METHODS OF WORK OF THE DRAFTING COMMITTEE

The Drafting Committee was set up by a Resolution of the First Session of the Preparatory Committee of the International Conference on Trade and Employment (Annexure 6, page 47, Report of the First Session). In accordance with the terms of this Resolution, it is the function of the Drafting Committee to prepare a draft Charter or articles of Agreement, based upon the Report and other papers of the First Session,

(a) Editing for clarity and consistency those portions of the text on which the Preparatory Committee has come to a substantial identity of views;

(b) Preparing alternative drafts of those portions on which there remains a division of general views; and

(c) Preparing suggested drafts covering such uncompleted portions as are referred to by the Preparatory Committee, together with such explanatory notes and commentaries as the Drafting Committee may consider desirable and useful.

The Drafting Committee is to prepare a report for consideration by the Preparatory Committee at its Second Session, and it should complete its work not later than 28 February 1947.

On the basis of the work that has been done to date, of the above-mentioned Resolution and of the fact that Delegations have been kept small intentionally, the Secretariat puts forward for consideration the following views on the manner in which the aims of the Drafting Committee might best be attained.

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1. The Drafting Committee will base its work on the Report of the First Session of the Preparatory Committee and particularly on the text of a "Charter of the International Trade Organization of the United Nations" which appears in the Appendix thereto. In addition, there are three documents of the First Session worthy of special consideration, insofar as they contain specific instructions to the Drafting Committee:

(b) E/PC/T/C.5/33, Rev.1, Committee 5 - Instructions to the Drafting Committee.
(c) E/PC/T/C/3/V.5, Committee 3 - Specific Instructions to the Drafting Committee.

2. As a general principle and subject to the exceptions set out later on in this paper, the Drafting Committee should meet as a whole and would carry out a thorough study of the Report of the First Session. The Articles embodied in the Appendix to the Report of the First Session should be reviewed consecutively: i.e., work should be carried out in the order of Item 7 of the Agenda (document ) or, of course, in any other order that the Drafting Committee may see fit to adopt. In this manner, the bulk of the work would be carried out in the full Drafting Committee. Such a procedure offers the advantage of allowing Delegates to have a complete over-all view of the work and will, furthermore, aid in giving the Report the greatest attainable degree of consistency and clarity. Further, the reduced size of the Delegations is such that it might be difficult to set up sub-committees in addition to those which are suggested here below.

3. Whenever a specific point is deemed to be too lengthy or complicated for immediate consideration and decision by the Drafting Committee as a whole, it would be desirable to set up small drafting groups of - say - not more than four people, to deal with such points and to report to the subsequent meeting of the full
the full drafting Committee. It may well be that a good part of the work on specific controversial questions would be dealt with by such drafting groups, which would be expected to submit to the Drafting Committee definite proposals and drafts on which the latter could decide with little or no further discussion.

4. There are some fairly self-contained parts of the Appendix to the Report of the First Session, which might well be best dealt with through sub-committees consisting of – say - six to eight Delegates each. These sub-committees would have a somewhat more permanent nature than the small ad hoc groups referred to in the preceding paragraph, which would be set up to deal with single specific points and would be automatically dissolved immediately they reported back to the Drafting Committee.

It is thought that two or three sub-committees of the type here mentioned, might be set up to consider subjects such as the technical commercial provisions which were studied by the Technical Sub-Committee of Committee 2 at the First Session, and cover Articles 15, 16, 17, 18, 19, 20, 21, 22, 23 and 37.

5. It may further be found that it would be in order for the Drafting Committee to set up at a late stage in its work a small sub-committee of four or five people to deal with legal and drafting points; this sub-committee would revise the findings of the Drafting Committee from a purely editorial point of view and make sure that there was due consistency and clarity throughout the text.

6. In carrying out their work, Delegations will necessarily refer back constantly to points of view advanced at the First Session, however, it is hoped that such arguments will not be repeated in the Drafting Committee, but will merely be brought forward objectively.

7. With a view to expediting the work of the Drafting Committee, it is suggested that Delegations which have specific points to raise should submit such views in writing to the Secretariat in the course of the first week of this meeting, for immediate distribution.

8. Should the procedures suggested above be acceptable, a typical working day of the Drafting Committee might be organized as follows:
(a) Morning: Meeting of the full Drafting Committee;
(b) Afternoon: Meetings of the Sub-Committees as well as of the small drafting groups set up by the Drafting Committee in the course of the morning.

It will be noted that a flexible arrangement will be needed so that the greatest amount of work may be done. It is, therefore, suggested that meetings not be programmed too far in advance, but that the Drafting Committee should in each case determine the date and the time of the subsequent meeting when finishing each session and that its subsidiary bodies should fit in their meetings in the periods left between meetings of the Drafting Committee. It is expected that items referred for attention to the small drafting groups would not be lengthy although they might often be difficult. In any case, the drafting groups should be able to deal with such questions in a meeting lasting either a morning or an afternoon and by that time they should be able to report to the Drafting Committee on what degree of unanimity it was possible to obtain on the subject.

9. A further point which might receive initial consideration from the Drafting Committee is the form of the Report. In this connection, the following views and suggestions are submitted for consideration.

10. The Resolution establishing the Drafting Committee requires the Committee to present a report to the Second Session of the Preparatory Committee and provides that the principal task of the Drafting Committee is to prepare a draft Charter based upon the report of the First Session of the Preparatory Committee. It is suggested, therefore, that the draft Charter which is to be prepared should form the main body of the Report of the Drafting Committee.

11. In the circumstances it is contemplated that the Report falls logically into three parts. The first part would consist of an introduction to be prepared by the Secretariat. This introduction would be chiefly historical, but it would also review briefly the work which will be done. In short, it would resemble the introduction to the Report of the First Session.
12. The second part of the Report might consist of the text of the Charter which will be drafted, together with any notes and commentaries on the text which the Drafting Committee considers necessary to make. To facilitate future work upon this text it is suggested that it might be convenient to set out the text on the left-hand pages of the Report and the notes and commentaries on the right-hand pages, alongside the particular parts of the text to which they refer. However, it should be realized that if the notes and commentaries assume great length it would be impracticable for this part of the Report to take this shape. In that case it may be found necessary to have the notes and commentaries form a separate part of the Report to follow immediately the text of the draft Charter or, alternatively, to place the notes and commentaries upon each Article of the draft Charter immediately following the article concerned.

13. The third part of the Report might deal with the Memorandum on Trade-Agreement Negotiations and set out the text of the General Agreement on Tariffs and Trade which the Drafting Committee is charged with preparing.

14. Finally, the Report should probably have as annexures certain documents, such as the Resolution establishing the Drafting Committee, the agenda and the list of delegations.

15. The Drafting Committee may wish to consider whether it would be useful to appoint a Rapporteur as from the beginning of this Session, so that he may follow the work of the Drafting Committee throughout, in that capacity.

16. It does not appear to be clear whether it was intended at the First Session of the Preparatory Committee that the Report of the Drafting Committee should be published or not. As the Report of the First Session was published it would appear logical that the Report of the Drafting Committee should likewise be published. However, this must be decided by the Drafting Committee.