

"The Delegation of the United Kingdom said that the Government of the United Kingdom of Great Britain and Northern Ireland would not have thought that the general principle laid down in the interpretative note to Article 104 required any qualification, since it in no way prejudices the question of what is or is not a condominium. In view, however, of the declaration by the Delegation of Egypt, the Government of the United Kingdom decided to place on record that, as is well known, it does not accept the thesis of the Egyptian Government in regard to the Anglo-Egyptian Condominium of the Sudan".

Paragraph 3, which is independent in operation and applies to all obligations under the Charter, was taken without change from the Geneva draft. It deals with the question of the powers of the Members in relation to those of regional and local governments and authorities within that Member's territory. Attempts were made by non-federal states to insert provisions which would have obligated Members to "take all necessary measures" to insure observance of the provisions of the Charter by the regional and local governments and authorities within its territory. This, for obvious reasons, proved unacceptable. The text, as was agreed upon, requires each Member to "take such reasonable measures as may be available to it" to insure observance of the provisions of the Charter. This was the most to which countries like Canada, the United States, Australia, etc., could agree.

It should be noted that even though a measure may be "available" (e.g., constitutionally or, in the case of Canada under the British North America Act), it may not be "reasonable". In such a case there is no obligation on the part of a Member to take any measure which that Member itself considers unreasonable.

Article 105 - Annexes. This Article provides that the sixteen Annexes to the Charter (Annexes A to P) form an integral part of the Charter.

It should be noted, therefore, that the interpretative notes to the Charter which are listed in Annex P form an integral part of the Charter and have the same value as if they had been incorporated into the various articles to which they relate.

A serious attempt was made at Havana to keep these notes down to a minimum and, in view of the many proposals and requests which are made for interpretative notes, the number which finally found their way into Annex P is much lower than might have been expected; there are interpretative notes to twenty-three Articles and one note to Annex K.

It should be noted in this connection that a good many elaborations, explanations and interpretations which might have found their way into Annex P as interpretative notes were incorporated into the reports of Committee and those of the principal sub-committees of the Havana Conference. The contents of these reports (some 50,000 words) will be published by the Interim Commission and will have a high evidential value for purposes of future interpretation of the Charter.

For this reason it is apparent that the comparability of the authentic texts of the reports is almost as important as that of the Charter text itself. The Executive Committee, therefore, aided by a special panel appointed on a personal basis at Havana, will be responsible for securing comparability between the English and French texts of these reports. This