
Article 100 - Deposit of Texts and Date. (continuation of discussion)

Mr. KELLOGG (United States of America) said that in the light of the very clear and convincing statement made at the previous meeting by the representative of Mexico, and, in the hope that such a move would make the draft Charter more acceptable and more workable, the delegation of the United States of America was prepared to accept the amendment to Article 100 proposed by the delegation of Mexico.

Mr. MARTEN (United Kingdom), referring to the statement made at the previous meeting by the representative of Mexico, said his delegation found difficulty in understanding the argument that certain countries would encounter constitutional difficulties in ratifying an international instrument which was not authentic in their own language. He pointed out that many conventions and agreements drawn up in the English or French languages had been accepted in the rest by Latin-American countries.

Spanish was an important trading language and, although it would be desirable for the text of a Charter in connection with international trade to be authentic in Spanish, the Charter of ITO was a very complicated document and if it were to be authentic in more than one language the difficulties of interpretation and the day-to-day work of the Organization would be greatly increased. His delegation considered it desirable to limit the authentic languages to English and French or even to reduce them to only one language - either English or French.

After pointing out the difficulties involved in drawing up a Spanish text before the end of the Conference, Mr. Marten said that his delegation wished to
wished to suggest that if and when a certain number of Spanish-speaking countries, say ten, had become members of ITO an authentic Spanish text of the Charter should be established and operated on equal terms with the French and English texts.

Mr. FIGURANO (Argentina) referred to the amendment which his delegation had submitted to Article 92, and pointed out that it was closely linked with the amendment suggested by the delegation of Mexico. The delegation of Argentina maintained its reservation regarding paragraph 1 of Article 92 and considered that the text of the Charter should be authentic in Spanish as well as in the working languages of the United Nations.

Mr. MACHADO (Cuba) pointed out that of the sixty nations represented at the Conference fully one-third were Spanish-speaking, and therefore he could not see why there should be any objection to the Charter of the ITO being drawn up in Spanish and that text being accepted as authentic in the same way as the English and French texts. He disagreed with the argument that it would not be possible to prepare a Spanish text before the end of the Conference and said that he personally would see that such a text was prepared if it were agreed that the Charter should be drawn up in that language.

Mr. KOJEVE (France) felt that the deletion of paragraph 1 of Article 92 and the amendment to Article 100 might create difficulties when it was a question of appeal to the International Court of Justice. His delegation accepted the amendment proposed by the Mexican delegation but would like the text to be so drafted that no complications would arise at the time of appeal to the Court.

Mr. AMADOR (Mexico), replying to the remarks of the representative of the United Kingdom, said that certain constitutional difficulties would arise when the text of the Charter was submitted to parliaments and congresses for ratification because it would not be an authentic Spanish text - it would simply be a translation. And that translation would not be accepted by the various parliaments until they had gone into the meaning of the text very thoroughly. It was true that in the past certain conventions and agreements not drawn up in the Spanish language had been accepted by Spanish-speaking countries but that did not necessarily set a precedent which should always be followed.

He did not consider that the deletion of paragraph 1 of Article 92 or the amendment to Article 100 would create any difficulties in the case of appeal to the International Court of Justice as the Spanish-speaking countries would naturally submit their appeals in English or French.
After emphasizing the importance of Spanish as a diplomatic and international language, he said that if the Committee accepted the Mexican amendment, the Spanish-speaking countries represented at the Conference would be willing to form a drafting committee and prepare a text of the Charter in Spanish.

Mr. MORTON (Australia) agreed with the representative of the United Kingdom that this was a matter of merit and not of principle. It also was a question of advisability. The International Court of Justice used only the English and French languages; what would it do in the case of a dispute between the English and Spanish, or the French and Spanish texts of the Charter. It would be appropriate to have an authoritative Spanish text at a later date, when there was time in which to prepare it and if sufficient Latin-American countries adhered to the Organization.

Mr. TINOCO (Costa Rica) said that he would withdraw his amendment to Article 92 if the Mexican proposal were to receive general approval. The San Francisco Conference had accepted Spanish as one of the five official languages and at Bretton Woods it had been put on equal footing with English and French. The Interim Commission should be asked to prepare a Spanish text and a provision should be inserted to the effect that that text would be an authentic one.

Mr. FORTENMOE (Belgium) drew attention to the difficulty with which the Central Drafting Committee had been faced in considering only an English and a French text. If there were to be five authentic texts, all delegations would have to pass on each one of them and with respect to the Chinese version, for example, it would be particularly difficult.

He suggested that paragraph 1 of Article 92 be deleted and Article 100 maintained in its present form. In that way it would be for the Conference to decide any conflict between the various texts and in due course the five texts would be of equal value.

Mr. JIMENEZ (El Salvador) said that as the Charter was going to have important repercussions on the economies of the countries of Latin America, it was essential that there should be an authoritative Spanish text. The existence of such a text would also have an important psychological effect as, at the beginning of the trade discussions the legitimate interests of the under-developed countries had not been properly recognized. The various parliaments could be convinced of the value of the Charter much more easily on the basis of an authentic Spanish translation.

The Belgium proposal seemed acceptable as it would give Spanish a similar position to that of English and French.

/Mr. RIVERA (Colombia)
Mr. RIVERA (Colombia) expressed the view that if Article 100 was maintained in its present form, it would imply that the Spanish text would have to be signed in Havana. There need not be great difficulties in this respect as the Cuban representative had said that competent translators could be provided. A Working Party could be set up on the basis of the Belgian proposal to prepare a suitable redraft of Article 92.

The CHAIRMAN drew attention to the fact that only the Final Act would have to be signed in Havana.

Mr. WUNSZ KING (China) said that the question under discussion was a matter both of merit and of principle. He sympathized with the legitimate claim of the Latin-American representatives to have an authoritative Spanish text, and would put no obstacles in their way, but he would be unable to accept any formula which would provide a precedent that Chinese and Russian were not to be considered as authoritative languages.

At San Francisco it had been possible to prepare all five texts and therefore the same should be possible here. In connection with a reference to the International Court, the Chinese delegation would insist on the authoritative nature of the Chinese language, but for practicability would submit its case in English or French.

ITO would have five official languages and it followed logically that all texts should be authoritative. In that sense he supported the Mexican proposal. In a spirit of compromise, however, he might be prepared to accept the proposal put forward by the representative of Belgium.

Mr. GARCIA-SERRATO (Uruguay) supported the proposal of the Mexican representative. In connection with the United Kingdom suggestion, he expressed the view that the existence of a Spanish text would do much to stimulate quick ratifications.

Mr. AMADOR (Mexico) said, that like the Chinese delegation, Latin-American representatives would be prepared to submit their cases to the International Court in either English or French. To meet the view of the Belgian representative, he suggested that the following words be added to his proposal: "subject to the provisions of the Statutes of the International Court of Justice".

After a short discussion, it was agreed to postpone a decision on this question until the following meeting.

The meeting rose at 5.20 p.m.