GAIFFIER (Belgium) (Interpretation): Mr. Chairman, may I respectfully call your attention to the fact that you mentioned just now that we ought to stick to the rule that no new amendment ought to be introduced here. If we are to adopt Dr Coombs' amendment, I think that we ought to add a provision during in stating that/the period/which these Rules of Procedure were not confirmed by the Conference, nevertheless, these Rules of Procedure will be in force.

CHAIRMAN: I think that that is implied in the wording suggested by Dr. Coombs, that is, the Rules of Procedure would be in force and that would be confirmed by the Conference, and if it were not confirmed, then it would be necessary for the Executive Board to consider in what manner they should be changed.

I believe that we are on the point of reaching agreement regarding the Czechoslovak amendment, which has been revised by the amendment proposed by the Delegate of Australia. It will now read, as a separate sentence, as follows:- "The Rules of Procedure shall be subject to confirmation by the Conference".

I would like to ask Dr. Augenthaler if that would satisfy him?

H.E. DR. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, to my mind, I think that the Rules of Procedure should be first approved by the Conference, because either they are simple Rules of Procedure, as there are hundreds in the world, and I do not see any necessity for them to be changed in an interval of a year, or they are Rules of Procedure which affect matters of commercial policy in general, and in this case I do not see how the Executive Board could make any such rule without prior approval of the Conference.

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Therefore, I would suggest the original wording of my amendment.

CHAIRMAN: In order that we should make more rapid progress, I would ask the Members of the Commission if there is anyone who desires to support the proposal of the Czechoslovak Delegate.

MR. A. FAIVOVICH (Chile) (Interpretation): Mr. Chairman, the Chilean Delegate supports the Czechoslovak proposal.

MR. O. PARANAGUA (Brazil): I also support it, Mr. Chairman.

CHAIRMAN: Do any other Delegates support the proposal of the Czechoslovak Delegate?

It seems that the majority of the Commission is in favour of the compromise proposal that was suggested by Dr. Coombs. If the Commission wishes, I can put Dr. Coombs' motion to the vote first, and then afterwards the proposal of the Czechoslovak Delegation.

Is it now agreed that we adopt the proposal of Dr. Coombs, which involves the addition of a separate sentence:- "The Rules of Procedure shall be subject to confirmation by the Conference"?

DR. J.E. HOLLOWAY (South Africa): Mr. Chairman, I understood Dr. Coombs to say "confirmation and review".

CHAIRMAN: Is that correct, Dr. Coombs?

DR. H.C. COOMBS (Australia): I think I said "or review" as an alternative. I think "confirmation" implies review.

DR. J.E. HOLLOWAY (South Africa): If the word "review" is omitted, the Executive Board will have to re-draft its rules, but if it is included, then it will be subject to the review of the Conference, and that will avoid loss of time.

Dr. H.C. COCOMBS (Australia): I should prefer that the word "confirmation" should stand. I believe that it is desirable that the body which has to do the work should be able to work out its own rules. It is proper that they should be acceptable to the Conference to which the Board is responsible; but I think it is undesirable for a Conference to work out rules of procedure for a Board. They may not necessarily be familiar with the detailed workings, and I think you might quite easily get some very awkward rules if somebody else is making them; so I think the most desirable thing is that the Board should make its own rules, but that it should have to satisfy the Conference that they are fair and reasonable.

CHAIRMAN: I hope the Commission will not make a complicated matter of these words. I trust that it will now be possible for us to agree on Dr. Coombs' amendment, which reads: "The rules of procedure shall be subject to confirmation by the Conference".

Mr. R.L. FRESQUET (Cuba): Mr. Chairman, it seems to us that the Conference is the only body with full authority within the Organization, and that the words suggested by Dr. Coombs are not necessary to give that power to the Conference. If, in this case, we added these words, we might limit the authority of the Conference if the same kind of wording was not put in other parts of the Charter. I think that without these words the Conference has full authority to decide about the rules of procedure of the Executive Board or any other body of the Organization.

CHAIRMAN: I am afraid we will have to dispose of this question now. Therefore, I will first obtain the sense of the Commission with regard to the amendment of Dr. Holloway.

Dr. J.E. HOLLOWAY (South Africa): I withdraw that, Mr. Chairman. It was just that I understood Dr. Coombs to put it that way.

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CHAIRMAN: I therefore ask the Commission to indicate their approval of the Australian amendment which provides for the addition of a sentence: "The rules of procedure shall be subject to confirmation by the Conference". Will all Members of the Commission in favour of this amendment please indicate by raising their hands? Those against? The amendment of Dr. Coombs is carried.

Paragraph 1 with the amendment proposed by Dr. Coombs. Is that approved? Approved.

Paragraph 2.

Mr. R.J. SHACKLE (United Kingdom): Before we pass to paragraph 2, I would like to raise a point about paragraph 1. I assume that the power of the Executive Board would include the power for it to make some provision for carrying on its work between sessions. I gather the reason why the United Kingdom proposal to make provision for the possibility of carrying on the work of the Executive Board between sessions was not adopted was because the Sub-Committee thought the Executive Board was permanent. Now, from our decision I gather it will not be in permanent session, and therefore the possibility remains that the Executive Board may need some provision for carrying on its work between sessions. I assume that this paragraph as drafted does not preclude that possibility, but I would like confirmation of that.

CHAIRMAN: Would the Chairman of the Sub-Committee give Mr. Shackle an explanation?

Dr. W.C. NAUDE (South Africa): Mr. Chairman, the Sub-Committee did envisage the possibility that, certainly in the early stages of the existence of I.T.O., the Executive Board might conceivably

be in permanent session; but the Committee, at the same time, decided that it would not be wise to write that in. As regards the possibility of provision for carrying on the work of the Executive Board in between sessions, it was thought that it should be left entirely to the Executive Board. If they decided that it was necessary to make provision in their rules of procedure, they should do so, and as the position stands now, they are subject to the approval of the Conference, so I think the possibility of arrangements being made in between sessions is entirely covered.

CHAIRMAN: Paragraph 2. Any comments? Approved.

Paragraph 3.

The Delegate of Belgium.

Baron P. de GAIFFIER (Belgium) (Interpretation): Mr. Chairman, on a point of clarification on the drafting of paragraph 3, it seems that the Chairman of the Executive Board shall never be entitled to represent his country on the Conference, and therefore if this is the correct interpretation, I think that the point ought to be clarified in the draft.

CHAIRMAN: My understand of this paragraph is that he can act in two capacities: ex officio as Chairman of the Executive Board, in which case he would not have the right to vote, and in the other case as representative of his country, when he would have the right to vote.

Any other comments on paragraph 3? Approved.

Paragraph 4. No comments?

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Dr. COOMBS (Australia): In connection with paragraph 4, I am a little bit puzzled by the proposed change in substituting the words "represented on" for "a Member of". As I understand it, all the Members of the Organization are represented on the Executive Board, not necessarily by persons of their own nationality, but I cannot see why - that is, I think the function of the Board is to represent the Organization, and I do not see what is wrong with saying "any member of the Organization which is not a Member of the Executive Board". I am not clear as to the reason for the change, and it does seem to me to be an undesirable one.

CHAIRMAN: I am informed that the Legal and Drafting Committee made this change in order to ^{avoid} any confusion between Membership of the Organization and Membership of the Executive Board. Therefore, whenever they ^{the} meet the Executive Board they wish to avoid the use of the word "Member", and that is why the words "represented on" were put in.

Dr. HOLLOWAY (South Africa): I would like to support Dr. Coombs suggestion that we go back to the original wording, in spite of the explanation given.

CHAIRMAN: Agreed?

Mr. ROYER (France) (Interpretation): Mr. Chairman, this is not a very urgent question as the Articles have not been adopted by the Conference; but I think we ought to adopt here a standing practice and state in a permanent way that the Member is a Member of the Executive Board, or on the other hand, use always the words "represented on the Executive Board".

G

CHAIRMAN: It seems to me that the question has received the careful study of the Legal Drafting Committee, and they used the words "represented on" in order to avoid confusion. Therefore, if we adopt this change here, it will involve consequential changes to other Articles, and I wonder if we could not have it the way proposed^{by}/the Legal Drafting Committee.

Dr. COOMBS (Australia): There is an additional difficulty about the words "represented on". If the recommendations of the Working Party on the composition of the Executive Board were adopted at the Havana Conference, we will have a system whereby Members of the Board are elected by groups, and presumably the person so elected will represent the group, and you might then have a situation by which all Members of the Organization were, in fact, represented on the Board; and consequently, a country affected may not be permitted under that wording to have its representative invited to a discussion of this sort.

CHAIRMAN: The Delegate of the United States.

Mr. EDWINSTER (United States): Mr. Chairman, I suggest, if it is possible, a solution of the problem may be to say "any Member of the Organization which is not on the Executive Board".

CHAIRMAN: Does the suggestion of Mr. Edlinster meet with the approval of the Commission?

It is for the Secretariat to make any consequential changes in other Articles where those appear.

Is paragraph 4, subject to the change we have just discussed, approved? Approved. Article 75, para. 1. Any comments? Para. 1 is approved. Paragraph 2. Any comments?

CHAIRMAN: The Delegate of Czechoslovakia.

H.E. Mr. E. AUGENTHALER (Czechoslovakia): Mr. Chairman, I would like to make a reservation on this paragraph. In our view, it allows of any interference with the internal policy of any country, because it provides that the Executive Board may make recommendations not only to the Conference but to Members on any subject within the scope of this Charter. The scope of this Charter is so wide that it may interfere in any matters of domestic policy of a country. That is why I make a reservation on this paragraph.

CHAIRMAN: The Delegate of Belgium.

Baron P. DE GAIFFIER (Belgium) (Interpretation): Mr. Chairman, the text of Paragraph 2 says: "The Executive Board may make recommendations to the Conference, to Members or to inter-governmental organizations." I think that to meet the point raised by the Czechoslovak Delegate we could take out the words "to Members or to inter-governmental organizations."

CHAIRMAN: The Delegate of South Africa.

Dr. HOLLOWAY (South Africa): Mr. Chairman, we had the same point last week, and I think the explanation was given that this matter had been dealt with by the Commission, and with a little bit of subtlety which is perhaps not obvious to everybody, they took out the word "the" before "Members" and therefore made it that a recommendation could only be made to Members collectively and not to Members severally. We accepted it on that ground. Mr. Augenthaler raised exactly the same point then and I supported him, as I am supporting him now. I think we might perhaps get over that by saying in a footnote that in this case the plural does not include the singular.

CHAIRMAN: Dr. Holloway is quite correct in mentioning that we considered this same point last week in connection with the functions of the Conference under Paragraph 5 of Article 71, which reads: "The Conference may make recommendations to Members, etc." At that time we asked the Chairman of the Sub-committee to explain the position and he explained that this point was very carefully considered in the Sub-committee and, in deciding to delete the word "the" they made it quite clear. The Commission accepted that explanation and we did not feel that any footnote was necessary. I suggest that the same point arises here, and we could adopt the precedent followed in the case of Article 71 and accept the paragraph without a footnote.

The Delegate of France.

M. ROYER (France) (Interpretation): I quite agree with the interpretation you have just given of Article 71, but, nevertheless, I feel that the arguments presented by the Czechoslovak Delegate have some weight in them, because we are faced here with two possible solutions. The Executive Board will make recommendations to the Member States and these recommendations will be within the powers of the Organization, and the Conference will have delegated to the Executive Board such powers in relation to these recommendations. Therefore we do not need a special provision here to deal with the problem, because the question is already dealt with in Paragraph 5 of Article 71.

On the other hand, as I say, these will be powers delegated to the Executive Board by the Conference,

If we specify powers which are beyond the scope of these powers dealt with already in Paragraph 5 of Article 71, I

think it would be dangerous to give such powers here to the Executive Board, and I think a wiser solution would be that suggested by the Belgian Delegate, to delete the word "Members". Then, as I have stated, the Executive Board will only have here such power to make recommendations as will have been delegated to it by the Conference.

CHAIRMAN: The Delegate of the United Kingdom.

Mr. SHACKLE (United Kingdom): Mr. Chairman, I feel bound to say it does seem to me that the mere admission of the word "the" before "Members" could hardly have the effect which the Committee intended it to have. If one looks at the French equivalent, it says: "aux Etat Membres," and I quite fail to see how, by omitting the word "the", we are making it a collective recommendation. As we have already used this wording in three other cases - in Article 66 (d), Article 71, Paragraph 5, and in this paragraph - surely that is the right method.

If it should be possible for the Organization or the Conference or the Executive Board to make recommendations to individual Members, we should say so, but we shall have to be careful, in that case, to provide that the Executive Board can make recommendations to individual Members as the Charter provides can be done. The Note might then read; "it shall not be competent to make recommendations to individual Members except in cases where the Charter specifically provides for that to be done." I should have thought that was the best solution to cover all these cases.

CHAIRMAN: The Delegate of Australia.

Dr. COOMBS (Australia): Mr. Chairman, I do not know whether I am entirely happy about the interpretation which you have placed upon these words, because I feel there is a danger of our deluding ourselves a little if we pretend there is any real difference between a right to make recommendations to the Members as a whole or to individual Members if those recommendations are going to relate to the sort of problems with which the Organization will be concerned.

Obviously those problems are going to be problems which in the concrete cases will affect certain countries more than others. Maybe it is true that some of the problems will be completely general, but a great deal of the functions of the Board or of the Organisation consist in providing the opportunity for consultation on matters of difficulty between countries and providing the good offices of the Organisation in their solution.

There are certain articles, furthermore, in the Charter where it may be necessary to take into account the economic conditions in particular countries or groups of countries. Now, it seems to me, Mr. Chairman, that in either of those cases recommendations of precisely the same character could be expressed and would need to be expressed either as recommendations affecting particular countries, or if they were directed to Members in general, would be phrased in a way which made them obviously applicable to certain countries. If we make it necessary that recommendations be made only to all the Members, clearly the Organisation would have to resort to the basis of suggestion that, - for instance, I may quote here a hypothetical case - all Members whose export exceeded the value of their imports by more than 80% should consider whether their policy may be amended in a certain way. Obviously, that is a general recommendation which could go to all Members. I cannot pretend that there will be any difference in essence from the situation in which the Organisation directed the advice to the right address. Consequently, Mr. Chairman, I feel that the real problem here is the problem of interference with domestic affairs of a country, and that should ^{be} adequately guarded against, and it is guarded against surely, so long as there is no authority in the Organisation to give directions or to put pressure on countries for the acceptance of any advice given; but it does seem to me that so long as we regard the Organisation as a body which collectively considers the problems within the scope

of the Charter which affect the relationships between the Members, then it seems to me to be unnecessarily limiting the functions of the Organisation either at the Conference level or the Executive Board level to delete the suggestion that they may offer advice in the form of recommendations or to suggest that those recommendations or advice should take the form which is general enough for them to be sent to all the Members of the Organisation.

Mr. L.R. EDMINISTER (United States): Mr. Chairman, I merely wish to say that notwithstanding the particular illustration which Dr. Coombs used, I am in full agreement with the views that he expressed.

Dr. J.E. HOLLOWAY (South Africa): Mr. Chairman, I consider this Article as mischievous. We discussed this matter last time, and as we have got to finish this work on Saturday we have swallowed things, including the idea, that if you leave out a word it makes world-rocking changes; but obviously people in more sober mood do not accept that. If I shall repeat what I said that such provision is unnecessary because it covers the specific matters on which when a Member is prejudiced he can go to the Organisation and get a specific provision from the Organisation for making representations in the types of cases which we have already considered. Secondly, it is said that a recommendation can be made to all Members. In other words, the Organisation can express general philosophic notions. Thirdly, it is mischievous where it allows the Organisation to interfere in individual affairs. The case which I quoted was to tell the British Government that they had better stop with their policy of nationalisation, or tell the United States what they have got to do with John Lewis. Now we have got these three cases. The first one is covered; the second one on general philosophic notions does not matter; and the third one is mischievous. Well, in view of the fact that there is a mischievous element in it, and that the really essential element in it that we want is already covered, I suggest that Section 2 and the similar sections in other parts should be deleted.

CHAIRMAN: It is true that there is an important question of substance involved here, but in addition to the very thorough study given to this question by the sub-committee we have had seven speeches on it, which is quite a lot of speeches on one word.

The first proposal before us was the proposal of the French and Belgian Delegations to delete the word "Members". If that proposal were agreed, it seems that we would have no further consideration of this question.

However, the South African Delegation has just proposed a more drastic amendment, which is to delete the whole paragraph. I am wondering whether the South African Delegate would not be satisfied if we just put the Belgian/French motion to the Commission, which is to delete the word "Members"?

DR. J.E. HOLLOWAY (South Africa): Mr. Chairman, I think that Dr. Coombs has an alternative suggestion, which might satisfy us all.

DR. H.C. COOMBS (Australia): Mr. Chairman, the suggestion which I want to make is that, since it seems to be the word "recommendations" which causes difficulties, we should limit the right of the Board to make recommendations to the Conference and to other inter-governmental organizations, and, in respect of Members, to provide that the Board may make reports on any subject within the scope of this Charter.

CHAIRMAN: The proposal of the Australian Delegation is to delete the words "to Members" and add, after the word "organizations", "and make reports to Members on any subject within the scope of this Charter". I take it that the Belgian and French Delegations will then not insist on their amendment.

H.E. DR. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, I would value the opinion of the Belgian and French Delegations. In an international treaty, countries take up certain obligations and if they do not implement those obligations there is a possibility of complaint, but none of the recommendations indicate what they should do and how they should implement those obligations.

CHAIRMAN: It seems that the quickest way in which we can decide this question is to put to the Commission the proposal of the Belgian and French Delegations to delete the word "Members". Is that agreed by the Commission?

Would all those Members of the Commission in favour of the Belgian/French proposal please raise their hands.

Those against?

The proposal is carried by 9 votes to 6.

M. ROYER (France) (Interpretation): Mr. Chairman, I would like to have it recorded here that the recommendations which we are referring to are not the recommendations which the Executive Board is empowered to make under specific provisions of the Charter, and which appear in paragraph 1 of Article 75.

Dr. HOLLOWAY (South Africa): Will it be in order to go back to Article 71(5) where the same wording occurs? There we have "The Conference may make recommendations to Members and to inter-governmental organisations". Now, as we have deleted "to Members" from the Article dealing with the Executive Board, I want to raise the question whether we should not also delete "to Members" from Article 71 which deals with the Conference.

CHAIRMAN: We have already passed this Article, and the French Delegate, in indicating his proposal, made it quite clear that he was confining it to the Article dealing with the Executive Board.

(Interpretation)
Baron P. de GAIFFIER (Belgium): Mr. Chairman, I second the proposal just made by the French Delegate, and therefore I propose that we add to the words of paragraph 2 of Article 75 the following: "and without prejudice to other provisions of this Charter".

M. ROYER (France) (Interpretation): Mr. Chairman, I think that this precision might be somewhat cumbersome, and is not very useful. As I have stated, among the functions and attributes of the Organization, the power to make such recommendations exists under Article 66, and these powers are confirmed under Article 71. Therefore, I do not think that it would be useful to insert these words here, and that the matter appears to be very clear now under paragraph 1 of Article 75.

CHAIRMAN: Does the Belgian Delegate agree?

Baron P. de GAIFFIER (Belgium): Agreed.

CHAIRMAN: May we now pass paragraph 2 with the change we have made? Approved.

Article 76.

V

I would draw the attention of Members of the Commission to Document W/305, which gives a new wording of the first part of this paragraph, submitted by the Czechoslovak Delegation.

Mr. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, I thought that if the Commissions are appointed by the Conference, they must remain responsible to the Conference - the same body which appointed them. They would receive instructions from the Executive Board, but they remain responsible to the Conference.

CHAIRMAN: The Czechoslovak amendment provides for the addition, after the word "decide", of the words "and shall be responsible to it". It then provides for the deletion of the next sentence and in place of that the words "In performing their tasks they shall receive instructions of the Executive Board". Will the Chairman of the Sub-Committee please explain the attitude of the Sub-Committee in adopting this paragraph?

Dr. W.C. NAUDE (South Africa): Mr. Chairman, the impression I have is that the effect of the two amendments that the Czechoslovak Delegation proposes is one of very substantial consequence. The Sub-Committee attempted to construct an organisational hierarchy which would place the Conference at the top, the Executive Board next, and then the Commissions, the Commissions being directly responsible to the Executive Board. The individual Members of the Commission would actually be appointed by the Executive Board.

Perhaps there is a slight misunderstanding. Dr. Augenthaler said that if the Commissions were appointed by the Conference, they should be responsible to the Conference. That is not the situation as seen by the Sub-Committee. The Conference would establish the Commissions, would assign functions to the Commissions; but would not actually appoint individuals. The

Commissions would remain responsible ^{to} and get their instructions from the Executive Board. It would seem that if one were to make the Commissions responsible directly to the Conference, you would have possible conflict of authority between the Executive Board and the Commissions, who would both have valid access to the Conference.

CHAIRMAN: The Delegate of Belgium.

Baron P. de GAIFFIER (Belgium) (Interpretation):

Mr. Chairman, it was also, I think, the feeling of the Sub-Committee and it was, at any rate, the feeling of the Belgium-Luxembourg Delegation, that the powers of the Commission should be strengthened as much as possible and that they should be as fully independent as possible. If the word "responsible" here pre-occupies certain Delegations, then I think that we could delete that word and replace it by the idea that what the Commissions would have to do would only be to report to the Executive Board.

CHAIRMAN: I think we will first of all discuss the Czechoslovak amendment, and afterwards we will deal with the proposal submitted by the Belgium-Luxembourg Delegation.

Dr. COOMBS (Australia): Mr. Chairman, I think it is important that we have clearly in mind the nature of the way in which these Commissions fit into the structure of the Organization.

As I see it they are part of the executive machinery of the Organization, which consists primarily of the Executive Board and the Staff of the Organization. The Commissions, the Executive Board itself, and any staff employed by the Organization constitute the executive or working part of the Organization as a whole. That is all subject to the control and election of the Conference - that is the machinery by which the Organization will carry out the decisions and policy as laid down by the Conference.

It does seem to me, therefore, that it is important that we should regard that executive and administrative machine as a whole as a unit, and that it should be fitted together in a way which recognises that it is a unit. If we do as the Czechoslovak Delegate has suggested and establish commissions that are not fitted into the executive machinery of which the Executive Board is the chief part, then we are setting up possibly competing and conflicting executive and administrative machinery.

Now I think we do have to rely upon the Conference to control its own executive machinery by laying down directions and policy for it; but it does seem to me undesirable to hamstring your own executive machinery by setting up alongside it possibly competing and conflicting parts of the Organization.

If we have commissions which are responsible, through the Board, to the Conference, I think that is a real danger.

Another problem is that only the Board, because of its familiarity with its own work and the work of the Staff will

be able to see precisely the jobs which it is necessary to call on the Commissions to do, and therefore it seems to me very important that if you are going to establish a Board to carry out the main executive and administrative functions you should permit it to specify what are the parts of the work which should be allocated to the Commissions, and what parts should be done by it itself, and what parts allocated to the Staff.

Therefore, Mr. Chairman, I feel it is important that we adhere to the constitution which is embodied in the Draft as presented by the Sub-Committee, which clearly recognises the overriding authority of the Conference, but does permit an arrangement as between the various parts of the administrative and executive machinery which will ensure that it is consistent within itself.

CHAIRMAN: The Delegate of Czechoslovakia.

Mr. AUGENTHALER (Czechoslovakia): Mr. Chairman, I agree with the proposal of the Belgian Delegate, and I think that our amendment may read very well "as the Conference may decide and shall report to it", because either we are here concerned with some Commissions of some importance, or they are of such importance that the establishment should be provided for in the Charter, which is rather an instrument of general and agreed principles. In this case the Commissions must remain responsible for a Report to the Conference; or we have to have some Commissions of minor importance which are more or less working parties; so the establishment should go in the rules of procedure of the Executive Board, and not in the Charter.

CHAIRMAN: I understand that the proposal of the Belgian Delegate was simply to change the word "responsible" to "report", and that the sentence would read, "the Commissions shall report to the Executive Board". He did not intend to propose that the Commissions shall report to the Conference.

Does the Delegate of Belgium confirm that interpretation?

CHAIRMAN: The Delegate of Belgium.

Baron P. de CAIFFIER (Belgium) (Interpretation): Mr. Chairman, may I try to clarify the idea which was behind our proposal.

Our idea was, to use the expression, proposed by the French Delegation, that the Commissions are the organs of the Organization which think and meditate on the problems. For that reason we choose Members who will have the widest competence to compose the Commissions, and we must avoid directives being given to the Commissions by the Executive Board. The Commissions must work independently and must have full responsibility for their work. This is why we proposed changing the word ^{"be"} "responsible" to "report", showing that the Commissions are to report to the Executive Board, because the idea of "report" means that the Executive Board shall not give directives to the Commission. As far as the reporting goes, as the Conference only meets once a year, we think that the Commission's ought to report to the Executive Board.

CHAIRMAN: The Delegate of the United States.

Mr. L. R. EDMINSTER (United States): Mr. Chairman, with regard to the suggestion of the Belgian Delegate, I would call attention to the fact that in Paragraph 1 of Article 75 it is provided, among other things, that the Executive Board shall "supervise the activities of the Commissions and shall take such action upon their recommendations as it may deem appropriate".

I do not object to the particular change of wording which the Belgian Delegate has suggested, but I do not, I am afraid, agree with the reasons upon which he has supported it. It seems to me that it is a wrong conception to assume that the Commissions should be directly responsible to the Conference.

I think they should operate rather as agencies directly responsible to the Executive Board, and that, if the proposal which has been made - - - perhaps I should not allude now to the original amendment if you are going to take one at a time. I was going to refer to the Czechoslovak proposal - would that be in order, Mr. Chairman?

(CHAIRMAN: That would be in order.)

- - - - Then I would like to say, with reference to that proposal, that it seems to me the amendment as proposed by the Czechoslovak Delegate would seriously derogate from the necessary and proper authority of the Executive Board as the chief executive authority of the Organization.

With regard to that matter, I find myself in complete agreement with the observations made originally by the Delegate of South Africa and, I think, very ably elaborated ^{by} upon/the Delegate of Australia.

CHAIRMAN: I am afraid the hour is late, but I would like to settle this today. We have had a thorough explanation of it. I would like to ask if there are any Members of the Commission who support the Czechoslovak proposal. I think that is the best way in which we can proceed.

I take it that, after the explanation given of his proposal by the Belgian Delegate, the Czechoslovak Delegate still wishes to maintain his proposal?

H.E. Mr. Z. LUGENTHALER (Czechoslovakia): I do not insist.

CHAIRMAN: I would now like to know if there are any Members of the Commission who support the proposal of the Belgian Delegate?

Mr. COLBAN (Norway): Mr. Chairman, I think the Belgian proposal, to replace the words "be responsible" to the Executive Board by "report" to the Executive Board, is a good suggestion. It is already said in Paragraph 1 of Article 75 that the Executive Board shall "supervise the activities of the Commissions" and it would then be a reasonable thing to say, when we deal with the functions of the Commissions, that they should report to the Executive Board, so as to enable the Executive Board to supervise their activities. To underline that they should be responsible to the Executive Board is, I think, superfluous. They are responsible to the Organization and to the Conference and it is quite superfluous to say it.

Mr. SPEEKENBRINK (Netherlands): I support the Delegate of Norway.

CHAIRMAN: The proposal of the Belgian Delegate is to replace the words "be responsible" by the word "report". The sentence will now read: "The Commissions shall report to the Executive Board on the performance of such tasks as may be assigned to them."

Are there any objections to the proposal of the Belgian Delegate?

M. ROYER (France) (Interpretation): I have no objection, Mr. Chairman, but this would not mean that the Commission agrees with all the motives which were put forward by the Belgian Delegate.

CHAIRMAN: The Delegate of China.

Mr. D. Y. DIO (China): Mr. Chairman, I think we might postpone taking a decision on this, in view of the

amendment submitted by the Czechoslovak Delegation in regard to the appointment of Members of the Commissions. If we decide that Members of the Commissions should be appointed by the Executive Board, then I think it is logical that Members of the Commissions should be responsible to the Executive Board. If the Members are appointed by the Commissions, then it is quite a different thing. I would ask that we postpone the discussion on the Belgian proposal.

CHAIRMAN: May we decide initially on the proposal of the Belgian Delegate and, if the Chinese Delegate wishes to re-open the question on Article 76, after we have considered the Czechoslovak amendment to Article 77, he may do so.

Will all those Members of the Commission who approve of the proposal of the Belgian Delegate please raise their hands.

For: 8

Against: 2

The proposal is carried by eight votes to two.

Is Article 76 provisionally approved, subject to the amendment which we have just passed?

(Agreed)

Mr. W. C. NAUDE (South Africa): Mr. Chairman, I would just like to clear up a very small point. I have a feeling that some Members of the Commission - including the Delegate of Czechoslovakia - are under the impression that Members are appointed by the Commission. This paragraph would make it possible for the Conference itself to appoint some ad hoc committees responsible to itself. That, of course, is not possible.

CHAIRMAN: We will adjourn now, as we have a very full programme before us. We will meet again promptly at 2.30 p.m.

The Meeting adjourned at 1.10 p.m.