Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment


On page 16:
The text of Dr. Augenthaler's comments should read as follows:

"H.E. Dr. Z. AUGENTHALER (Czechoslovakia): Mr. Chairman, I am very puzzled that we are discussing matters which, to my mind, are entirely clear. The Charter is a public document, and private interests are of an entirely different character. I would make it clear, for instance, in the following way: If my Government were to publish a rule contradicting some provisions of the Charter, I suppose that any Member may come and say "You have done something contrary to the Charter and I would like to discuss the matter with you", but there is something entirely different if some authority wrongly applies some provision of the Czechoslovak laws in contradiction, for instance, to the Charter which becomes a law of the country.

I will give you an example which will possibly make it very clear. Let us suppose that there is a case of confiscation of property in Czechoslovakia. Now, the confiscation is decided by a court. A foreign country may come and, on behalf of its national, lodge a claim by diplomatic means, but I would reply: "I can do nothing in this case because the courts are independent and your national has to lodge an appeal against a decision, so long as he does not go the normal way, I am unable to discuss the matter with you". I think it is the normal way of international relations that so long as normal legal ways are not exhausted, there is no cause for complaint. I hope that in the light of this explanation, it is now clear what we have in our minds.

On page 39, Mr. Augenthaler's comment should read:

Mr. AUGENTHALER (Czechoslovakia): Mr. Chairman, I am sorry, but I cannot agree with this note. It raises the same problem we were discussing here, and, as we stated already, that it is contrary to international law, that private and individual interests of a Member should be brought before the I.T.O.