THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE D (ARTICLES 40, 41 and 43)

NOTES ON FIFTH MEETING

Held on Wednesday, 14 January 1948, at 6.00 p.m.


Chairman: Mr. R. J. SHACKLE (United Kingdom)

ARTICLE 43

Item 24 (Cuba): The delegate of Cuba having stated that the proposal was mainly intended to allow restrictive measures in defence against so-called "social dumping", it was pointed out that it was covered for short term purposes by paragraph 1 of Article 40, and for long term purposes by Article 4 in combination with Articles 89 and 90 of the Geneva draft. The delegate of Cuba declared he would not insist on the amendment, if this view of the Sub-Committee would be included in the Report of the Sub-Committee. This was agreed.

New Item (Netherlands): The Netherlands delegate pointed out that it was not proposed expressly to include the rights of plant and livestock breeders in sub-paragraph (d). He merely wished the Sub-Committee to note that these rights were not nullified by the provisions of Chapter IV. The representative of FAO stated that his organization could not recommend the adoption of the proposal. The Sub-Committee considered that to grant the Netherlands request would amount to a judgment as to whether or not certain national laws and practices were consistent with the provisions of Chapter IV which was a matter for the Government concerned, but not for the Sub-Committee.

Item 25 (Australia): The Australian delegation advised that its reservation which was contingent upon the final wording of Article 94 would be withdrawn when the wording now contemplated for that Article was approved in Committee.

Item 26 (Argentina): The delegate of Argentina asked for the discussion to be deferred so as to be able to consider a suggested amendment to the proviso. This was agreed.

/New Item (Netherlands):
New Item (Netherlands): The Netherlands delegate accepted the view of the Sub-Committee that sub-paragraphs (b) and (c) of paragraph II should only refer to the second world war. It was decided to request the Central Drafting Committee to examine these provisions with a view to establishing complete clarity and precision on this point.

Item 29 (Argentina): No support being forthcoming for the deletion of the proviso, the present text was maintained.