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

COMMISSION B

Summary Record of the Thirteenth Meeting
held on Tuesday, 24 June 1947, at 2.45 p.m.
in the Palais des Nations, Geneva.

Chairman: The Hon. L.D. WILGRESS (Canada)

Discussion of Chapter VIII Organization.

The CHAIRMAN, in opening the Meeting, said that the Steering Committee had divided the work of Commission B into two parts. Articles 61-80 were to be considered on three days of the current week, and Articles 81-89 the following week.

In discussing Articles 61-80 the usual procedure would be followed. There would first be a general discussion on amendments submitted by delegations to the New York draft and then a sub-committee would be set up. The working paper before the Commission was document E/PC/T/W/210-Rev.1, which set forth an annotated agenda to be read in conjunction with the report of the Drafting Committee. Proposals had been made with regard to Chapter VIII by the Chinese, Cuban, French, New Zealand, United States and United Kingdom delegations. A paper had also been submitted by the Netherlands delegation. This would be taken up when Article 81 was discussed.

He drew attention to the note on page 1 of the document

stating the intention of the United States Delegation to submit suggestions with regard to an appropriate arrangement of the Articles of Chapter VIII and to other connected questions. This matter would be taken up after Articles 61-89 had been considered by Commission B.

Article 61. Functions.

The CHAIRMAN went on to say that there were no proposals with regard to the Preamble or sub-paragraph (a).

Sub-Paragraph (b)

The CHAIRMAN drew attention to the suggestion made by the Secretariat to make this function more positive by amending "to facilitate" to read "to develop and facilitate".

Mr. van TUYLL (Netherlands) suggested the substitution of the word "promote" for the word "develop".

The CHAIRMAN said that this point would be referred to the Drafting Sub-Committee.

Decision: The Chairman's proposal was adopted.

Sub-Paragraph (c)

Mr. KELLOG (United States) said that certain amendments to Chapter IV had been put forward by his delegation which rendered unnecessary some of the content of Sub-Paragraph (c). His delegation wished, however, to reserve its position with regard to the reinsertion of this matter if the amendments to Chapter IV were not adopted.

Mr. DE GAIFFIER (Belgium/Luxembourg) said that he was in a similar position to that of the United States. The Belgian delegation had proposed an amendment with regard to the objectives of the Charter. It was difficult to express an opinion on the United States amendment for the same reasons as those stated by the United States delegate.

Mr. NAUDE (South Africa) thought that the question of double taxation would have to be dealt with by the Fiscal Commission of the Economic and Social Council. He referred to the danger of duplicating tasks.

Mr. HOLMES (United Kingdom) considered that the United States amendment introduced a peculiar sequence of importance in the matters dealt with in Sub-Paragraph (c). His delegation felt strongly that "measures to assure just and equitable treatment for foreign nationals and enterprises" should be in the forefront, rather than "measures to facilitate commercial arbitration and the avoidance of double taxation".

The CHAIRMAN proposed that the United States amendment should be referred to the Sub-Committee, which would take into consideration the amendments proposed to Chapter IV, now under consideration by Commission A.

Decision: The Chairman's proposal was adopted.

Sub-Paragraph (d)

Mr. KELLOG (United States) considered that the amendment proposed by his delegation was purely a drafting matter and as such might be referred to the Sub-Committee without comment.

Mr. HOLMES (United Kingdom) thought that in some cases it was useful to discuss reasons, even for drafting changes, in the full Commission. The question he wished to put in this connection was why it was proposed to drop reference to the purposes of the Charter.

The CHAIRMAN agreed that as the Sub-Committee would be constituted from only a small number of the members, discussion in the full Commission was useful for their guidance.

Mr. KELLOGG (United States) in reply to the United Kingdom delegate said that it had appeared to his delegation that the wording was a little clumsy and that the word "provisions" seemed sufficiently to cover the aims of the Charter.

Mr. TANGE (Australia) said that there seemed to be some advantage in leaving the word "purposes" in this sub-paragraph. There was a distinction between "purposes" and "provisions" which had been drawn elsewhere in the Charter, "purposes" applying to the general objectives and "provisions" to the operative regulations. He considered it preferable to leave the wider term.

Mr. NAUDE (South Africa) thought it would be better to refer the question to the Sub-Committee, otherwise a long discussion might arise, as it had in New York, on whether this referred to the purposes of the Charter or the purposes of the Organization.

Decision: This item was referred to the Sub-Committee,

Sub-Paragraph (e)

Mr. TANGE (Australia) in presenting the amendment of his delegation, said that it was contingent upon an amendment to Article 66, paragraph 3. He asked whether it would be in order to discuss Article 66 at this point.

The CHAIRMAN replied in the affirmative.

Mr. TANGE (Australia) then went on to say that Article 66 paragraph 3 provided for the establishment of criteria and procedures for the release of members from obligations entered into under the Charter, and also for determination of which organ of the Organization would be competent to grant such release. He considered the

present draft too restrictive. It not only made determination of procedures and criteria a pre-requisite for a decision on the substantial question of release from obligations, it required the Conference to determine criteria and set up procedures by a special voting method. He thought this might be dispensed with, and that the Conference or the Executive Board might, in ordinary cases, apply their normal Rules of Procedure.

His delegation thought that the better course would be to distinguish between the general power of releasing a Member from its obligations, and the various procedures which had to be gone through to put that power into effect. The power to grant release should be included in a general article under the Functions and Structure of the Organization, and under Article 66 should be grouped a number of questions consequent upon that power, such as the voting procedure, the organ of the Organization competent to grant release, etc.

The stiff voting requirement for a two-thirds majority called for under the present Article 66 on the preliminary question of criteria and procedures might, in the view of his delegation, lead to a deadlock on these issues which would completely block the possibility of laying down the criteria and procedures which it was intended that the Charter should provide.

Mr. de GAIFFIER (Belgium-Luxembourg) considered that an important question of substance was raised by the Australian amendment. It transferred to the Organization the powers conferred upon the Conference with regard to the procedure of granting release. The Charter at present provided in exceptional

cases for the Conference to have the power of granting release, by a two-thirds majority vote, in certain circumstances. If these exceptional powers were transferred to Article 61, they would then become a normal function of the Organization.

He proposed the following drafting modification, which constituted a compromise between the present text and the Australian amendment:

"In exceptional circumstances, the Conference may, by the affirmative votes of two-thirds of the Members of the Organization, waive the obligations of Members undertaken pursuant to this Charter".

Mr. MARTINS (Brazil) had had the intention of raising practically the same point as the delegate for Belgium. He felt that the drafting could be amended in a spirit of compromise. The basis of the Australian amendment was simple, but he considered that the obligations of members should be so strongly laid down by the Organization that the members should be released from their obligations only in exceptional cases and by an exceptional vote with a two-thirds majority. Failing this there was no certainty about these obligations. If the vote was only a majority vote, it might happen in certain cases that some members might be released from their obligations while in a similar case where a majority vote was applied, other members might not be so released.

Mr. KOJEVE (France) recalled that during a previous debate the United Kingdom delegate had stated that the Charter should be given a flexible and dynamic character. The Australian amendment brought flexibility to the text,

and he supported it, although perhaps subject to certain guarantees. He would make a statement with regard to guarantees in connection with another article of Chapter VIII.

Mr. MINOVSKY (Czechoslovakia) declared that his delegation viewed the Australian amendment with much sympathy.

Mr. BURR (Chile) supported the Australian amendment.

Mr. VAN TUYLL (Netherlands) while sympathising in principle with the Australian amendment, thought that the Commission did not wish to make it too easy for members to rid themselves of obligations. Many escape clauses already figured in the Charter. He supported the compromise wording suggested by the delegate for Belgium.

Mr. KELLOGG (United States) agreed with the Belgian and Netherlands delegates. Many countries, including his own, would have to modify their economic structure in order to comply with the Charter. For this reason release from obligations should not be made too easy to obtain.

Mr. CHEN (China) supported the Australian amendment.

Mr. TANGE (Australia) agreed with the Belgian delegate that it seemed difficult to include under Article 61, which related to the functions of the Organization, a clause which might suggest that it was a normal function to release a member from his obligations under the Charter. It was, however, not an insuperable difficulty, and there was a safeguarding phrase, "in exceptional circumstances". The preamble to Article 61 stated that these functions were in addition to those provided for elsewhere in the Charter. Another more

suitable place might be found for this clause, and it might even be placed in a special chapter, although he thought that this might be undesirable as it would appear to give undue emphasis to the possibility of release.

With regard to the objection to the transfer of power from the Conference to the Organization, he thought this was not a substantial objection, since the conference had full control of policy. The Executive Board could not derive any such power except from the Conference. The removal of the power of release from Article 66 did not derogate from the authority of the Conference.

The Belgian wording seemed to him more restrictive than the existing text. The present text did not say that the Conference might by a two-thirds majority vote release....etc. It said that the Conference might determine voting procedures. That left various possibilities open, such as a voting requirement of complete unanimity, a simple majority vote, a two-thirds majority, and so on. The effect of the Belgian proposal was to establish that for any kind of release in any circumstances on any issue under the Charter, there would only be one kind of majority. He preferred the flexibility of his own delegation's proposal.

Mr. DE GAIFFIER (Belgium-Luxembourg) thought that it was important to avoid misunderstanding on one point. On page 4 of the document under discussion, first paragraph, it was stated that "the Australian Delegation proposed that the substantial power to release Members from obligations in exceptional circumstances should be stated as a general power of the Organization (not of the Conference) and placed in Article 61."

He proposed that the discussion should first of all be confined to the question of whether the powers of release should be given to the Organization or to the Conference.

Mr. LORE (Canada) agreed with the observations of the Belgian delegate. The power of granting release should be reserved exclusively to the Conference. These powers should not be given to the Organization.

Mr. NAUDE (South Africa) also declared himself opposed to the transfer of the powers to the Organization. It seemed to him far-fetched to describe as a function of the Organization the power to grant releases. The Australian delegate had said these functions were in addition to those provided elsewhere in the Charter. He thought it would help the discussion if the Australian delegate would specify in which other parts of the Charter there were provisions for waivers of obligations.

Mr. TANGE (Australia) quoted Articles 35, 38 paragraph 4, 13 and 13 paragraph 2 (c).

Mr. KARMARKAR (India) on the question of whether the power of waiver should be vested in the Conference or the Organization, considered that it was an exceptional provision which would best find its place in Article 61.

With regard to the Belgian proposal, he did not quite understand why it had been described as a compromise, as it made what was considered undesirable in Article 66 paragraph 3, still more so. Article 66 left open the criteria to be determined in a particular case. The Belgian proposal provided a definite two-thirds majority. He thought that the original draft of Article 66, paragraph 3, made the matter

a little more flexible and permitted the possibility of leaving the question of waiver to a simple majority. The Belgian proposal did not permit this.

He himself was in favour of the Australian amendment. The Commission was in the process of setting up an Organization to which it was hoped to attract many adherents. Their task was to set up a constitution which would not enable Members to defeat the purposes of the Organization. While not making it easy to evade obligations entered into under the Charter, it was necessary to provide for that possibility in exceptional circumstances, and the conditions should not be made so rigid as to create apprehension for intending Members.

Mr. TANGE (Australia) said that the discussion had a bearing on other parts of the Charter to which he had already referred. He would have to reserve his position on Article 66 and consult his delegation before accepting the requirement that any decision of the Conference bearing on, say, Article 13 (2) (c) required a two-thirds majority of the Members of the Organization. The purpose of the Australian amendment was to provide for cases where a different kind of majority might be decided upon.

Mr. DE GAIFFIER (Belgium/Luxembourg) wished to raise one point before the discussion was closed. His delegation had always been of opinion that, outside of the cases provided for in the Charter, Article 66 paragraph 3 established a power of release and that it was not necessary to provide all the rules of procedure in the Charter. In his opinion, that was for the Organization rather than for the Conference to establish.

Mr. MARTINS (Brazil) said that the decision taken by the Commission with regard to Article 60, paragraph 3, would have an important bearing on the other provisions of the Charter. He would have to consult his delegation before making a final statement on whether the New York text, providing for a two-thirds majority of the Members should be maintained. He would like the discussion to be adjourned in order to give him time to study the question in consultation with his delegation. He re-affirmed his previous statement in support of the Belgian proposal.

The CHAIRMAN said that the Commission would return to the subject when Article 66 came up for discussion and the Belgian proposal would be taken up at that time. The Sub-Committee should take into account the discussion which had just taken place in connection with the Australian amendment. He replied in the affirmative to a question put by Mr. TANCE (Australia) as to whether the Committee agreed that the Australian amendment to Article 61 was consequential upon Article 66.

The Chairman drew attention to document E/PC/T/7/210.Rev.1, Page 5, item 4, which read:

"The Secretariat doubts whether the present sub-paragraph (e) is necessary. Article 61 should deal only with functions not provided for elsewhere in the Charter and Article 81, when read with Article 1 would seem to cover adequately the function of co-operation with the United Nations and other inter-governmental organizations for the attainment of the purposes stated. In any event, it would appear that the last phrase of the sub-paragraph should be amended to read "and the restoration and maintenance of international peace and security" to conform with the wording of the purposes of the United Nations."

Mr. HOLMES (United Kingdom) considered the amendment

proposed by the Secretariat ill-advised and saw no reason for omitting sub-paragraph (e). It could be argued that in certain aspects there was a slight overlap with other passages in the Charter, but he doubted whether that alone warranted getting rid of what might be a very useful provision. The wording of the paragraph had been very carefully thought out in London.

Mr. NUDE (South Africa) felt they could very well do without sub-paragraph (e), as it was an instance of duplication. He had already endeavoured to get rid of the words "with an economy of effort," and hoped now that he would succeed in doing so as a result of the deletion of the whole paragraph.

Mr. KELLOGG (United States of America) said the words "the restoration and maintenance of international peace and security" had arisen from the efforts of the Food and Agriculture Organization and the United Nations to reach an agreement on relationship. In the course of negotiating this agreement, the United Nations had wished to include an article dealing with the relationship of the other Organization to the Security Council. The Food and Agriculture Organization, however, had pointed out that it had no constitutional right to co-operate with the Security Council, because it was not a worldlike organization. He thought they should endeavour to forestall such difficulties, by some provision in the Charter. He suggested that the words "restoration" and "maintenance" should both be retained: they had both been used in Articles 39 and 43 of the United Nations Charter, and elsewhere.

Mr. HOLMES (United Kingdom) replying to the delegate of South Africa, said that a certain overlapping in the text of the Charter, provided there was no conflict, was a different thing from an overlapping of functions. The wording of sub-paragraph (e) showed that an endeavour was being made to avoid the overlapping of various bodies and organizations. There was a considerable shortage of trained man-power, and hence there was an advantage in using the expression "with an economy of effort". He maintained his opposition to the deletion of sub-paragraph (e).

The CHAIRMAN suggested reference of the matter to the Sub-Committee, which could consider not only whether the sub-paragraph should be included in the Chapter but should also look at it from the point of view of drafting.

Decision: It was agreed to refer sub-paragraph (e) of Article 61 to the Sub-Committee.

ARTICLE 62: STRUCTURE.

The CHAIRMAN drew attention to page 5 of the Annotated Agenda (E/PC/T/W/210 - Rev. 1), which contained the following note:

"The United Kingdom Delegation, in view of the fact that the Tariff Committee has been converted from an interim to a permanent organ, suggests the following amendment:-

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

Decision: The amendment proposed by the United Kingdom Delegation was adopted.

Mr. de GAIFFIER (Belgium/Luxembourg) said he would like to reserve the position of his delegation on Article 62 (not with regard to United Kingdom amendment). Within a day or two he might have to introduce an amendment consequent upon another

point shortly to be discussed.

Mr. KOJEVE (France) and Mr. van TUYLL (Netherlands) also intimated reservations on behalf of their delegations, for the same reason.

The CHAIRMAN noted that the approval of the amendment proposed by the United Kingdom delegation was without prejudice to the reservations just stated.

ARTICLE 63: MEMBERSHIP OF THE CONFERENCE.

The CHAIRMAN called attention to the note on page 5 of the Annotated Agenda:

"It is submitted by the Secretariat that this paragraph might possibly follow the Charter of the United Nations and be amended as follows:-

'The Conference shall consist of all the representatives of the Members of the Organization.'"

Mr. de GAIFFIER (Belgium/Luxembourg) requested an opinion from the Legal Adviser on the question whether there was a difference between "the representatives of the Members of the Organization" and "the Members of the Organization." In the case of the Customs Unions he wondered whether the former text would not be better.

Mr. RENOUF (Legal Adviser) said it was usual in the constitutions of inter-governmental organizations to specify that the members of the organs of the organization should be either certain members or all members of the organization, but not that the representatives of members should be members of the organs. To do otherwise would seem to give some personality to representatives themselves. It was for this reason and to make this article conform with articles 67 and 68 that the Secretariat had proposed the amendment.

Mr. de GAIFFIER (Belgium) asked whether, if the amendment were adopted, the three members of the French-Belgian-Luxembourg Customs Union would be Members of the Organization.

The CHAIRMAN said he was informed that the answer was in the affirmative.

Mr. MARTINS (Brazil) asked whether, when members were joined in a Customs Union, each participant member was still a Member of the Organization, or was the Customs Union as a whole a Member of the Organization?

The CHAIRMAN said, subject to correction by the Legal Adviser, his view was that each member of the Customs Union would be a Member of the Organization, but for certain purposes the members of the Customs Union would be treated as one.

Mr. van TUYLL (Netherlands) said the Members of the Organization would be the governments that had signed the Charter, and as each of the three members of the Customs Union would have the right to sign the Charter, they would all be full Members of the Organization.

Mr. GUTIERREZ (Cuba) raised the question whether economic unions would vote as a whole or as individual members. He thought, however, that he would raise this question again later.

The CHAIRMAN suggested that the point mentioned by the delegate of Cuba could be better taken up under Article 64. He suggested that the Secretariat's proposed amendment to paragraph 1 of Article 63 be referred to the Sub-Committee for further study in the light of the comments that had been made upon it.

Decision: It was agreed that the amendment proposed by the Secretariat to paragraph 1 of Article 63 be referred to the Sub-Committee.

The CHAIRMAN read the following note on page 5 of the Annotated Agenda with regard to paragraph 2 of Article 63:

"The matter of alternates and advisers being thought rather one to be covered by rules of procedure and following the Charter of the United Nations, the Secretariat suggests that this paragraph might be amended to read 'Each Member shall have be represented in the Conference by one representative. and may appoint alternates and advisers to its representative to the Conference.'"

He asked the Legal Adviser to explain the reasons for the suggestion.

Mr. RENOUF (Legal Adviser) said the Secretariat had no strong views on the proposal, which it was putting forward merely for consideration. It was rather unusual to specify in a constitution that a member might appoint alternates and advisers for its representatives as that right had been accorded for a considerable time in international conferences and organizations. Even if it were not expressly stated, all members would have the right to appoint alternates and advisers. However, some members of the Commission might have special reasons for wishing to see this paragraph remain as drafted at present. If this were the case there could be no objection to leaving the paragraph as it read at present.

Mr. TANGE (Australia) supported the Secretariat's proposal; he felt that nothing would be lost by the omission of the bracketed words.

Mr. KELLOGG (United States of America) suggested that the matter be taken up by the Sub-Committee.

Decision: The amendment proposed by the Secretariat to paragraph 2 of Article 63 was referred to the Sub-Committee.

ARTICLE 64: VOTING

The CHAIRMAN drew attention to the General Comments (page 6, Annotated Agenda), and suggested that they should deal first with item 4, which read:

"The United States delegation suggests that consideration of this Article, together with the related Articles 66 (5), 68 and 69, be postponed until work on the substantive questions of the Charter has been substantially completed. At that time it will be appropriate to consider the report of the Administrative Sub-Committee of the Drafting Committee."

Mr. HOLMES (United Kingdom) felt that there was a case for the postponement of discussion on Article 66 (5), on the ground that discussion of the texts of the Articles to which it referred - 26, 28, 34, 35 - had not been concluded. He did not consider, however, that there was the same case for postponing discussion of the questions dealt with in Articles 64, 68 and 69. If the discussions of those Articles were postponed, it might be found that there was not sufficient time to deal adequately with them.

Mr. MARTINS (Brazil) supported the proposal of the United States delegation, which he took to mean postponement of consideration until questions of substance in other parts of the Charter had been decided. The question of voting was of paramount importance, and in dealing with it delegates should have a more precise idea of the substance of other questions.

Mr. de GAIFFIER (Belgium-Luxembourg) said he appreciated the reasons of the delegates of the United States of America

and Brazil for suggesting postponement, but would like to stress the danger of delaying too long the discussion of so important a matter.

Mr. KOJEVE (France), supporting the point made by the delegate of Belgium, said there were two questions to be considered: voting and then the question of the majority. The latter could be taken up at a later stage, but he thought the question of voting should be sent to a sub-committee straight away for study.

Mr. TANGE (Australia) said the discussion seemed to raise important questions of conference procedure, affecting not only their own work but also that of the other commission and sub-committees. It could be argued that it would be more fruitful to postpone discussion on voting until the substantial work on the remainder of the Charter was completed. That was unlikely to be agreed without reservation until members knew what the distribution of votes would be. It might be found necessary later on to go back to earlier items and discuss them again in the light of the voting procedure.

He felt there was a case for postponing discussion of the articles mentioned by the delegate of the United States of America till the following week (July 2-5).

Mr. GUTIERREZ (Cuba) said his delegation was ready to discuss the proposal for weighted voting at any time and would oppose it whenever it came up. He felt however it would be wise to leave so critical a matter till later and meantime go ahead with work on other problems. If they

were now to discuss the democratic system of one nation, one vote, against the other ingenious new system they could not foresee when the debate would end.

The CHAIRMAN pointed out that a question of procedure was under discussion and asked delegates not to introduce points of substance.

Mr. SHACKLE (United Kingdom) declared it was a misnomer to say that the "one state, one vote" system was democratic. There were for instance in some countries huge industrial areas dependent on export trade: and under the "one state, one vote" system the populations of such areas would have merely a fraction of a vote. But a very small territory with an infinitesimal interest in international trade would have one vote. That seemed a negation of the representative principle and of democracy.

The CHAIRMAN asked members of the Commission to confine themselves to questions of procedure.

Mr. KOJEVE (France) said he would like to support the proposal of the delegate of Australia and would go a step further. Certain articles would be acceptable to the French delegation with a "one vote, one country" system of voting, but difficult to accept if any other voting system were adopted. He felt it would not be wise to postpone the matter indefinitely.

Mr. NAUDE (South Africa) felt it might have been advantageous if the matter had been remitted to a sub-committee right away. There was a good deal to be said for waiting to see how the discussion on other aspects of the Charter would develop, but he did not think the matter should be postponed for more than a week.

Mr. MARTINS (Brazil) felt that a sub-committee should not discuss the question and come to a decision upon it without previous discussion in the Commission. He suggested postponing the discussion until Chapter VIII had been dealt with and until they had more information on what had been decided on other parts of the Charter.

Mr. CHEN (China) considered it would be useful to await the result of the discussion on other provisions of the Charter having a bearing on the question of voting. At that stage delegates would have some idea of the obligations they would be assuming under the Charter; and if any delegate should make reservations in respect of other provisions on the ground of uncertainty as to the form of voting, that would give some idea of the trend of the discussion in the other Commissions, and would assist in the discussion on the voting. He felt that when the question came up there should be general discussion in the Commission before the matter was referred to the sub-committee. He favoured the suggestion of the delegate of the United States that the matter be postponed.

Mr. VAN TUYLL (Netherlands) was disposed to agree with those delegates who did not wish a long postponement of the discussion. It would be an advantage to tackle the problem in the very near future. If the preliminary discussion resulted in a deadlock, there was always the possibility of further postponement.

The CHAIRMAN said he would first put to the vote the United States proposal. If the vote was favourable the question of when the enumerated articles could be considered would then be dealt with.

Mr. SHACKLE (United Kingdom) appreciated the objections to referring the matter to a sub-committee before there had been any general discussion. But if they decided that there should first be some general discussion, it would be well to bring in the question of membership of the Executive Board as well, as there was a clear connection between that and voting procedures.

He understood that the proposal now before them was that the matter be postponed till quite a late stage of the Conference, and he wished to ask whether it would be wise to make up their minds to such a rather extreme proposal at the present stage. If postponed till near the end of the Conference, the matter was unlikely to be maturely considered, and he felt therefore that the postponement should not be for more than one or two weeks.

The CHAIRMAN directed the attention of the delegate of the United Kingdom to the text of the United States proposal, which was that Articles 64, 66(5), 68 and 69 be postponed until a later stage. He assumed also that the proposal might apply to Article 67(3).

Mr. KELLOGG (United States) confirmed that Article 67(3) should also be included.

The CHAIRMAN said the suggestion from the Chair was that a vote first be taken on whether or not consideration of those Articles should be deferred. He pointed out that the agenda for Commission A provided for discussion of Articles 26 and 28 during the week beginning 7 July. If the proposal of the delegate of the United States were interpreted literally, he took it that the postponement would be until after discussion of those Articles in Commission A - in other words not before the week beginning Monday, 14 July.

Mr. KELLOGG (United States of America) said Articles 26, 28 and 29 were important substantive Articles. We would like discussion postponed until further information was available on them.

Mr. KOJEVE (France) wished to make it clear that when he had suggested reference of the matter to the sub-committee, he had not intended that discussion in the sub-committee should be substituted for discussion in the Commission, but he had had the impression that the Commission was not prepared to begin the discussion at once and that as the matter was a difficult one there was some interest in gaining time. He had suggested reference to the sub-committee so that the sub-committee might prepare the discussion to take place in the Commission when it was decided to take the matter up. With regard to the United Kingdom point about the relationship between questions of voting and membership of the Executive Board, the proceedings in New York had shown that if the system of voting was difficult, the question of membership of the Executive Board was practically insoluble. He agreed that discussion on the question of voting and on the membership of the Executive Board should be taken up by the Commission, but as opinions on those matters were so diverse, the sub-committee might be asked to make a preliminary review of the whole matter.

Mr. SHACALE (United Kingdom) asked whether the United States proposal meant postponement until there had been discussion in Commission A of Articles 26 to 29, or until all sub-committees had reported.

Mr. KELLOGG (United States) said his delegation did not suggest postponement until all the numerous substantive articles

had been entirely tied up, but until the general outline of those articles was better understood.

Mr. SHACKLE (United Kingdom) inferred that that meant the problem could be attacked after Commission A had finished discussion on Articles 26 to 29.

The CHAIRMAN remarked that the delegate of the United States had agreed with the interpretation of the Chair that the proposal suggested that the Articles in question should not be considered before 14 July.

Mr. GUTIERREZ (Cuba), on a point of order, proposed that a vote be taken in two stages, as the Chairman had suggested.

The CHAIRMAN said with regard to the point of order raised by the delegate of Cuba, that since his proposal on the taking of the vote the delegate of France had formulated in more precise terms his proposal of reference to the sub-committee for preparatory work prior to a general discussion in the Commission.

Mr. GUTIERREZ (Cuba) felt that the proposal of the delegate of France could not be sustained. He would have to oppose strongly discussion of so important a matter being held first in a sub-committee.

The CHAIRMAN said the French proposal, being furthest removed from the original proposal, would have to be voted upon first. He would ask for comments upon it.

Mr. KOJEVE (France) said he had made his proposal as a compromise, but in view of the response he would withdraw it.

The CHAIRMAN put to a vote the question whether or not discussion should be postponed on Articles 64, 66(5), 67(5), 68 and 69.

Decision: The motion for postponement was carried by ten votes to six.

Mr. BURR (Chile) proposed that Article 67(4) be included among those on which the discussion was being postponed.

Decision: It was agreed that Article 67(4) be included among the Articles the discussion of which had been postponed.

The CHAIRMAN said he would put to the meeting the proposal of the delegate of Australia that the matter be postponed until the following week.

Mr. TANGE (Australia) said he would make his proposal more precise by specifying the period 2-5 July.

Mr. SHACKLE (United Kingdom) pointed out that the Commission had three full days for the discussion of Articles 61 to 81. If the discussion were completed before the end of that period would it not be wise to start discussion then on the Articles in question?

The CHAIRMAN said he interpreted the vote just taken to mean that discussion would be deferred to another week than the present week.

Mr. BLOM (Norway) supported the proposal of the delegate of Australia to begin discussion not later than 2 July,

Mr. GARCIA OLDENI (Chile) felt that if they had found reasons to postpone the discussion, the same reasons should be valid in considering the date to which the discussion would be postponed. He felt the matter should not be taken up before 14 July, as the general outline of the other provisions having a bearing upon it would not be sufficiently clear until then.

The CHAIRMAN put to the meeting the proposal of the delegate of Australia that discussion on the Articles in question be begun on 2 July.

Decision: The proposal was lost by eight votes to nine.

The CHAIRMAN said he would put to the meeting the original United States proposal that discussion of the Articles should not be begun earlier than July 14, but would phrase it in the positive form that discussion be begun on July 15.

Decision: The proposal that discussion of Articles 64, 66(5), 67(3), 67(4), 68 and 69 be begun on 15 July was adopted by eleven votes to two.

The meeting rose at 6.10 p.m.
