

During the first year following the signature of the Havana Final Act of the Havana Conference, that is, to the 24th of March, 1949, a majority of the governments who signed the Havana Final Act^x must deposit instruments of acceptance before the Charter can enter into force. The Charter, therefore, cannot in any way enter into force before the 24th of March, 1949, unless twenty-seven governments, signatories to the Havana Final Act, have deposited instruments of acceptance.

If, after the 24th of March, 1949, the Charter has not yet entered into force, then twenty acceptances shall be sufficient to bring the Charter into force.

In both cases the Charter will enter into force on the sixtieth day following the day on which the required number of acceptances have been deposited.

If the Charter has not entered into force by the 30th September, 1949, provision is made whereby the Secretary-General of the United Nations will invite those governments which have deposited instruments of acceptance to enter into consultation and determine whether and on what conditions they desire to bring the Charter into force.

This Article contains three additional provisions, as follows:

1. Paragraph 3 provides that no State or separate customs territory, on behalf of which the Havana Final Act has been signed, can be deemed to be a non-Member for the purposes of Article 98 until the 30th September, 1949.
2. Annex O provides that any Government which has deposited an instrument of acceptance at least sixty days before the first regular session of the Conference will have the same right to participate in the Conference (of the Organization) as a Member.
3. Paragraph 4 authorizes the Secretary-General of the United Nations to register the Charter, pursuant to the provisions of the Charter of the United Nations, as soon as it enters into force.

A relatively minor controversy arose at Havana in connection with this Article. Certain delegations, of which the Latin American delegations were the most vocal, insisted on making the entry into force of the Charter a little more "difficult" particularly in the first year after the entry into force of the Charter. They considered that twenty acceptances, as provided for in the Geneva draft, was not a sufficiently high representative or "democratic" figure. Perhaps the main hidden motive on the part of those delegations was to ensure that the Organization would not become a 'going concern' and appoint its staff, including Deputy Directors-General, before they could (or would) decide to join. It will be remembered that Latin American delegations had been quite vocal in insisting that geographical representation should be an important consideration in the selection of the staff (see Article 85).

A small Working Party was set up to reconcile the various views and in record time agreed on the existing provisions of the Article. In fact there is no change of substance from the Geneva text. Although twenty-seven acceptances are required

^x See Annex D.