

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

COMMISSION B

SUMMARY RECORD

of the Fourteenth Meeting held on Wednesday  
25 June 1947 at 2.30 p.m. at the Palais des  
Nations, Geneva.

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

1. CHAPTER VIII OF THE DRAFT CHARTERS. ARTICLE 66 -  
POWERS AND DUTIES.

Paragraphs 1 and 2

The CHAIRMAN, in opening the meeting, said that as there were no proposals regarding Article 65, the Commission would pass to the consideration of Article 66. There were no proposals regarding paragraph 1 of that Article, but the Secretariat had suggested that paragraph 2 should be amended (page 10, document E/PC/T/W/210 Rev.1), and he called the attention of members of the Commission to the note under "General Comments" on page 9 of the same document. In the discussion on the amendment suggested by the Secretariat, the two reservations submitted by the Australian and French delegations at the New York meeting should be taken into account.

Mr. KELLOGG (United States) agreed with the Secretariat that the present drafting of paragraph 2 was faulty, and wished to discuss the question of drafting in the Sub-Committee at the appropriate time.

Mr. DAO (China) considered that the London draft was inconsistent, and suggested that the amendment proposed by the Secretariat should be examined after all chapters preceding Chapter VIII had been studied,

Mr. COLBAN (Norway) had no objection to the question being referred to the Sub-Committee, but the Sub-Committee should not consider the New York text as finally ruled out. He felt that that text was not very faulty.

Decision: It was agreed to refer paragraph 2, with the amendment submitted by the Secretariat, to the Sub-Committee.

Paragraph 3

The CHAIRMAN, referring to paragraph 3 of Article 66, said that two proposals had been submitted, one by the Australian delegation and the other by the United States Delegation. The Australian proposal had been discussed at the previous meeting in connection with the Australian suggestion that a new sub-paragraph should be added to Article 61. Several representatives had asked on the previous day for more time to consider the implications of the Australian proposal and he suggested that discussion should now be resumed.

Mr. LAURENCE (New Zealand) asked whether, before the Commission passed to the consideration of paragraph 3, either or both of the representatives who had made reservations

in respect of paragraph 2, wished to make any comments.

Mr. MARTINS (Brazil) felt it would serve a more useful purpose if discussion on paragraph 3 of Article 66 were postponed pending discussion of the question of voting referred to in Article 64 and other Articles.

The CHAIRMAN pointed out that at the previous meeting there had been full discussion of the suggestion made by the United States representative that discussion should be postponed of the Articles which related to weighted voting and to the composition of the Executive Board. The decision had been reached that consideration of Articles 64, 66(5), 67 (3), 68 and 69 should be deferred until July 15th. The question raised by the Brazilian representative was related, but was a somewhat different question, as reference was made in various Articles as to whether a decision should be taken by a simple majority or a two-thirds vote. ~~No suggestion~~ was made in the proposal of the United States representative that consideration of those Articles should be deferred, and therefore the proposal made by the representative of Brazil went further than the United States proposal.

Mr. KOJEVE (France) supported the proposal of the representative of Brazil. Referring to the remarks of the representative of New Zealand, he said he could only answer in the negative. As long as the composition of the Executive Board had not been settled, it was impossible to make any proposal as to what questions should be excluded from the jurisdiction of that Board.

Mr. OLDINI (Chile) also supported the proposal of the representative of Brazil as he considered that paragraph 3 referred to voting procedure. At the previous meeting discussion of paragraph 4 of Article 67, dealing with a similar question, and paragraph 2 of Article 69, had been postponed, and it was therefore logical to adopt the same procedure in connection with paragraph 3 of Article 66.

Mr. COLBAN (Norway) failed to see the connection between the question dealt with at the previous meeting and paragraph 3 of Article 66. Paragraph 3 referred merely to the setting up of voting procedures and the Commission had to decide whether the Conference should or should not have the power to determine criteria and set up procedures, including voting procedures, for waiving, in exceptional circumstances, obligations of Members undertaken pursuant to the Charter.

Mr. OLDINI (Chile), referring to the remarks of the Norwegian representative, said it was not only a question of delegating or not delegating to the Conference certain powers to settle certain questions - it was a question as to whether the decision of the Conference should be taken by a majority vote of two-thirds or by a simple majority vote.

Mr. MARTINS (Brazil) said that the remarks of the representative of Norway would apply to the case if the Commission were discussing paragraph 3 of Article 66 only, but if that paragraph were discussed the amendment, which entirely altered the meaning of the Article, suggested by

the representative of Belgium and supported by the Brazilian delegation, would also have to be considered. That was the reason why he had suggested the postponement of the discussion.

The CHAIRMAN put to the vote the proposal of the representative of Brazil that the discussion of paragraph 3 of Article 66 should be deferred until Articles 64, 66 (5), 67 (3), 68 and 69 were discussed.

Decision: The proposal of the representative of Brazil was defeated by 8 votes to 7.

Mr. MARTINS (Brazil) said that as the members of the Commission numbered seventeen and only fifteen had voted, he wished to know whether the two who had not voted were against his proposal.

Mr. DAO (China) pointed out that he had abstained from voting because he was not sure whether the other Commissions or Committees had discussed or were now discussing the two-thirds majority vote as it affected other provisions of the Charter.

The CHAIRMAN said that any member of the Commission had the right to abstain from voting. The second member of the Commission who had not voted was the representative of the Lebanon who was not present at the meeting.

Mr. TANGE (Australia), replying to the remarks of the representative of New Zealand regarding paragraph 2, said that his delegation had suggested at the Drafting Committee that the Secretariat might prepare a list for possible inclusion in Article 66 those powers which might not be delegated by the Conference to the Executive Board. Perhaps this list might even be prepared for consideration by the Sub-Committee.

Mr. KELLOGG (United States of America) pointed out that there were approximately twenty functions which could not be delegated to the Executive Board. Mr. TANGM then withdrew his suggestion.

The CHAIRMAN said the discussion was open on the proposals made by the delegations of Australia, Belgium, and the United States regarding paragraph 3.

Mr. COLBAN (Norway) considered that the decision referred to in paragraph 3 was sufficiently important to render it reasonable to ask for a two-thirds majority vote of the members of the Organization.

Mr. KOJEVE (France) supported the proposal of the Australian delegation. He said that it was difficult for him to discuss the United States proposal as he did not know whether the majority of two-thirds applied to a simple or to a weighted vote.

Mr. KOJEVE (France) asked whether the United States proposal meant that each Member had only one vote.

Mr. KELLOGG (United States) said that the United States proposal was based on the original draft which provided for one vote for each Member. If the Conference decided to change that theory to a weighted voting theory consequential amendments would have to be made throughout the draft.

He agreed with the representative of Norway, and felt that whether weighted voting or simple voting were adopted, there should be a requirement of a two-thirds majority of the members on releases for the reason that it was a matter tantamount to amendment of the Charter.

Mr. DAO (China) had some misgiving regarding the requirement of an affirmative vote of two-thirds of the Members of the Organization as some Members might abstain and others might be absent, and there might thus be difficulty in setting up procedures. His delegation did not wish to commit itself as to whether there should be a simple majority or a two-thirds majority vote.

Mr. TANGE (Australia) said that his delegation would prefer to have a majority vote, whatever the majority might be, of the Members present and voting, as that method retained the right of a Member to abstain. Under the present drafting of paragraph 3, Members did not have the option of adopting a neutral attitude, and he felt that this should not be so. He pointed out that the analogy made by the United States Delegate between this paragraph and amendments was not a good one as whereas amendments to the Charter were rare and had far-reaching effects, resolutions applied only to one Member and the Conference would be able to limit their scope and effects.

He wished to know whether the representative of the United States considered it essential to retain in paragraph 3 of Article 66 the provision for the determination of criteria and establishment of procedure. That had been omitted from the draft of the representative of Belgium, with which he believed the representative of the United States was in general agreement.

Mr. MARTINS (Brazil) said that paragraph 3 of Article 66 did not indicate whether the Conference would have to solve the question in a general way through regulations established for

exceptional cases, or whether the Conference would have to pronounce upon every case as it arose. The position would be different if the Conference had to establish regulations for exceptional cases that might arise in the future, or if a Member desired to be relieved of his obligations.

He considered that the powers of the Conference should not be limited, and supported the Belgian proposal as it provided for an affirmative vote of two-thirds of the Members of the Organization.

Mr. de GAIFFIER (Belgium/Luxembourg) said his delegation had two objectives in presenting the amendment they had suggested to paragraph 3:- (1) to clarify the situation arising from the application of paragraph 3, and (2) a desire to reach a compromise with the text of the Australian delegation. Paragraph 3 dealt with exceptional cases in which the Conference might release certain Members from certain of their obligations undertaken pursuant to the Charter. He felt that, in such cases, the Conference should have the power to release Members concerned, and, since highly important and exceptional cases were being dealt with, there should be a majority vote of two-thirds of the Members of the Organization.

He considered that the main concern of the Australian delegation was to bring into harmony paragraphs 2 and 3 of Article 66. Paragraph 2 laid down that the Conference might delegate to the Executive Board certain powers, with the exception of certain specific powers and duties which were expressly conferred or imposed by the Charter. With

paragraph 3 following on paragraph 2 it might be argued that the power of releasing certain Members from their obligations under the Charter was a specific power conferred on the Conference which it should not delegate. However, he felt that paragraph 3 in its present drafting did not give rise to the possibility of such a construction. Referring to the question raised by the representative of Australia regarding the maintenance of the provision regarding procedures, he considered that it was not essential to maintain that provision in Article 66.

Mr. OLDINI (Chile) felt that it was a mistake to think that the Commission was dealing with one matter only and that it was possible to adopt a single procedure to relieve Members from their obligations. Those obligations were many and varied, some were of paramount importance and others not so important. A number of the commissions were engaged in setting up procedures which would yield different results in different cases. He felt that if a general provision were adopted it would be necessary to reconsider paragraph 3 and modify its wording when the results were known of the studies being undertaken by the various other commissions and sub-committees. The very multiplicity of the questions involved was likely to prevent the drawing up of a precise rule, and therefore Commission B could not decide that the Conference should take its decisions by a two-thirds majority vote of the Members in all cases. He considered that paragraph 3 should be adopted as it appeared in the draft Charter as it was flexible enough to allow the Conference, by an affirmative vote of two-thirds of the Members of the Organization, to determine criteria and set up procedures which would not always be the same in all cases. If, on the other hand,

Commission B decided that a two-thirds majority vote should be required in all cases, that would show a lack of the sense of proportion.

Mr. COLBAN (Norway) favoured the maintenance of the New York draft of paragraph 3. In that draft it was not said that a general ruling was necessary, but he took it that the draftsmen of the paragraph had in view the fact that it would be undesirable if, in one case a certain procedure was applied and in another case, more or less of the same nature, another procedure was applied. It would create a better feeling of security if in all such cases there was a general ruling as to how the matter should be dealt with. It was in order to enable the Conference to establish such a general ruling, in spite of the separate paragraphs in the Charter, that paragraph 3 had been included. He felt that there was no possibility that the rights of the Conference would be delegated to the Executive Board, as it was necessary to have a majority vote of two-thirds of the Members of the Organization.

Referring to the statement of the representative of Australia that to ask for an affirmative vote of two-thirds would make it impossible for Members to adopt a neutral attitude, he considered that nothing prevented a Member of the Organization from abstaining from voting if he so wished.

The CHAIRMAN considered that, in view of the time at the disposal of Commission B, there had been adequate discussion of the proposals made regarding Article 64 (3) and the consequential amendment to Article 61. As there was a distinct divergence of opinion among members of the Commission, he proposed that the amendments to paragraph 3 suggested by the representatives of Australia, Belgium, and the United States of America should be referred to the Sub-Committee.

Mr. MARTINS (Brazil) said his delegation supported the Chairman's proposal, and considered that if either the amendment proposed by the Australian delegation or that proposed by the United States delegation was adopted, his observation regarding distinguishing between the general and particular cases should be taken into account. He suggested that the word "general" should be placed between the words "determine" and "criteria" in the second line of the draft paragraph 3 proposed by the United States delegation.

Mr. KOJVE (France) recalled that the report of the Sub-Committee on Chapter III had referred to Article 66, paragraph 3. The Sub-Committee should note this report and ensure that the text of the Article conformed with it.

The CHAIRMAN said that the attention of the Sub-Committee would be drawn to the statements made by the delegates of Brazil and France.

Mr. OLDINI (Chile) thought that the Sub-Committee should be recommended not to make any decisions on the text of this paragraph until they had taken into account conclusions reached by committees working on matters relating to this paragraph.

Mr. VAN TUYLL (Netherlands) pointed out that by this Article the Conference was empowered either to determine criteria and set up procedures, or to deal with questions direct, without recourse to these criteria and procedures. This might be made clear in the final draft produced by the Sub-Committee.

Mr. TANGE (Australia) remarked that he interpreted the text differently from the delegate of the Netherlands in that he thought that the Conference did not have the power

to decide not to establish procedures, etc. Were he incorrect in this interpretation some degree of his objection to the text would be removed.

Mr. KELLOGG (United States) had always thought that by the present text the Conference would have the power in any particular case to waive a Member's obligations.

Mr. GUTIERREZ (Cuba) had interpreted paragraph 3 as laying down criteria and procedures for exceptional cases in general, which had been foreseen in other parts of the Charter. He had also understood that this paragraph made provision for exceptional cases which were not foreseen elsewhere. The fact that two types of exceptional cases were envisaged in the text of this paragraph should be borne in mind.

DECISION: It was agreed to refer Article 66, paragraph 3 to the Drafting Committee.

Paragraph 4.

Mr. KELLOGG (United States) reminded the meeting that amendments proposed by the delegation of the United States to Articles 30 and 52 already covered the substance of this paragraph. Articles 30 and 52 dealt with the question of burdensome surpluses. The delegation of the United States had suggested elsewhere that the decision as to whether such surpluses existed should be made by the countries concerned. This viewpoint was expressed in the amendments proposed for Articles 30 and 52. If these amendments were adopted, then paragraph (4) would become superfluous.

Mr. GUTIERREZ (Cuba) considered that the first part of paragraph 4 should be retained. It had been agreed elsewhere, particularly in discussions relating to Chapter VII, that the second part only should be incorporated in Article 52, and perhaps also Article 30. The text of this Article up to the words "Article 52" should therefore be maintained.

Mr. TANGE (Australia) suggested that a better procedure would be for the Sub-Committee to defer discussion on this proposal until the Sub-Committees on Articles 30 and 52 had agreed upon a definite draft.

The CHAIRMAN considered that rather than defer discussion it would be advisable to refer the proposal to the Sub-Committee, which would be instructed to take into account the conclusions soon to be reached by the Sub-Committees on Articles 30 and 52.

DECISION: It was agreed to refer the amendment proposed by the delegation of the United States to the Sub-Committee.

Paragraphs 5 and 6.

The CHAIRMAN recalled that discussion of Article 66, paragraph 5 was deferred until 16th July. The redraft of the second sentence in Article 66, paragraph 6 involved purely drafting alterations. This might be referred to the Sub-Committee.

Mr. MARTINS (Brazil) pointed out that a two-thirds majority of the Members present and voting was required for agreements sponsored by the Conference "with respect to any matter within the competence of the Organization". He wondered why such a majority was necessary.

Mr. KELLOGG (United States) said that a two-thirds majority vote had been decided on in order to lend the maximum weight to agreements concluded by the Organization. Other international bodies had prepared treaties which had subsequently been ignored by their Members. In the case of the Trade Organization general support for any agreement would be guaranteed by the fact that two-thirds of the Members had approved it at the Conference.

Mr. COLBAN (Norway) supported the statement made by the delegate of the United States of America.

Mr. MARTINS (Brazil) said that he had not spoken against the two-thirds majority rule. He had simply declared that he thought no majority rule should be applied to paragraph 6 unless it were also applied to paragraph 3.

DECISION: It was agreed to refer Article 66, paragraph 6, to the Sub-Committee.

Paragraph 7.

Mr. KELLOGG (United States) remarked that the reasons for the amendment proposed by the United States delegation were self-evident.

Mr. DAO (China) fully sympathised with the point of view expressed by the delegate of the United States.

However, no reference to the scale of Members' contributions had been made in the Charter. No specific amounts had been considered. A matter such as this should not be included in the provisions of the Charter. This could be dealt with under the Rules of Procedure.

It was doubtful whether the additional phrase "without its consent" had any force. Clearly, no scale of payment would be introduced without the consent of the countries concerned.

Mr. NAUDE (Union of South Africa) said that the South African delegation would not have considered a one-third contribution too high, but it was willing to agree to a maximum of one-quarter.

It was to be hoped that a minimum scale would be fixed by the Sub-Committee in order to avoid the disputes over contributions which invariably arose in international organizations. However small their resources, Members would feel they had a more responsible share in the Organization's work and would have more self-respect if they were making an appreciable financial contribution to the Organization.

Mr. TANGE (Australia) felt that the amendment proposed by the delegate of the United States was more for appearances than for fear of any real inconvenience. It was unlikely that any member, particularly the United States of America, would be asked to pay more than one-third of the budget without its consent. Even if this were possible in principle he thought that a limitation should not be embodied in the Charter, but left to the Conference to decide.

The basis upon which this scale should be assessed should be that of relative capacity to pay. An Expert Commission of the United Nations had recently recommended that the United States' contribution should be 49.89% of total United Nations expenditure; this had later been reduced to 39.89% and had been accepted by the United States of America.

If the amendment proposed by the delegate of the United States were accepted, the issue regarding contributions would be pre-judged. The scale should be worked out after the establishment of the Organization, and in the light of circumstances then existing and the relative capacity to pay of Members.

Mr. MARTINS (Brazil) supported the amendment proposed by the delegation of the United States. A minimum should also be laid down for Members' contributions.

DECISION: It was agreed to refer Article 66, paragraph 7, to the Sub-Committee.

Paragraph 9.

Mr. TANGE (Australia) referring to an additional paragraph 9 proposed by the delegation of Australia, said that this was a consequential change arising out of amendments which the delegation of Australia had proposed to Chapter IV. These amendments had referred largely to Article 13. A Sub-Committee was still discussing questions relating to Chapter IV. It was concerned with matters of substance as well as procedure in regard to Article 13. It would be better to wait until the matters of substance under examination by the Sub-Committee had been finally decided before discussing the amendment proposed by the delegation of Australia.

Mr. MARTINS (Brazil) supported this suggestion.

The CHAIRMAN asked whether the delegations of Australia and Brazil would agree to refer the question to the Sub-Committee, which would then bear in mind any decisions reached by the Sub-Committee on Chapter IV.

Mr. TANGE (Australia) would agree to this provided that the Sub-Committee recognised these questions as

belonging particularly to the scope of Chapter IV and awaited the decisions of the Sub-Committee on that Chapter before coming to any conclusion itself.

Mr. van TUYLL (Netherlands) asked why the Director-General had been authorised to modify procedures. The Director-General did not have any authority as regards making policy.

Mr. TANGE (Australia) explained that the object of the proposal made by the delegation of Australia had been to save time. It sought the quickest possible application of rights and requirements laid down by Article 13. There would be delay with individual issues if a rigid procedure were laid down which could be modified only by the Conference. Should the Executive Board be in continuous or almost continuous session this proposal could be dispensed with.

Mr. MARTINS (Brazil) supported the opinion earlier expressed by the delegate of Australia that the Sub-Committee should take into account decisions reached by the Sub-Committee on Chapter IV.

DECISION: It was agreed that the proposed new paragraph should be referred to the Sub-Committee and that the Sub-Committee should bear in mind the outcome of discussions in the Sub-Committee on Chapter IV.

2. ARTICLE 67.

DECISION: It was agreed to refer paragraph 2 to the Sub-Committee.

Paragraphs 3 and 4.

The CHAIRMAN recalled that discussions on paragraph 3 had been postponed until 15 July. Discussion on paragraph 4 had been similarly postponed, but since amendments to these paragraphs proposed by the delegation of the United Kingdom and the Secretariat involved purely drafting points, it might

be advisable for the Sub-Committee to examine the text before the paragraphs were examined in substance by the Meeting.

Mr. TANGE (Australia) thought the Sub-Committee would probably find that the amendments proposed involved matters of substance.

The CHAIRMAN remarked that if this transpired then the Sub-Committee would have to postpone its examination until 15 July. However it was more likely that these amendments called for drafting changes only.

Mr. MARTINS (Brazil) had gathered previously that discussion on paragraph 4 was to be postponed until 15 July.

The CHAIRMAN agreed that this was so. The amendments to this paragraph would therefore not be referred to the Sub-Committee.

DECISION: Discussion on Article 67, paragraph 4, was deferred until 15 July.

DECISION: Discussion on Articles 68 and 69 was deferred until 15 July.

### 3. ARTICLE 70.

Mr. KELLOGG (United States) stated that this Article was closely related to the comment made by the delegation of the United Kingdom to Article 71. The constitution of the Executive Board had left open the question of the exercise of its functions between sessions. It was undesirable that questions of major importance should be resolved by a small body drawn from the members of the Executive Board. A Special Session could be convoked as provided under Article 70 for examination of matters of major importance. However, the Rules of Procedure of the Board might provide a method of dealing with unimportant issues between sessions.

Mr. FAWCETT (United Kingdom) supported the view expressed by the delegate of the United States in regard to matters of major importance. Their main concern in providing for the exercise of the functions of the Executive Board between sessions was simply to give it the power to take decisions. It should be able to delegate its authority to a sub-committee of its own choosing which would take decisions on its behalf in the period between sessions. This action would be applied only in the case of matters of minor importance.

In all its provisions the Charter had referred to the "Executive Board". It was therefore essential that the Executive Board should create a small body to continue its functions whilst it was not in session. He quoted experience with the constitution of U.N.E.S.C.O. in support of this view.

Mr. COLBAN (Norway) doubted whether the suggestion made by the delegate of the United Kingdom was appropriately worded. It should be explicitly stated that such action was envisaged only for matters of minor importance.

The provision for a "limited number of Members including the Chairman" might lead to an unsuitable expansion of the membership of the Executive Board and to friction between the subordinate body and the Board itself.

It would seem sufficient if the Executive Board established Rules of Procedure authorising the Chairman to act on its behalf between sessions. These Rules of Procedure would be so framed as to confine the Chairman's action to points of minor importance.

Mr. DORE (Canada) recalled that in the case of U.N.E.S.C.O. the Executive Board consisted of members from all parts of the world. It could therefore meet only three times a year. Accordingly it had established a sub-committee

of eight members which supervised the work of the Secretariat, reported to the Board, and took decisions on minor questions. In matters of major importance the sub-committee consulted all members of the Board by letter; there was no danger here of its supplanting the Board itself. The sub-committee met approximately once a month. The proposal submitted by the delegation of the United Kingdom was excellent in principle, though its wording might be revised.

Mr. DAO (China) asked the delegate of the United Kingdom to state what was meant by the term "minor importance". By the provisions of Article 66, paragraph 2, the Conference might delegate its power to an Executive Board. Now the delegate of the United Kingdom proposed that there should be a further delegation of powers by the Board.

Mr. FAWCETT (United Kingdom) said that the Executive Board remained responsible for decisions taken by the smaller body. It would therefore lay down itself, in its Rules of Procedure, the conditions governing the delegation of its powers. The matters on which the power of decision would be delegated could not be foreseen at this stage.

Mr. DAO (China) asked whether the delegate of the United Kingdom would consider the preliminary examination of complaints as a matter of minor importance.

Mr. FAWCETT (United Kingdom) remarked that the question could only properly be answered by the Executive Board itself.

The delegation of the United Kingdom had advanced the principle that the Executive Board should be empowered to delegate its authority to a smaller body. This delegation of powers would be authorised in the Rules of Procedure, but the Executive Board would remain responsible for decisions taken by the smaller body. Only the Executive

Board itself could decide which matters were to be referred to the smaller body.

Mr. KOJEVE (France) asked whether the Sub-Committee would be a permanent body or whether its membership would be constantly changed.

Mr. FAWCETT (United Kingdom) thought that these matters should be referred to the Sub-Committee. The meeting should confine itself to an examination of the principle proposed. Elaboration of the subject was a matter for the Sub-Committee.

Mr. van TUYLL (Netherlands) suggested that the problem could be solved by empowering the Executive Board to set up committees and sub-committees which between sessions would study and prepare problems for consideration by the Executive Board.

Mr. COLBAN (Norway) stated that the comparison drawn by the delegate of Canada between U.N.E.S.C.O. and the Trade Organization was not a very good one.

The procedure followed by the Council of the League of Nations might be a better model to follow. Between the sessions of the Council of the League the President was informed by the Secretary-General of any problems which arose. It was then for the President to decide on his own responsibility what action should be taken. If he was uncertain he telegraphed his proposed decision to all Members of the Council for approval. Where the Council was particularly interested in the outcome of discussions during sessions it appointed not more than two of its Members to collaborate with the President in decisions made after adjournment.

In the same way the Executive Board might authorise its Chairman to act on its behalf during the interval between

sessions. The Director-General would be the channel through which problems would be referred to the Chairman and through which proposed decisions would be communicated to members of the Board.

Mr. DORE (Canada) agreed that there was no exact parallel between UNESCO and the Trade Organization. A description of procedure applying in UNESCO might however be of service. Under the UNESCO Charter, the Finance and Nomination Committees were required to make frequent reference to the Executive Board. These Committees were subordinate in various ways to the Executive Board, but could usefully exercise its functions between sessions. It had been easy for the Sub-Committee to meet frequently since all of its Members lived near Paris.

It was clear that a Sub-Committee empowered to supervise the work of the Secretariat would be a useful subordinate body.

Mr. KARMARKAR (India) considered that the membership and functions of the proposed subordinate body should be more exactly specified. Normally action taken between sessions was left to a responsible officer of a body. Little would be gained by creating a smaller body of indefinite powers within the Executive Board. It would be better to entrust the Chairman of the Executive Board with decisions on problems which might arise between sessions.

Mr. DAO (China) thought that the establishment of a smaller body functioning on its own responsibility between sessions might be a dangerous step. The suggestion made by the delegate of Norway was a useful one. It was, however, usual to assign certain powers to the Chairman in the Rules of Procedure. It might therefore be better to fall in with the

suggestion first made by the delegate of the United States and leave this matter to be dealt with under the Rules of Procedure.

Mr. TANGE (Australia) doubted the wisdom of stating in the Charter that the Executive Board might delegate its powers. It would in any case be difficult to assign a limit to its delegation of powers.

The Executive Board could always create committees which would analyse problems and prepare them for consideration by the main body. These problems might then be reserved for consideration by the Executive Board at its next session. On the other hand the Chairman could take a poll of members' views by telegram.

The CHAIRMAN felt that sufficient variety of views had now been expressed in this regard. The concrete suggestions made by the delegation of the United Kingdom would be useful. The matter should now be referred to the Sub-Committee which should bear in mind the suggestions made by the delegate of the United Kingdom, the views expressed at the meeting and the comment of the Drafting Committee to the effect that "the possible desirability of providing for the manner in which the functions of the Executive Board will be exercised while it is in session" should be considered.

DECISION: It was agreed that Article 70, paragraph 1, should be referred to the Drafting Sub-Committee.

DECISION: It was agreed to refer to the Sub-Committee the re-draft of Article 70, paragraphs 2 and 4, suggested by the Secretariat.

#### 4. ARTICLE 71.

##### Paragraphs 1 and 2.

Mr. NAUDE (Union of South Africa) proposed that in Article 71, paragraph 1, the passage in the first sentence

"and shall exercise the powers delegated to it and perform the duties assigned to it by the Conference" should be deleted. It was obvious that the Executive Board should have such a function.

DECISION: It was agreed that Article 71, paragraph 1, should be referred to the Sub-Committee, which should take into account the results of discussion on later Articles, and the amendment proposed by the delegate of the Union of South Africa.

DECISION: Article 71, paragraph 2, was referred to the Sub-Committee.

Paragraph 3.

Mr. FAWCETT (United Kingdom) declared that the amendment proposed by the Secretariat involved a change of substance. Applications for membership should not be filtered through the Executive Board. Experience in the Security Council had shown this would be undesirable. Applications for admission should be made directly to the Conference.

Mr. NAUDE (Union of South Africa) supported the view expressed by the delegate of the United Kingdom.

Mr. TANGE (Australia) agreed with the delegate of the United Kingdom that it would be undesirable for the Executive Board to consider applications for the admission of new Members. Sparing use should be made of the powers assigned to the Executive Board under this Article.

The SECRETARY said that this amendment had been proposed because the present text of paragraph 3 was somewhat misleading. Discussion of the amendment had brought out a clear statement of what was the intention of delegates.

If the Executive Board were not to screen applications for admission it might be necessary to provide that the Conference should do so in Article 66.

Mr. KELLOGG (United States) thought that this point was covered by Article 2. The meeting should remember that it had been decided in London not to enumerate all the powers of the Organization in Article 61, but to include in it only those powers which were not mentioned elsewhere.

DECISION: It was agreed to refer the matter to the Sub-Committee, which should decide whether further textual changes were required.

The meeting rose at 6 p.m.