GENERAL AGREEMENT ON TARIFFS AND TRADE

SUMMARY RECORD OF FIRST SESSION OF THE CONTRACTING PARTIES

First Meeting Held at the Capitolio, Havana, Cuba on 28 February 1948

1. Election of Chairman

Mr. E. WYNDHAM WHITE, Executive Secretary of the United Nations Conference on Trade and Employment, opened the meeting and suggested that Rule 9 of the draft Rules of Procedure should first of all be approved so that the representatives of the contracting parties present could proceed to the election of a Chairman.

The second sentence of Rule 9, stipulating that the Chairman and Vice-Chairman shall each hold office for one year, was deleted and the first sentence, calling for the election of a Chairman and a Vice-Chairman from among the representatives of the contracting parties, was approved provisionally on the understanding that this Rule would be considered again when the draft Rules of Procedure were examined.

Mr. WYNDHAM WHITE then called for nominations.

Mr. G. GUTIERREZ (Cuba) proposed that Mr. L. D. WILGRESS (Canada) be elected Chairman. This was seconded by Mr. R. J. SHACKLE (United Kingdom) and supported by Mr. J. ROYER (France) and Mr. P. A. FORTHOMME (Belgium). There were no other nominations and Mr. WILGRESS was declared elected unanimously.

On taking the Chair Mr. WILGRESS thanked the meeting for the honour bestowed upon himself and his country.

2. Election of Vice-Chairman

The Chairman called for nominations for Vice-Chairman. Mr. J. W. EVANS (United States) proposed Mr. A. B. SPEKEMBERK (Netherlands). This was seconded by Mr. T. WOULBROWN (Luxembourg) and supported by Mr. ROYER (France) and Mr. FORTHOMME (Belgium). There were no other nominations and the Chairman declared Mr. SPEKEMBERK elected unanimously as Vice-Chairman.

3. Rules of Procedure
3. **Rules of Procedure**

The Chairman suggested that to examine the draft Rules of Procedure in detail might take up a great deal of time and he suggested, therefore, that they should be adopted provisionally pending an opportunity for more careful examination on some other occasion.

Mr. SHACKLE (United Kingdom) inquired as to the significance of the words "participating observers", with reference to the representatives of countries signatories of the Final Act which have not become contracting parties, in Rule 7. In reply Mr. WYNDHAM WHITE, the Executive Secretary, explained that this phrase had been used to indicate that the representatives of signatories of the Final Act should have the right to send observers to meetings of the contracting parties who might participate in discussions on matters affecting their interests.

Mr. EVANS (United States) suggested that "Secretary" in Rules 1, 6 and 3 and "Secretariat" in Rule 35 should be altered to read: "The Executive Secretary of the United Nations Conference on Trade and Employment"; and that the three rules of Chapter V should be replaced by one rule, added to Chapter which would provide that the Executive Secretary of the United Nations Conference on Trade and Employment and his staff would perform the usual duties of a secretariat.

The Chairman asked Mr. EVANS to submit his proposals in writing so that they could be considered when the Rules of Procedure come up for detailed examination, and he suggested that other representatives who wished to amend the rules should submit their proposals to the Secretariat.

The Rules of Procedure were then approved provisionally.

4. **Adoption of Provisional Agenda**

The Chairman drew attention to document GATT/1 which contained proposed additions to the provisional agenda submitted by France and Cuba; he inquired whether the representatives wished to add these items to the agenda after Item 8.

In support of the first proposed addition Mr. ROYER (France) stated that the substitution of Article XXIV by the corresponding provisions of the Havana Charter was a matter of fundamental importance to his Government in view of its plans for a customs union with Italy; his Government, therefore, wished to propose that Article XXIV should be thus superseded at this meeting. In reply to questions Mr. ROYER explained that difficult problems would arise for his and other Governments if the Charter and the General Agreement were to contain different provisions regarding customs unions; he expressed the opinion that...
opinion that if Article 42 of the Charter is amended by the Havana Conference there should be no objection to this amended Article being written into the Agreement to replace the corresponding provisions in Article XXIV.

Several representatives commented on this proposal, mentioning, in particular: that other proposals and amendments affecting Part III of the Agreement might be submitted and the specific reference to one such amendment should not be understood to imply the exclusion of others; that the representatives attending the meeting might not have the necessary authority to agree to amendments of the Agreement such as that suggested by the representative of France; and that the interests of signatories of the Final Act which have not become contracting parties would have to be taken into account.

After discussion the following additional item for the agenda was approved:

"9. Amendments and proposals relating to Articles of the General Agreement not covered by Article XXIX:
   (a) Amendment to Article XXIV: substitution of this Article by the corresponding provisions of the Charter for an International Trade Organization,
   (b) Possibility of releasing any contracting party from undertakings governed by Article II.
   (c) Others."

Mr. EVANS (United States) agreed to this addition provided it was understood that under Item 8, namely, "Relation of the General Agreement to the Charter", it would be competent for the meeting to discuss questions connected with those Articles of the Agreement to which Article XXIX relates. The Chairman stated that that was the intention of the Secretary-General when he included Item 8 in the provisional agenda.

The provisional agenda as set forth in Annexure 2 of document GATT/1/1 was then approved subject to the substitution of "secretarial services" for "Secretariat" in Item 4, the substitution of "session" for "meeting" in Item 10, and the insertion of Item 9 as recorded above, Items 9, 10 and 11 being renumbered 10, 11 and 12.

Rule 7 of the Rules of Procedure

The Chairman suggested that the meeting might discuss Rule 7, concerning the representatives of countries signatories of the Final Act which have not become contracting parties, as suggested in the Secretariat Note, document GATT/1/2.

/Mr. ROGER (France)
Mr. ROYER (France) suggested that the other signatories of the Final Act should be linked as closely as possible with the work of the contracting parties. This view was shared by several representatives and after discussion it was agreed to amend Rule 7 to read as follows:

"The representatives of countries signatories at Geneva of the Final Act of the General Agreement on Tariffs and Trade which have not become contracting parties may attend meetings in the capacity of observers participating in the discussions."

On the question of voting, the Chairman explained that in the event of any formal votes being taken the provisions of paragraph 3 of Article XXV would apply, that is, only the contracting parties would enjoy the right to vote.

6. Relations with Other Governments Represented at the Havana Conference

Mr. SPEKMANBRINK (Netherlands) suggested that in view of the close relation between the ITO Charter and the General Agreement all governments represented at the Havana Conference which were not signatories of the Final Act of the General Agreement should be invited to send observers to the meetings of the contracting parties.

The Chairman drew attention to the fact that under Article 37 it would be competent for the contracting parties to decide that meetings should be held in public, and therefore it would be competent also for the Chairman to invite the governments represented at the Havana Conference to send observers to the meetings. It was agreed that a paper inviting these governments to send observers should be sent by the Executive Secretary to delegations at the Havana Conference and that future meetings of the contracting parties should be listed in the Conference Order of the Day.

7. Documentation

Several representatives made suggestions as to the preparation and distribution by the Secretariat of documents setting forth side-by-side the text of the Geneva draft and the text as amended by the Committees of the Havana Conference. The Chairman stated that he would ask the Executive Secretary to consider the possibility of issuing a document which would facilitate comparison of the old and new texts of Articles relevant to the General Agreement and that the proposals of the Executive Secretary in this connection would be submitted to the next meeting.

8. Protocol of Corrections

In reply to questions asked by Mr. ROYER (France), Mr. J. A. LACARTE, Deputy Executive Secretar
Deputy Executive Secretary, stated that the details of all the typographical errors in the Schedules of the General Agreement as advised by delegations had been distributed to all signatories of the Final Act, but that notification of further corrections was expected; and that it was difficult to predict the date of the signature of the protocol but it might be on or about 15 March.

9. Provisional Application by the Kingdom of the Netherlands

Mr. SPEKENBRINK (Netherlands) recalled that the protocol of provisional application had been signed by the Netherlands only in respect of its metropolitan territory but that about the middle of March he expected that his Government would make the Agreement effective also in respect of the Netherlands Indies, Surinam and Curacao.

10. Next Meeting

In closing the meeting the Chairman stated that the meetings of the Conference would have priority but that further meetings of the contracting parties would be arranged as soon as possible.