The CHAIRMAN announced that a working document entitled "Status of Committee Work as of 1 November 1946" had been circulated to members. He commented briefly on the contents of this document drawing attention particularly to the suggestions regarding future procedure, under part 5.

Following a brief discussion concerning arrangements for Committee meetings and the importance of giving Delegates as much advance notice as possible, the Chairman invited comments on Article 59 of the United States Draft Charter dealing with Executive Board sessions, procedure and officers.

H. E. Mr. COLN (Norway) proposed, at the end of paragraph 2, to omit "and other officers". He said he knew no other important international charter with such a provision. If a vice-chairman were meant, this should be specified.

Mr. KELLOGG (United States) remarked that the Food and Agriculture Organization provided for more than one officer. The words might refer to a vice-chairman or a rapporteur. He had no objection to their deletion.

Mr. HOUTMAN (Belgium) suggested that a meeting of the Executive Board should be made convenable by a minority of its members, if circumstances so warranted. This might apply, particularly, in connection with the implementation of Article 29.
Mr. PIERCE (Canada) pointed out that the Executive Board could so provide by rule. The words did not preclude the convening of a meeting by a minority. He suggested that the Board might well be left complete discretion.

Mr. LAURENCE (New Zealand) suggested that power should be given to a specified number of Delegates not on the Board to cause a meeting to be convened. If the organization proved successful, its membership would be much wider than that of the Board.

Mr. HOUTMAN (Belgium) agreed, as did Mr. MALIK (India) and Mr. ALAM (Cuba) that the Board could be left discretion. In this event, it was suggested that the second part of paragraph 1 might be omitted, and the two paragraphs combined.

H.E. Mr. COLBAN (Norway) supported the text of Article 59 as drafted. He suggested that the reference to a majority was merely a safe-guard and that if two or three members of the Board should desire a meeting there would not in fact be any difficulty in so arranging.

Mr. MALIK (India) observed in reference to the Canadian Delegate's proposal that since, during the initial period, one-third of the Board would retire each year, the Chairman by the end of the second year would have been elected by only one-third of the Board members.

Mr. DAO (China) observed that as one-third of the members were to retire every year, the choice of Chairman during the initial period would be limited to those five members who are elected for a three year term.

Mr. PIERCE (Canada) suggested as an alternative a specific provision that the Chairman should be eligible for re-election for two successive terms. That would indicate that the drafters had in mind the desirability of continuity of Chairmanship without causing the complications that had been referred to.
H.E. COLBAN (Norway) reiterating his support of the text as drafted, felt that governments could not reasonably be expected to place the services of distinguished representatives at the disposal of the Executive Board for as long as three years. The present wording was sufficiently elastic.

Mr. HOUTMAN (Belgium) suggested that a compromise might be found by adding to paragraph 2, the words "all members of the Board can be re-elected".

Mr. KELLOGG (United States) remarked that the point was covered by Article 57 (2).

Mr. HOUTMAN (Belgium) answered that this covered only members and not officers.

Mr. PIERCE (Canada) replying to the points raised by the Delegate of Norway, maintained that the inclusion of a provision that would make clear the Chairman's eligibility for re-election would in no way detract from the present elasticity of the Article. Nor would his proposal imply an added obligation on a member government. If it were found that a government could not conveniently spare its representative to serve for more than one year then he would presumably make himself ineligible for re-election.

Baron van TUYLL (Netherlands) desired to see a provision empowering the Chairman to participate in the deliberations of the Conference, without voting, especially in view of the fact that it is proposed to grant this right to chairmen of commissions.

Mr. KELLOGG (United States) answered that it had been considered very unlikely that a government would fail to appoint, as a member of its Delegation, a man who had achieved the distinction of being elected Chairman of the Executive Board. If, on the other hand, he had become persona non grata with his government, it might be undesirable to have him attend the Conference. If the Conference wanted the advice and assistance of the Chairman of the Board it could always request him to attend.

The point was left to the Drafting Committee.
Article 60. Executive Board - Powers and Duties

Mr. BURY (Australia) desired clarification of the position of the proposed commissions and of their relationship to the rest of the organization. It was the understanding of his Delegation that the commissions would consist of persons, experts in their particular field, whose services would not be available to the organization on a permanent basis but who would be brought in for advice from time to time. It was felt, however, that in certain places the Charter tended to endow the commissions with quasi-executive functions. For example, Articles 65 and 66 gave an impression that the Executive Board would be unable to act in certain matters without the prior advice of the commission concerned. In general, he considered that the function of the commissions should be limited to advising the Executive Board which would refer questions to them, although there might be exceptions, e.g. in the case of the Commodity Commission. If, however, a commission was to exercise executive functions it should be composed of government representatives.

Mr. KELLOG (United States) said that the Charter envisaged the commissions as primarily advisory bodies, acting through the Executive Board. This function was made clear throughout Articles 64-66. Any action taken by a commission, for example under article 66(5), would be subject to immediate review by the Board under Article 61. A commission desiring to perform other than strictly advisory functions would be obliged to enlist the help of the Secretariat by requesting the Director-General to supply the information needed.

Article 72 emphasized their position by providing that members of commissions should have an exclusively international status.
Mr. BURY (Australia) suggested that the wording of Article 60 implied that the commissions would be acting to a large extent independently. To make their position clearer, he proposed that the second sentence be amended to read: "It shall refer such matters to the commissions for advice, and shall take such action upon their recommendations as it may deem appropriate." Paragraph 4 could then be omitted. His main desire was to bring out the idea that the actions of the commissions proceeded from the Board - that their function was completely subservient to it, and not merely subject to its review. In answer to Mr. KELLOGG (United States), he said that he did not wish to prevent any commission from initiating an investigation without first obtaining the Board's permission. The substitution of the word "review" by the word "supervise", which he learned from Mr. KELLOGG occurred in an earlier draft, would meet his point to a large extent.

H.E. Mr. COLBAN (Norway) desired in paragraph 3 ("The Executive Board shall recommend to the Conference the admission of new Members of the Organization") to delete "shall" and substitute "may".

Mr. MALIK (India) assumed that the last sentence of paragraph 1 was not under consideration at this time.

The CHAIRMAN answered, that the wording of this sentence could not be settled until more was known about the deliberations of the Joint Committee.

Mr. KELLOGG (United States) observed that the Charter of the United Nations provided that applications for membership must pass through the Security Council though this was not necessarily a relevant consideration.

Mr. BURY (Australia) supported the Norwegian Delegate's suggestion.

Article 62. Composition and Procedure of Commissions

H.E. Mr. COLBAN (Norway) desired clarification as to the status of commission members. Would the Executive Board for example, merely invite a certain number of well known experts irrespective of nationality and of whether their governments were represented on the Executive Board,
or would the Board invite suitable persons, and then request their national governments to place them at its disposal for a specific task. He asked whether the conditions of office, to be determined in accordance with regulations of the Conference, would include conditions regarding contracts, salaries, travelling expenses and the like, or whether these would be the concern of the national governments of the members of the commissions.

Mr. KELLOGG (United States) said that the United States Government's view was that members of the commissions should have no connection with their national governments but, as Article 72 provided, should act as exclusively international employees. Salaries, travelling allowances and the like would therefore be paid by the organization. Should a matter which might have a political consequence be presented to any commission, it should be referred to the Executive Board, which would contain political representatives competent to deal with it.

The CHAIRMAN, emphasizing that he took up no position in the discussion, declared that the intention of the draftsmen of the charter had been that members of the commissions could, as required, function as full time servants of the organization. They would not be appointed casually for particular ad hoc tasks. The work of the commissions was likely to prove onerous and to require more than merely incidental attention.

Mr. BURY (Australia) feared confusion between the position of members of commission and that of members of the secretariat. If they were to be simply part of the secretariat under the Director-General, there would be no point in prescribing their qualifications in great detail.

H. E. Mr. COLBJORN (Norway) said that he had never in his experience known expert Committees to be appointed to serve full time. Such work had in the League of Nations been done by the expert staff of the secretariat. Those members who did not represent their respective governments but were
chosen because of their international standing had met from time to time and considered materials carefully prepared for them by the secretariat. The commissions provided for in the Draft Charter really constituted separate expert branches of the secretariat. There should not be two parallel expert organizations doing the same work, one under the name of the secretariat and one under the name of this or that technical commission.

Mr. PALTHEY (France) considered this problem of the character of the commissions vital to the future of the Trade Organization. Regarding the relationship between the commissions and the secretariat, and the division of their respective functions, he foresaw constant friction between the Deputy Directors-General, responsible for departments, and the Chairmen of the commissions, if the commissions were to comprise full-time, salaried experts. Who would bring various problems to the commissions' attention? Who would be responsible for the study of such problems? Would it be the Chairman of the commission or the Deputy Director-General concerned? He doubted furthermore, whether it would be wise to have commission members serving on a full-time basis and stressed the advantages of enlisting the help of experts for limited periods. The commissions should consist of persons with occupations of their own, bringing into the organization a wider point of view than that of the civil servants in its permanent employ. If the members of the commissions were made into civil servants, integrated with the organization and identified with its problems, they would lose touch with their own countries and with the activities which gave them their value, their breadth of view and their impartiality. He was not opposed to the setting up of a system of commissions but believed the problems involved should be carefully studied.

It was agreed that a meeting should be arranged for the following day when discussion of Article 62 would be resumed.
The following Sub-Committees were then appointed:

1. On Articles 52, 54, 55, 59 and 60: Delegates of Australia, Belgium, Canada, India, the Netherlands, the United Kingdom and the United States of America.

2. On Article 75 (Amendments to Charter) and Article 79 (Withdrawal and Termination): Delegates of Cuba, France, Norway, United Kingdom and the United States of America.

The Committee rose at 12.58 p.m.