SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE
UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT

CHAPTER VII

Note by the United States Delegation

In connection with the Report of the Legal Drafting Committee on Chapter VII, (E/PC/T/147), the United States Delegation submits the following proposal for an explanatory note to be appended to the final text of Articles 49 and 50:

In connection with the Report of the Legal Drafting Committee on Chapter VII, the point has been brought up that the use of identical language in paragraph 2 of Article 49 and in paragraph 2 of Article 50, regarding the interests of a Member invited to participate in a study group and a commodity conference, respectively, can result in a situation not intended in the drafting of Chapter VII. A Member may feel obliged to accept the invitation to a study group in order to preserve its right to be invited to the subsequent commodity conference. Failure to accept the former invitation might be construed as a decision that a Member does not consider that it has a substantial interest in the production or consumption of, or trade in, the commodity.

In order to avoid this interpretation it is suggested that a footnote might appear to Articles 49 and 50 in about the following terms:

"It is the intention that the decision of a Member not to accept an invitation to join a study group dealing with a commodity would not in any way prejudice the Member's right to be invited to participate in a commodity conference for the commodity in question."