

**REPORT**  
**BY THE EXECUTIVE COMMITTEE**  
**TO THE**  
**PREPARATORY COMMISSION**  
**OF THE UNITED NATIONS**



PREPARATORY COMMISSION OF THE UNITED NATIONS

1945

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PREPARATORY COMMISSION OF THE UNITED NATIONS

E R R A T U M [1]

On page 24 of the Report by the Executive Committee to the Preparatory Commission of the United Nations, please correct Rule 81 to read as follows:

When an amendment adds to a proposal the amendment shall be voted on first and, if it is adopted, the amended proposal shall then be voted on.

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## PREPARATORY COMMISSION OF THE UNITED NATIONS

### ERRATUM [2]

In the Report by the Executive Committee to the Preparatory Commission of the United Nations (PC/EX/113/Rev.1) please correct the last sentence of paragraph 8, Section II, Chapter 7, Part III (Page 98) to read as follows:

The members should be selected on the basis of broad geographical representation, personal qualification and experience and should serve for relatively long terms.

## PREPARATORY COMMISSION OF THE UNITED NATIONS

### Erratum [5]

Please insert the following entries on page 138 of the Report by the Executive Committee to the Preparatory Commission of the United Nations between line 22, "elections and terms, 17, 25-26, 29, 39, 40" and line 23, "Enemy States," the following entries :—

officers :

    president, 47, 48, 50

    vice-president, 47, 48

and Preparatory Commission report, 47

publicity of meetings, 49

quorum and voting, 49

records, 49

rules of procedure, 7, 46, 47-50

and Secretary-General, 48, 49, 50, 75, 104

and Security Council, 7, 45, 46, 47, 48, 52, 54

sessions, 47

and specialised agencies, 7, 38, 46, 47, 48, 54, 102-108, 117

staff, 47, 48

supplementary rules of procedure, 50

and Temporary Trusteeship Committee, 7, 46, 54

and Trusteeship Council, 7, 46, 47, 48, 52, 54, 60, 63-64

and urgent problems, 7, 46, 47, 51, 52

Economic Development Committee, *see* Economic and Social Council

Emergency Economic Committee for Europe, 15n., 109n.

Emergency working capital fund, 14, 96, 100

Employment Committee, *see* Economic and Social Council

# REPORT

BY THE EXECUTIVE COMMITTEE

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OF THE UNITED NATIONS



PREPARATORY COMMISSION OF THE UNITED NATIONS

1945

# PREPARATORY COMMISSION OF THE UNITED NATIONS

## REPORT BY THE EXECUTIVE COMMITTEE TO THE PREPARATORY COMMISSION OF THE UNITED NATIONS

	<i>Page</i>
TABLE OF CONTENTS .. .. .	2
PART I—INTRODUCTION .. .. .	5
PART II—STATEMENT OF RECOMMENDATIONS	
I Recommendation Concerning the General Assembly ..	6
II Recommendation Concerning the Security Council ..	6
III Recommendation Concerning the Economic and Social Council .. .. .	7
IV Recommendation Concerning the Establishment of the Trusteeship System .. .. .	7
V Recommendations Concerning the International Court of Justice and other Legal Questions	
A. Recommendation Concerning the Nomination of Candidates for the Election of Members of the International Court of Justice .. .. .	8
B. Recommendation Concerning the Dissolution of the Permanent Court of International Justice .. ..	8
C. Recommendation Concerning the Steps to be taken for the Convening of the First Session of the International Court of Justice .. .. .	9
D. Recommendation Concerning the Registration and Publication of Treaties and International Agree- ments .. .. .	10
E. Recommendation Concerning Privileges and Immuni- ties .. .. .	10
VI Recommendation Concerning the Organisation of the Secretariat .. .. .	10
VII Recommendation Concerning Budgetary and Financial Arrangements of the United Nations .. .. .	13
VIII Recommendation to Transmit, without Approval or Dis- approval, Observations on Relationships with Specialised Agencies .. .. .	14
IX Recommendation Concerning the Transfer of Certain Functions, Activities and Assets of the League of Nations	14
X Recommendations Concerning the Headquarters of the United Nations	
A. Recommendation Concerning the Location of the Headquarters of the United Nations .. .. .	15
B. Recommendation Concerning the Establishment of a Planning Commission .. .. .	16
PART III—COMMITTEE REPORTS AND SUPPLEMENTARY PAPERS	
<i>Chapter I The General Assembly</i>	
Section 1. Recommendation Concerning the General Assembly	17
Section 2. Provisional Agenda for the First Part of the First Session of the General Assembly .. .. .	17
Section 3. Provisional Rules of Procedure for the General Assembly .. .. .	18
Section 4. Committee Structure of the General Assembly ..	29
Appendix. Summary of the Discussions of the Committee on the General Assembly .. .. .	32
<i>Chapter II The Security Council</i>	
Section 1. Recommendation Concerning the Security Council ..	40
Section 2. Provisional Agenda for the First Meetings of the Security Council .. .. .	40

## PART III—contd.

## Chapter II—contd.

	<i>Page</i>
Section 3. Draft Directive to the Military Staff Committee ..	41
Section 4. Provisional Rules of Procedure for the Security Council .. .. .	41
Appendix. Observations by the Acting Chairman on the Work of the Committee on the Security Council ... ..	44

## Chapter III The Economic and Social Council

Section 1. Recommendation Concerning the Economic and Social Council .. .. .	46
Section 2. Provisional Agenda for the First Session of the Economic and Social Council .. .. .	47
Section 3. Provisional Rules of Procedure for the Economic and Social Council .. .. .	47
Section 4. Organisation of the Economic and Social Council ..	50

## Chapter IV The Trusteeship System

Section 1. Recommendation Concerning the Establishment of the Trusteeship System .. .. .	55
Section 2. Report on Interim Arrangements Required Pending the Establishment of the Trusteeship Council ..	55
Section 3. Provisional Agenda for the Temporary Trusteeship Committee .. .. .	56
Section 4. Provisional Rules of Procedure for the Temporary Trusteeship Committee .. .. .	57
Section 5. Provisional Rules of Procedure for the Trusteeship Council .. .. .	58
Section 6. Recommendation to the General Assembly for the Establishment of the Trusteeship Council .. ..	63

## Appendices

A. Delegation of the United Kingdom: Memorandum on the Relationship of the Trusteeship Council with the Economic and Social Council and with Specialised Agencies .. .. .	63
B. Delegation of the United States of America: Some Considerations Regarding Procedure for Dealing with Trusteeship Agreements in the General Assembly and the Security Council .. .. .	64
C. Extract from the Summary Report of the Seventh Meeting of the Committee on the Trusteeship Council, 2 October, 1945 .. .. .	65

## Chapter V The International Court of Justice: the Registration and Publication of Treaties: Privileges and Immunities

Section 1. Recommendation Concerning the Nomination of Candidates for the Election of Members of the International Court of Justice .. .. .	66
Section 2. Recommendation Concerning the Dissolution of the Permanent Court of International Justice ..	67
Section 3. Recommendation Concerning the Steps to be taken for the Convening of the First Session of the International Court of Justice .. .. .	67
Section 4. Recommendation Concerning the Registration and Publication of Treaties and International Agreements .. .. .	68
Section 5. Recommendation Concerning Privileges and Immunities .. .. .	69
Appendix. Study on Privileges and Immunities .. ..	69

## Chapter VI The Secretariat

Section 1. Recommendation Concerning the Organisation of the Secretariat .. .. .	71
Section 2. Report of the Committee on the Organisation of the Secretariat .. .. .	74

## Appendices

A. Delegation of the U.S.S.R.: Minority Proposal for the Administrative Organisation of the Secretariat ..	84
B. Communication by the Committee on the Economic and Social Council Concerning the Economic and Social Departments of the Secretariat .. .. .	85

PART III—*contd.**Chapter VI—contd.**Appendices—contd.*

	<i>Page</i>
C. Delegation of the United States of America: Observations on the Organisation of the Statistical Work of the Secretariat .. .. .	86
D. Joint Sub-Committee of the Committees on the Secretariat and on Financial Arrangements: Discussion of the Proposals of the Delegation of the United States of America for an Executive Office of the Secretary-General .. .. .	88
Section 3. Draft Provisional Staff Regulations .. .. .	88
<i>Chapter VII</i> Budgetary and Financial Arrangements	
Section 1. Recommendation Concerning Budgetary and Financial Arrangements of the United Nations ..	95
Section 2. Report on Budgetary and Financial Arrangements..	97
<i>Chapter VIII</i> Relationships with Specialised Agencies	
Section 1. Recommendation to Transmit, without Approval or Disapproval, Observations on Relationships with Specialised Agencies .. .. .	101
Section 2. Observations on Relationships with Specialised Agencies .. .. .	103
<i>Chapter IX</i> The League of Nations	
Section 1. Recommendation Concerning the Transfer of Certain Functions, Activities and Assets of the League of Nations .. .. .	108
Section 2. Draft Resolution Concerning the Assumption by the United Nations of the Functions of the League of Nations under International Agreements .. ..	109
Section 3. Report on the Transfer of Certain Functions, Activities and Assets of the League of Nations ..	110
<i>Appendix</i> Statement of Assets and Liabilities of the League of Nations, as on 31 December, 1944 .. ..	114
<i>Chapter X</i> The Permanent Headquarters of the United Nations	
Section 1. Recommendation Concerning the Location of the Headquarters of the United Nations .. ..	115
Section 2. Report on the Considerations Affecting the Selection of the Permanent Headquarters of the United Nations .. .. .	115
Section 3. Recommendation Concerning the Establishment of a Planning Commission .. .. .	117
Section 4. Report on the Buildings and Facilities Required for the Headquarters of the United Nations ..	117
<i>Appendix</i> Extract from the Verbatim Record of the Twenty-first Meeting of the Executive Committee, 3 October, 1945 .. .. .	118
<b>PART IV—TERMS OF REFERENCE OF THE COMMITTEES OF THE EXECUTIVE COMMITTEE</b> .. .. .	<b>133</b>
<i>Annex</i> Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organisation .. .. .	135

## PART I

## INTRODUCTION

The Executive Committee of the Preparatory Commission, consisting of representatives of Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, the Netherlands, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia, was set up under item 2 of the Interim Arrangements establishing the Preparatory Commission of the United Nations signed at San Francisco on 26th June, 1945, and held its first meeting on 16th August in Church House, Dean's Yard, Westminster. Since item 2 of that agreement also laid down that the Executive Committee should exercise the functions and powers of the Preparatory Commission when the latter was not in session, the Committee conceived it to be its duty to prepare for the second meeting of the Preparatory Commission by undertaking the work laid down in items 1 and 4 (b) and (g). For this purpose ten committees were set up, the terms of reference of which will be found in Part IV of this Report. These committees correspond, broadly speaking, to the terms of reference laid down in the Interim Arrangements, except that it was thought necessary to set up a special committee to deal with the problems of finance, some provision for the discussion of which would have to be made in the Agenda for the first session of the General Assembly.

2. The ten committees, which were established on 1st September, completed their work in seven weeks and, by direction of the Executive Committee, cast their reports, so far as possible, in the form of Recommendations, restricted for the most part to the broad issues involved. The object of this arrangement (which has been adopted in the present Report) is to present to the Preparatory Commission, and to the public, a fairly clear picture of what are necessarily rather complicated proposals. For their proper understanding, these Recommendations should be read together with certain relevant material which is included in Part III. This material covers positive proposals (e.g. Rules of Procedure and Draft Agenda) forming an integral part of such Recommendations and referred to in the Report as Sections, supplemented by Appendices, some of which set out the main considerations which were taken into account by the Committee and some of which contain the records of certain meetings and copies of statements or papers submitted by certain Delegations.

3. In general, the Recommendations and positive proposals should, unless it is explicitly stated to the contrary, be regarded as agreed by the 14 Delegations as a suitable basis for the work of the Preparatory Commission. The Appendices are put forward with the same object, but more tentatively. They contain a number of reservations by some Delegations. As will be noted, there are certain issues, some of them important, on which opinion was divided; but on the whole, the matters dealt with in the Report are more technical than political, and did not provoke any serious controversy.

4. Since the Recommendations and proposals are working documents subject to revision by the Preparatory Commission, the Executive Committee has attempted only a limited amount of co-ordination. The main work of co-ordination, especially with regard to the Rules of Procedure, will have to be done towards the end of the work of the Preparatory Commission itself.

5. The Executive Committee believes that the Report which follows covers adequately the various problems which the Preparatory Commission will have to solve, if the principal organs of the United Nations are to constitute themselves and begin their work as soon as possible, and particularly if the first part of the First Session of the General Assembly is to be conducted with the dignity and despatch befitting a great landmark in the history of the world.

## PART II

### STATEMENT OF RECOMMENDATIONS

#### I

#### RECOMMENDATION CONCERNING THE GENERAL ASSEMBLY

*The Executive Committee,*

*Agreeing* that it is most urgent to convene the General Assembly and to constitute the other principal organs of the United Nations at the earliest possible moment so that they may perfect their organisation and turn their attention promptly to the consideration of pressing world problems ;

*Believing* that this end can best be attained if the First Session of the General Assembly is divided into two parts, during the first of which the work of the General Assembly would be primarily organisational but would also include consideration of such urgent world problems as may be raised by any Member, or reference of them to the appropriate principal organs and committees which will have been established, and during the second of which the General Assembly would devote itself chiefly to the consideration of substantive items on the Agenda ; and

*Realising* that it is necessary for this purpose (a) to prepare a provisional Agenda for the first part of the First Session of the General Assembly, (b) to draw up provisional Rules of Procedure for the General Assembly, including supplementary rules for its First Session, and (c) to make recommendations concerning the organisation of the General Assembly, particularly its committee structure ;

*Recommends :*

1. that the Provisional Agenda contained in Part III, Chapter 1, Section 2, be approved and transmitted to the General Assembly for adoption ;
2. that the Provisional Rules of Procedure and the Supplementary Provisional Rules of Procedure contained in Part III, Chapter 1, Section 3, be approved and recommended to the General Assembly for adoption as rules for the conduct of business in the first part of the First Session of the General Assembly, with the understanding that the Provisional Rules of Procedure will in due course be examined by the appropriate committee of the General Assembly with a view to adoption as the Permanent Rules of Procedure ;
3. that during the first part of the First Session of the General Assembly the Committees described in Part III, Chapter 1, Section 4, be established in accordance with the Provisional Rules of Procedure.

#### II

#### RECOMMENDATION CONCERNING THE SECURITY COUNCIL

*The Executive Committee,*

*Considering* that by Article 24 of the Charter, in order to ensure prompt and effective action by the United Nations, its Members confer upon the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf ; and

*Considering* that the Interim Arrangements agreed upon by the United Nations charged the Preparatory Commission with the preparation of the Provisional Agenda and appropriate documents for the first meetings of the Security Council, for the purpose of assisting the Security Council to organise itself initially as soon as possible and thus to be in a position to begin promptly the exercise of its responsibilities under the Charter ;

*Recommends :*

1. that the Preparatory Commission approve for presentation to and adoption by the Security Council the Provisional Agenda contained in Part III, Chapter II, Section 2, and that, with regard to Item 9 of this Agenda, the Preparatory Commission recommend for adoption by the Security Council the Draft Directive to the Military Staff Committee contained in Part III, Chapter II, Section 3 ;
2. that the Preparatory Commission also approve for presentation to and adoption by the Security Council the Provisional Rules of Procedure contained in Part III, Chapter II, Section 4 ;
3. that the representative of the first member of the Security Council in the English alphabetical order of the names of members act as temporary Chairman of the Security Council.

## III

**RECOMMENDATION CONCERNING THE ECONOMIC AND SOCIAL  
COUNCIL**

*The Executive Committee,*

*Having considered,* in accordance with items 1 and 4 (b) of the agreement, the interim arrangements to be made for the first session of the Economic and Social Council; and

*Considering* that it is necessary for this purpose to prepare the Provisional Agenda for the first session of the Council, to draw up provisional Rules of Procedure for the Council and to make recommendations concerning the organisation of the work of the Council and its subordinate structure;

*Recommends :*

1. that the Provisional Agenda contained in Part III, Chapter III, Section 2, be approved and transmitted to the Economic and Social Council and that in connection with Item 11 of this Agenda, the Preparatory Commission consider suggesting urgent problems in the economic, social, cultural, educational, health, and related fields for discussion by the Council at its first session;

2. that the provisional Rules of Procedure contained in Part III, Chapter III, Section 3, be approved and transmitted to the Economic and Social Council;

3. that the Economic and Social Council consider at its first session the best methods:

(a) to undertake the negotiation of agreements with specialised agencies;

(b) to confer with authorised representatives of the Trusteeship organ on methods of co-operation in dealing with matters of mutual concern; and

(c) similarly, to confer with authorised representatives of the Security Council;

4. that the following commissions be established by the Economic and Social Council at its first session:

(a) Commission on Human Rights

(b) Economic and Employment Commission

(c) Temporary Social Commission

(d) Statistical Commission

and, possibly,

(e) Demographic Commission

(f) Temporary Transport and Communications Commission;

5. that, when setting up commissions and committees subordinate to these commissions, the Economic and Social Council take account of the recommendations of Part III, Chapter III, Section 4, and notably of the considerations regarding

(a) the relation between commissions of the Council and specialised agencies;

(b) the need for immediate action to deal with urgent economic and social problems arising out of the war;

(c) the continuance of certain functions and activities of the League of Nations;

(d) the need for flexibility in the subordinate structure of the Economic and Social Council; and

(e) the importance of co-ordination of activities in fields which are closely inter-related.

## IV

**RECOMMENDATION CONCERNING THE ESTABLISHMENT OF  
THE TRUSTEESHIP SYSTEM**

*The Executive Committee,\**

*Considering* that in accordance with Article 86 of the Charter the Trusteeship Council cannot be formed until a number of territories shall first have been placed under trusteeship; and

*Considering* that it is nevertheless desirable that some interim organ should be established to assist the General Assembly in expediting the constitution of the trusteeship system and, pending the establishment of the Trusteeship Council, in taking such other action in connection with the trusteeship system as may be found necessary;

*Recommends :*

1. that there be established, in accordance with Article 22 of the Charter, a Temporary Trusteeship Committee, the formation, composition, functions and duration of which are elaborated in Part III, Chapter IV, Section 2;

\* The Czechoslovak, Soviet and Yugoslav Delegations made objection to the proposal for the establishment of the Temporary Trusteeship Committee, on the grounds that such action is not authorised by the Charter and would be unconstitutional.

2. that the Preparatory Commission adopt for presentation to the Temporary Trusteeship Committee, and for adoption at the latter's discretion, the Provisional Agenda and Provisional Rules of Procedure which are found in Part III, Chapter IV, Sections 3 and 4, respectively ;

3. that, with a view to assisting the Temporary Trusteeship Committee in its work, the Preparatory Commission also approve the proposals contained in Part III, Chapter IV, Sections 5 and 6, concerning :

(a) Provisional Rules of Procedure for the Trusteeship Council ; and

(b) Recommendation to the General Assembly for the establishment of the Trusteeship Council, as soon as the necessary conditions have been fulfilled \*

## V

### RECOMMENDATIONS CONCERNING THE INTERNATIONAL COURT OF JUSTICE AND OTHER LEGAL QUESTIONS

#### A. RECOMMENDATION CONCERNING THE NOMINATION OF CANDIDATES FOR THE ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE.

*The Executive Committee,*

*Considering* that it is essential that the election of the judges of the International Court of Justice should take place at the First Session of the General Assembly and the first meetings of the Security Council ; but that the Secretary-General of the United Nations whose function it is, under Article 5 of the Statute of the Court, to issue the invitations or the nomination of candidates will himself not be appointed until the first session of the General Assembly ;

*Taking into account* the fact that the governments which signed the Charter of the United Nations, which includes the Statute of the Court, had in mind the above considerations, and that they provided by item 4 (e) of the Interim Arrangements establishing the Preparatory Commission signed at San Francisco on the 26th June, 1945, that the Preparatory Commission was to issue the invitations in accordance with the provisions of the Statute of the Court ; and

*Considering* that the said provisions require the invitations to be issued at least three months before the date of the election of the judges, and that it is therefore necessary that they should be issued as soon as possible ;

*Recommends :*

that the Preparatory Commission approve the action of the Executive Committee in directing the Executive Secretary to issue the invitations and to take all necessary action thereafter required under Article 7 of the Statute.

#### B. RECOMMENDATION CONCERNING THE DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

*The Executive Committee*

*Submits* for the approval of the Preparatory Commission the following draft resolution :

*The Preparatory Commission of the United Nations,*

*Having been informed* by certain of its Members, which are also members of the League of Nations, that it is their intention to move at the forthcoming session of the Assembly of the League of Nations a resolution for the purpose of effecting the dissolution of the Permanent Court of International Justice, the text of which has been communicated for information to the members of the Preparatory Commission ;†

*Having been informed* of the intention of the Powers concerned to require, under the terms of the peace treaties made with them or in some other appropriate form, the assent of those states parties to the Protocol of Signature of the Statute of the Permanent Court, which have been or still are at war with certain of the Members of the United Nations, to any measures taken to bring the Permanent Court to an end ; and

\* Additional material for the consideration of the Temporary Trusteeship Committee will be found in the Appendix to Part III, Chapter IV.

† See page 9.

*Recording* by the present resolution the assent to the dissolution of the Court of those members of the Preparatory Commission which are parties to the Protocol of Signature, whether members of the League of Nations or not ;

*Declares* that it would welcome the taking by the League of Nations of appropriate steps for the purpose of dissolving the Permanent Court.

*Resolution to be moved in the Assembly of the League of Nations :*

*The Assembly of the League of Nations,*

*Considering* that by Article 92 of the Charter of the United Nations provision is made for an International Court of Justice which shall be the principal judicial organ of the United Nations and shall be open to states not Members of the United Nations on terms to be determined by the United Nations ;

*Considering* that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice be taken in as simple and expeditious a manner as is possible ;

[*Considering* that by a resolution of..... the Preparatory Commission of the United Nations has declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that the above mentioned resolution of the Preparatory Commission is stated to record the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether members of the League of Nations or not]\* and, further,

*Considering* that the Assembly has been informed that, under the terms of the peace treaties to be made with them or in some other appropriate form, those states parties to the Protocol of Signature but not members of the League, which have been or still are at war with certain of the Members of the United Nations, have been or will be required to assent to any measures taken to bring the Permanent Court to an end ;

*Resolves* that the Permanent Court of International Justice shall be deemed to be dissolved and shall cease to exist on....., without prejudice to such subsequent measures as may be necessary for the complete liquidation of its affairs.

### **C. RECOMMENDATION CONCERNING THE STEPS TO BE TAKEN FOR THE CONVENING OF THE FIRST SESSION OF THE INTERNATIONAL COURT OF JUSTICE**

*The Executive Committee,*

*Considering* it desirable that the International Court of Justice should be established as soon as possible after the election of its judges by the General Assembly and the Security Council ;

*Considering* that the use of premises at The Hague, the seat of the International Court of Justice in accordance with Article 22 of the Statute, should be secured for the Court as soon as possible ; and

*Considering* that the judges should be accorded emoluments such as to guarantee their absolute independence and also to render the office of judge acceptable to the most eminent of the persons qualified, in accordance with Article 2 of the Statute, to hold that office ;

*Recommends :*

1. that the Preparatory Commission invite the Executive Secretary (or the Secretary-General if he has been appointed at the time when the action in question is required) :

(a) to take the necessary steps to convene a first meeting of the Court at The Hague as soon as can be conveniently arranged after the election of the judges ;

(b) to appoint a secretary and such other temporary staff as may be required to assist the Court and to act for so long as the Court desires during the period preceding the appointment by the Court of its Registrar and his staff ; and

(c) to make any arrangements necessary to ensure that premises are available for the first session of the Court ;

2. that the Preparatory Commission call the attention of the General Assembly to the necessity for fixing the emoluments of the judges early in the first session and to the desirability of ensuring that their real value shall be not less than that of those of the judges of the Permanent Court of International Justice during the period 1936-1939.

\* This paragraph has been bracketed since it presupposes the adoption by the Preparatory Commission of the United Nations of the Resolution concerning the dissolution of the Permanent Court.

## D. RECOMMENDATION CONCERNING THE REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

i

*The Executive Committee,*

*Considering* that the preparation of recommendations for procedures which might be followed on the registration and publication of Treaties and international agreements requires the working out of technical details; that this work can be done most satisfactorily by the Secretary-General when he is appointed; that this work need not be performed by the Preparatory Commission;

*Considering*, however, that it is the duty of the Preparatory Commission to point out the following problems, which in their opinion will have to be dealt with by the General Assembly of the United Nations:

- (i) the provision of facilities for the registration of treaties and international agreements as from the date of the entry into force of the Charter;
- (ii) the taking of all necessary measures to avoid any gap in the publication of these instruments between the termination of the League of Nations Treaty Series and the beginning of the Treaty Series of the United Nations;
- (iii) the taking of steps to secure the voluntary registration with the United Nations of treaties by non-members; and

*Considering* that other problems such as (a) the exact interpretation of the words "treaty and international agreement" in Article 102 of the Charter, (b) the detailed regulations for registration and (c) the languages in which the Treaty Series of the United Nations should be published, can be left for subsequent study by the General Assembly after the Secretary-General has been able to report upon them;

*Directs* the Executive Secretary to send a circular letter to the Members informing them that, as from the date of the entry into force of the Charter of the United Nations, treaties and international agreements which Members send in will be received and filed on a provisional basis until the adoption of the detailed regulations referred to in the above paragraph.

ii

*The Executive Committee*

*Recommends:*

that the Preparatory Commission invite the General Assembly to consider:

- (a) inviting non-Members voluntarily to send treaties and international agreements for registration with and publication by the Secretariat of the United Nations; and
- (b) inviting all Governments, whether or not Members of the United Nations, voluntarily to send for publication by the Secretariat of the United Nations, treaties and international agreements, concluded in recent years but before the date of the entry into force of the Charter, which have not been included in the Treaty Series of the League of Nations.

## E. RECOMMENDATION CONCERNING PRIVILEGES AND IMMUNITIES

*The Executive Committee*

*Recommends:*

1. that the study on privileges and immunities, included in Part III, Chapter V, drawn up by a committee of the Executive Committee, if approved by the Preparatory Commission, be referred to the General Assembly for its consideration;

2. that the Preparatory Commission instruct the Executive Secretary to remind the Members of the United Nations that, under Article 105 of the Charter, the obligation to accord to the United Nations, its officials and the representatives of its Members, all privileges and immunities necessary for the accomplishment of its purposes, operates from the coming into force of the Charter and is therefore applicable even before the General Assembly has made the recommendations referred to in paragraph 3 of the Article, or the conventions there mentioned have been concluded.

VI

## RECOMMENDATION CONCERNING THE ORGANISATION OF THE SECRETARIAT

i

*The Executive Committee,*

*Considering* that the degree in which the objects of the Charter can be realised will be largely determined by the manner in which the Secretariat performs its task, and that the Secretariat cannot successfully perform its task unless it enjoys the confidence of all the Members of the United Nations,

*Recommends :*

1. that appropriate methods of recruitment be established in order that a staff may be assembled which is characterised by the highest standards of efficiency, competence and integrity, due regard being also paid to its recruitment on as wide a geographical basis as possible ;
2. that all officials, upon assuming their duties, make an oath or declaration that they will discharge their functions and regulate their conduct with the interests of the United Nations only in view ;
3. that all officials be required to conform to Staff Regulations following the general lines of those contained in Part III, Chapter VI, Section 3, as tentative proposals for the consideration of the Preparatory commission.

## ii

*The Executive Committee,*

*Considering* the heavy responsibilities which fall to the Secretary-General in fulfilling his obligations under the Charter ;

*Recommends :*

4. that the terms of the appointment of the Secretary-General be such as to enable a man of eminence and high attainments to accept and maintain the position ;
5. that the first Secretary-General be appointed for five years, the appointment being open at the end of that period for a further five-year term ;
6. that the appropriate organs of the United Nations discuss both the nomination and the appointment of the Secretary-General *in camera*, and that a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot ;
7. that there be always an Assistant Secretary-General amongst those referred to in Recommendation 10 below, designated by the Secretary-General to deputise for him when he is absent or unable to perform his functions.

## iii

*The Executive Committee,*

*Considering* that the administrative organisation of the Secretariat should be so designed as to enable the work of the Secretariat to be conducted with the greatest possible efficiency ;

*Recommends :*

8. that the Secretariat be organised on a functional basis, each administrative unit being at the disposal of any organ of the United Nations for the performance of work falling within its competence ;
9. that the principal units of the Secretariat be known as Departments, and should, in the first instance, be eight in number, namely :
  - (i) Department for the Maintenance of International Peace and Security.
  - (ii) Economic Department.\*
  - (iii) Social Department.\*
  - (iv) Department for Trusteeship and Information from Non-Self Governing Territories.
  - (v) Legal Department.
  - (vi) Personnel and Administrative Department.
  - (vii) Treasury Department.
  - (viii) Information Department.
10. that the Assistant Secretaries-General be the heads of Departments ;
11. that from the beginning considerable latitude be left to the Secretary-General in distributing the work of the Secretariat among these Departments, but that these Departments should, broadly speaking, conform to the plan set out in Part III, Chapter VI, Section 2 ;
12. that a special technically qualified advisory committee be established by the Preparatory Commission to study the organisation and duties of the Information Department.

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\* A proposal that an official of a status superior to that of a departmental head should ensure co-ordination between these two departments was defeated by six votes to four. (See Part III, Chapter VI, Section 2, paragraph 25.)

*The Executive Committee,*

*Considering* that the system of grading, promotion and recruitment in the Secretariat will go far to determine the degree in which, in accordance with Article 101, paragraph 3, of the Charter, the highest standards of efficiency, competence and integrity may be ensured, due regard being paid to the importance of recruiting staff on as wide a geographical basis as possible ;

*Recommends :*

13. that members of the Secretariat, other than temporary officials on special contracts, and the lower staff mainly engaged in manual or mechanical work, be graded as follows :

I. Assistant Secretary General ..	(Sous Secrétaire-Général)
II. Director .. .. .	(Directeur)
III. Assistant Director .. ..	(Sous Directeur)
IV. Counsellor .. .. .	(Conseiller)
V. Principal Secretary .. ..	(Secrétaire principal de 1re. catégorie)
VI. Assistant Principal Secretary ..	(Secrétaire principal de 2me. catégorie)
VII. Secretary .. .. .	(Secrétaire-rédacteur)
VIII. Head Assistant .. .. .	(Assistant de 1re. catégorie)
IX. Senior Assistant .. .. .	(Assistant de 2me. catégorie)
X. Junior Assistant .. .. .	(Assistant de 3me. catégorie)

and that the character of these grades follow the description set out in paragraphs 36-43 of Chapter VI, Section 2.

14. that every official be able to obtain such promotion from grade to grade as his or her services and abilities warrant, and that all positions, even the highest, be open to officials from the lower grades ;

15. that in the selection of staff the Secretary-General be recommended to follow in general the suggestions outlined in paragraphs 52-55 of Part III, Chapter VI, Section 2 ;

16. that a balanced age distribution in the Secretariat be achieved from the outset, in order to maintain regular inflow, promotion, and outflow of staff ;

17. that consideration be given by the Preparatory Commission to the early establishment of an international civil service commission to advise the Secretary-General in regard to methods of recruitment of the Secretariat, as well as the methods by which the adoption of common standards of recruitment in the Secretariat and the specialised agencies may be ensured.

## v

*The Executive Committee,*

*Considering* that the conditions of employment in the Secretariat should be such as will attract qualified candidates from any part of the world ;

*Recommends :*

18. that, subject to appropriate arrangements for the appointment of temporary staff, most of the officials of the middle and upper grades who have successfully passed their period of probation be offered some assurance that they will be able to make their careers in the Secretariat ;

19. that such officials be given five-year contracts, renewable for further five-year terms if their work is satisfactory, subject to the age limit for officials being sixty years, unless extended in individual cases by decision of the Secretary-General, confirmed by the General Assembly ;

20. that account be taken in determining the scale of salaries and allowances of the considerations outlined in paragraphs 64-67 of Part III, Chapter VI, Section 2, and in particular of the wide range of remuneration for comparable work prevailing in the government services of the various states ; the limited prospects of promotion to the highest posts in the Secretariat compared with the prospects of promotion in national services ; the cost of living at the seat of the United Nations—a factor which may be affected, in the early years, by possible housing difficulties ; and the additional expenses which a large proportion of officials will incur by living away from their own country, such expenses varying with the number of dependents and other factors ;

21. that the Preparatory Commission, in the light of the suggestions outlined in paragraphs 69-75 of Part III, Chapter VI, Section 2, undertake a detailed examination of the scales of salaries and allowances of the various grades of the Secretariat, and make recommendations concerning the establishment of an adequate staff pensions system ;

22. that the Preparatory Commission devote further consideration to certain aspects of the conditions of service which, as stated in paragraph 78 of Part III, Chapter VI, Section 2, have not yet been sufficiently explored.

*The Executive Committee,*

*Considering* that the Report on the Organisation of the Secretariat contained in Part III, Chapter VI, Section 2, has been generally approved, subject to the reservation to which it refers in paragraph 25;

*Recommends :*

23. that the Report be submitted to the Preparatory Commission for its consideration.

## VII

### RECOMMENDATION CONCERNING BUDGETARY AND FINANCIAL ARRANGEMENTS OF THE UNITED NATIONS

*The Executive Committee,*

*Considering* that the permanent budgetary and financial arrangements of the United Nations should be so designed as to promote efficient and economical administration and command the confidence of Members; and

*Considering* that an orderly budgetary procedure is essential and that there must be rules which ensure that proposals involving expenditure are properly prepared and thoroughly examined before being approved;

*Recommends :*

1. that arrangements be made on the basis of the general principles set out in Part III, Chapter VII, Section 2, for budgetary procedures, the collection and custody of funds, the control of disbursements, and the auditing of accounts;

2. that the budget of the United Nations be on an annual basis and that the beginning of the financial year should coincide with the quarter of the calendar year next after the opening of the regular annual session of the General Assembly;

3. that the Secretary-General, as chief administrative officer, formulate and present to the General Assembly the budget of the Organisation;

4. that the Secretary-General be assisted by a budgetary staff, the Head of which should have direct access to the Secretary-General, and have a status in relation to the other officials of the Secretariat which will enable him to carry out his duties effectively;

5. that the General Assembly appoint a Supervisory Committee for Administrative and Budgetary Questions of seven members, at least two of whom should be financial experts of recognised standing, described in paragraphs 8 to 10 of Part III, Chapter VII, Section 2, with the following functions:—

(a) to examine and report on the Budget submitted by the Secretary-General to the General Assembly and to advise the Assembly concerning administrative and budgetary matters;

(b) to examine on behalf of the General Assembly the administrative budgets of specialised agencies and proposals for financial and budgetary arrangements with such agencies;

(c) to consider and report to the Assembly on the auditors' reports of the United Nations and of the specialised agencies; and

(d) to perform such other duties as may be assigned to it by the financial and administrative regulations of the United Nations;

6. that the General Assembly appoint during the first part of its First Session a standing expert Committee on Contributions, of seven members, with instructions to prepare a detailed scale of apportionment of expenses, based on the principles set out in paragraphs 14 to 17 of Part III, Chapter VII, Section 2, for consideration at the second part of the first session;

7. that Members' contributions be assessed and paid in the currency of the country in which the United Nations has its headquarters.

*The Executive Committee,*

*Considering* that administrative and budgetary planning for the Organisation should be integrated;

*Recommends :*

8. that the Preparatory Commission appoint an Administrative and Budgetary Committee as one of its committees;

9. that the Executive Secretary of the Preparatory Commission appoint a small advisory group of experts, referred to in paragraphs 29 to 36 of Part III, Chapter VII, Section 2, to assist him and the Administrative and Budgetary Committee.

*The Executive Committee,*

*Considering* that until the first annual Budget of the United Nations has been adopted, means will have to be found of meeting and controlling the interim expenditure of the Organisation ;

*Recommends :*

10. that the Executive Secretary of the Preparatory Commission, assisted by the advisory group of experts referred to above, prepare for submission to the Administrative and Budgetary Committee of the Preparatory Commission an estimate of the amount likely to be required to cover interim expenditure for the approval of the General Assembly at the first part of the first session ;

11. that the General Assembly, at the first part of the first session, approve the interim budget, the provisional financial regulations and the establishment of an Emergency Working Capital Fund in the manner described in paragraphs 22 to 25 of Part III, Chapter VII, Section 2 ;

12. that the General Assembly, at the first part of the first session, advise the Secretary-General to appoint an advisory group similar to that referred to in 9 above, with the functions described in paragraphs 29 to 36 of Part III, Chapter VII, Section 2, maintaining as far as is desirable continuity in the composition of the group.

iv

*The Executive Committee,*

*Considering* that the conduct of the budgetary affairs of the Organisation should be placed on a regular basis as early as possible ;

*Recommends :*

13. that the General Assembly, at the second part of the First Session, examine and approve

(a) the first annual Budget of the United Nations ;

(b) the scale of apportionment proposed by the Committee on Contributions (referred to in 6 above) ;

(c) the draft financial regulations submitted by the Secretary-General ; and

(d) the financial report of the Secretary-General on the interim period ;

14. that the General Assembly at the second part of the First Session appoint the Supervisory Committee (referred to in 5 above).

## VIII

### **RECOMMENDATION TO TRANSMIT, WITHOUT APPROVAL OR DISAPPROVAL, OBSERVATIONS ON RELATIONSHIPS WITH SPECIALISED AGENCIES**

*The Executive Committee,*

*Considering* that developments concerning specialised agencies are in a very fluid state, and that it is impracticable at this time to examine in detail the various degrees of relationship which might be proposed for each of the specialised agencies ; and

*Considering* that the Interim Arrangements establishing the Preparatory Commission do not require the Commission to make recommendations concerning the relationship of the specialised agencies to the United Nations ;

*Recommends* that the Observations on Relationships with Specialised Agencies, contained in Part III, Chapter VIII, Section 2, be eventually transmitted by the Preparatory Commission to the General Assembly for its consideration.

## IX

### **RECOMMENDATION CONCERNING THE TRANSFER OF CERTAIN FUNCTIONS, ACTIVITIES AND ASSETS OF THE LEAGUE OF NATIONS**

*The Executive Committee,*

*Having considered* the possibility of transferring certain functions, activities and assets of the League of Nations which it may be considered desirable for the United Nations to take over ; and

*Considering*, after it had received the report, contained in Part III, Chapter IX, Section 3, of a committee which had examined this problem, that it would be useful for the United Nations to state certain terms for this transfer ;

*Recommends :*

1. that the functions, activities and assets of the League of Nations be transferred to the United Nations with such exceptions and qualifications

as are made in the report referred to above,\* and without prejudice to such action as the United Nations may subsequently take with the understanding that the contemplated transfer does not include the political functions of the League, which have in fact already ceased, but solely the technical and non-political functions;

2. that the resolution contained in Part III, Chapter IX, Section 2, on the taking over of functions and powers entrusted to the League of Nations under certain international and other agreements be submitted to the General Assembly of the United Nations;

3. that continuity be maintained in the work done by the League of Nations on such technical and non-political questions, more especially Economic and Health questions and those relating to the control of the Drug Traffic, as, under the Charter, are to be dealt with by the United Nations or by a specialised agency brought into relationship with it;

4. that the United Nations effectively assume, at the earliest possible moment, the powers and functions attributed to the League of Nations under international conventions concerning the control of the Drug Traffic;

5. that the Library and all the archives of the League of Nations be taken over by the United Nations;

6. that the League of Nations, prior to the transfer, settle the question of contributions to be paid to the League of Nations by members in arrears, the question of the payment to the judges of the Permanent Court of International Justice of arrears in salaries and other claims.

*The Executive Committee*

*Suggests*

that the Preparatory Commission should appoint a small committee to discuss with the Supervisory Commission of the League of Nations the parallel measures that should be adopted by the League of Nations and the United Nations. This committee might, where necessary, consult with representatives of the International Labour Organisation on all matters regarding the liquidation of the League of Nations which are of interest to the International Labour Organisation and which it was impossible to settle directly with the League.

## X

### RECOMMENDATIONS CONCERNING THE HEADQUARTERS OF THE UNITED NATIONS

#### A. RECOMMENDATION CONCERNING THE LOCATION OF THE HEADQUARTERS OF THE UNITED NATIONS

*The Executive Committee,*

*Having approved* the recommendations and considered the studies as to the requirements concerning the location of the permanent headquarters of the United Nations set forth in the Report of the Committee concerned and contained in Part III, Chapter X, Section 2;

*Having further considered* the views set forth in the Appendix to Chapter X, Part III, concerning the location of the permanent headquarters of the United Nations; and

*Having decided* to recommend to the Preparatory Commission as a first step towards the preparation of the final recommendation on the subject that the permanent headquarters of the United Nations be located in the United States of America ;‡

*Recommends :*

1. that the permanent headquarters of the United Nations be located in the United States of America ;‡

\* The Committee recommends that no political questions be included in the transfer. It makes no recommendation to transfer the activities concerning refugees, mandates or international bureaux. The contemplated transfer will not include transfer of personnel. Transfer of assets and liabilities should imply neither profit nor loss for the United Nations. The problem of separating the finances of the International Labour Organisation from those of the League is left for later consideration.

The transfer of economic activities is qualified by the words such work in this field as the United Nations might wish to continue; that of the health activities by the words subject to any decisions made in the future regarding a new health organisation; and that of the social activities by the words the question as a whole will have to be referred to the competent organ of the United Nations. The transfer of functions arising from treaties is qualified by the words as far as is possible and desirable.

† At the request of the Emergency Economic Committee for Europe the Executive Committee especially recommends that continuity be maintained in the preparation and publication of statistics.

‡ Vote taken at the Meeting of the Executive Committee on 3 October, 1945 :

*In favour :* Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, Union of Soviet Socialist Republics, Yugoslavia.

*Against :* France, Netherlands, United Kingdom.

*Abstained :* Canada, United States of America.

2. that the Preparatory Commission examine the foregoing recommendation and the report in Part III, Chapter X, Section 2, at an early date, and agree upon a recommendation to the first part of the First Session of the General Assembly as to the precise location of the permanent headquarters of the United Nations and the exact requirements to be embodied in an agreement to be concluded between the competent authorities of the host country and the United Nations in accordance with an eventual decision of the General Assembly ;

3. that the Preparatory Commission, immediately upon adopting recommendations 1 and 2 above, authorise a committee to make such studies and undertake such consultations with the aforesaid authorities of the host country as may be necessary for the purpose of ascertaining their readiness to meet such requirements. This committee should present its report to the Preparatory Commission in time for its consideration.

## **B. RECOMMENDATION CONCERNING THE ESTABLISHMENT OF A PLANNING COMMISSION**

*The Executive Committee,*

*Having considered* a study by the committee concerned on facilities required for the conduct of the General Assembly\* ; and

*Considering* the desirability of placing the most modern and efficient facilities at the disposal of the principal organs of the United Nations ;

*Recommends :*

1. that the Preparatory Commission request the General Assembly to authorise the Secretary-General to make the necessary arrangements for holding the second part of the First Session of the General Assembly of the United Nations in consultation with a Planning Commission, whose duty would be to advise him on all matters connected with the adequate housing of the General Assembly, and the other principal organs, pending the construction by the United Nations of their own premises ;

2. that the Planning Commission be composed of architects and experts in office equipment, acoustics, construction, city planning and other related matters ;

3. that the members of the Planning Commission be nominated by the Secretary-General and approved by the General Assembly, the chairman being a high official of the Secretariat, appointed by the Secretary-General ;

4. that the Planning Commission present to the General Assembly, in 1947 at the latest, definite recommendations regarding buildings and facilities to be provided at the permanent headquarters of the United Nations.

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\* Attached to Part III, Chapter X, Section 4.

## PART III: COMMITTEE REPORTS AND SUPPLEMENTARY PAPERS

### CHAPTER I: THE GENERAL ASSEMBLY

#### Section 1: Recommendation Concerning the General Assembly

*The Executive Committee,*

*Agreeing* that it is most urgent to convene the General Assembly and constitute the other principal organs of the United Nations at the earliest possible moment so that they may perfect their organisation and turn their attention promptly to the consideration of pressing world problems ;

*Believing* that this end can best be attained if the First Session of the General Assembly is divided into two parts, during the first of which the work of the General Assembly would be primarily organisational but would also include consideration of such urgent world problems as may be raised by any Member, or reference of them to the appropriate principal organs and committees which will have been established, and during the second of which the General Assembly would devote itself chiefly to the consideration of substantive items on the Agenda ; and

*Realising* that it is necessary for this purpose (a) to prepare a provisional Agenda for the first part of the First Session of the General Assembly, (b) to draw up provisional Rules of Procedure for the General Assembly, including supplementary rules for its First Session, and (c) to make recommendations concerning the organisation of the General Assembly, particularly its committee structure ;

*Recommends :*

1. that the Provisional Agenda contained in Section 2 be approved and transmitted to the General Assembly for adoption ;

2. that the Provisional Rules of Procedure and the Supplementary Provisional Rules of Procedure contained in Section 3 be approved and recommended to the General Assembly for adoption as rules for the conduct of business in the first part of the First Session of the General Assembly, with the understanding that the Provisional Rules of Procedure will in due course be examined by the appropriate committee of the General Assembly with a view to adoption as the Permanent Rules of Procedure ;

3. that during the first part of the First Session of the General Assembly the Committees described in Section 4 be established in accordance with the Provisional Rules of Procedure.

#### Section 2: Provisional Agenda for the First Part of the First Session of the General Assembly

1. Opening remarks of the temporary Chairman.
2. Election of the President.
3. Authorisation of the Executive Secretary and his staff to perform the functions of the Secretary-General and Secretariat respectively, pending the appointment of the Secretary-General.
4. Presentation of the Report of the Preparatory Commission of the United Nations.
5. Adoption of the Provisional Rules of Procedure and Supplementary Provisional Rules of Procedure contained in the Report.
6. Appointment and Report of the Credentials Committee.
7. Election of Vice-Presidents.
8. Establishment of Committees.
9. Adoption of regulations governing the appointment of the temporary staff during the transition period.
10. Approval of the Agenda.
11. Election of the non-permanent members of the Security Council.
12. Consideration of recommendations, if any, from the Security Council relating to the admission of new Members to the United Nations.
13. Appointment of the Secretary-General (as soon as the recommendation is received from the Security Council).
14. Opening of the general discussion on the Report of the Preparatory Commission of the United Nations.
15. Election of the members of the Economic and Social Council.
16. Reference of certain questions arising from the debate to Councils or Committees.
17. Reports from Committees.

18. Adoption of the Committee Reports, including Reports on the following subjects, if referred to Committees :

- (a) Rules of Procedure ;
- (b) The provisional budget, financial organisation and methods of assessing and collecting contributions from Members.
- (c) The possible transfer of certain functions, activities and assets of the League of Nations ;
- (d) The organisation of the Secretariat ;
- (e) The site of the permanent headquarters of the United Nations ;
- (f) The physical arrangements for the General Assembly ;
- (g) The relation between the General Assembly and the Economic and Social Council ;
- (h) The relation between the specialised inter-governmental organisations and agencies and the United Nations ;
- (i) Implementation of the provisions of the Charter relating to trusteeship, including the consideration of the establishment of a Temporary Trusteeship Committee.

19. Election of the judges of the International Court of Justice.

20. Consideration of the date and location of the second part of the First Session of the General Assembly.

21. Consideration of other items.

### **Section 3 : Provisional Rules of Procedure for the General Assembly**

#### **I SESSIONS**

##### *Rule 1*

The General Assembly shall meet in regular session commencing on the Tuesday which falls in the period September 3rd to September 9th inclusive.

##### *Rule 2*

The General Assembly may fix a date for a special session.

##### *Rule 3*

Special sessions of the General Assembly shall also be held within fifteen days of the receipt by the Secretary-General of a request for such a session either from the Security Council or from a majority of the Members of the United Nations.

##### *Rule 4*

Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall thereupon inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with the provisions of Rule 3.

##### *Rule 5*

Sessions shall be held at the headquarters of the United Nations unless convened elsewhere in pursuance of a decision of the General Assembly at a previous session or at the request of a majority of its members.

##### *Rule 6*

The General Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date.

#### **II CONVOCATION**

##### *Rule 7*

The Secretary-General shall notify the Members of the United Nations not less than ninety days in advance of the opening of a regular session.

##### *Rule 8*

The Secretary-General shall notify the Members of the United Nations not less than ten days in advance of the opening of any special session.

##### *Rule 9*

Copies of the notices of convocation for all sessions shall be addressed to all other organs and commissions of the United Nations and to the specialised agencies referred to in Article 57, paragraph 2, of the Charter.

## III NOMINATIONS COMMITTEE\*

*Rule 10*

At the commencement of each session, the General Assembly shall elect a Committee of eleven members whose duty it shall be to nominate candidates other than the President for functions which carry with them a seat on the General Committee.

*Rule 11*

The President of the General Assembly shall submit proposals to it regarding the composition of the Nominations Committee.

*Rule 12*

In nominating the Chairmen of the Main Committees of the General Assembly, the Nominations Committee shall, provided that an equitable geographical distribution of the total membership of the General Committee of the General Assembly is assured, be guided by considerations of personal competence.

*Rule 13*

The members of the General Assembly and the Committees shall retain the right to propose and vote for members other than those nominated by the Nominations Committee.

## IV DELEGATIONS

*Rule 14*

The Delegation of a Member shall consist of not more than five representatives and five alternate representatives, and as many advisers, technical advisers, experts and persons of similar status as may be required by the Delegation.

*Rule 15*

The credentials of representatives, and the names of members of Delegations, shall be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session. The credentials shall be issued either by the Head of the State or by the Minister for Foreign Affairs.

*Rule 16*

An alternate representative may act as a representative upon designation by the Chairman of the Delegation.

*Rule 17*

Upon designation by the Chairman of the Delegation, advisers, technical advisers, experts or persons of similar status may act as members of Committees. Persons of this status shall not, however, unless designated as alternate representatives, be eligible for appointment as Chairmen or Rapporteurs of Committees or for seats in the General Assembly.

## V CREDENTIALS COMMITTEE

*Rule 18*

A Credentials Committee shall be elected at the beginning of each session. It shall consist of nine members, who shall be appointed by the General Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report without delay.

*Rule 19*

Any representative to whose admission a member has made objection shall be seated provisionally with the same rights as other representatives, until the Credentials Committee has reported and the General Assembly has given its decision.

## VI AGENDA

*Rule 20*

The provisional Agenda for a regular session shall be drawn up by the Secretary-General.

*Rule 21*

The provisional Agenda shall be communicated to the Members of the United Nations, for a regular session not less than ninety days, and for a special session not less than ten days, before the opening of the session.

\* The Executive Committee, by a majority of 8 to 6, voted for the establishment of a Nominations Committee. However, failing to secure the two-thirds majority necessary for adoption, the Committee decided, in harmony with its policy on majority votes, to include the descriptive material pertaining to it in the Report. It was agreed that the attention of the Preparatory Commission should be invited to the difficulty, in the absence of a Nominations Committee, of selecting officers of Committees on the basis of geographical distribution.

The provisional Agenda of a regular session shall include :

- (a) Report of the Secretary-General on the work of the Organisation ;
- (b) Reports from the Security Council,  
Reports from the Economic and Social Council,  
Reports from the Trusteeship Council,  
Reports from the International Court of Justice,  
Reports from subsidiary organs of the General Assembly,  
Reports from specialised agencies (where such reports are called for under agreements entered into) ;
- (c) All items whose inclusion has been ordered by the General Assembly at a previous session ;
- (d) All items proposed by the other organs of the United Nations ;
- (e) All items proposed by any Member of the United Nations ;
- (f) All items pertaining to the budget for the next financial year and the report on the accounts for the last financial year ;
- (g) All items which the Secretary-General deems it necessary to put before the General Assembly.

*Rule 23*

Any Member of the United Nations may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of additional items in the Agenda. Such items shall be placed on a supplementary list, which shall be circulated to the Members of the United Nations at least twenty days before the date fixed for the opening of the session. The General Assembly shall decide whether items on the supplementary list shall be included in the Agenda of the session.

*Rule 24*

The provisional Agenda, together with the supplementary list, shall be submitted to the General Assembly for approval as soon as possible after the opening of the session.

*Rule 25*

During any regular session of the General Assembly items may be revised, and may be added to or deleted from the Agenda by a majority of the members present and voting. Consideration of additional items shall, unless the General Assembly, by a two-thirds majority of the members present and voting, decides otherwise, be postponed until four days after they have been placed on the Agenda, and until a committee has reported upon them.

*Rule 26*

No proposal for a modification of the allocation of expenses for the time being in force shall be inserted in the Agenda unless it has been communicated to the Members of the United Nations at least ninety days before the date fixed for the opening of the session.

*Rule 27*

When a special session is called, the Agenda for the session shall be confined to the items communicated by the Secretary-General to the Members of the United Nations, unless the General Assembly, by a two-thirds majority of the members present and voting, decides to include additional items.

*Rule 28*

Any Member of the United Nations may, at least four days before the date fixed for the opening of a special session, request the inclusion of additional items in the Agenda. Such items shall be placed on a supplementary list which shall be circulated to the Members of the United Nations as soon as possible.

VII PRESIDENT AND VICE-PRESIDENTS

*Rule 29*

At the opening of each session of the General Assembly the Chairman of that Delegation from which the President of the previous session was elected shall preside until the General Assembly has elected a President for the session.

*Rule 30*

The General Assembly shall elect a President and seven Vice-Presidents, who shall hold office until the close of the session at which they are elected. The Vice-Presidents shall be elected with regard to equitable geographical representation.

*Rule 31*

If the President finds it necessary to be absent during a meeting or any part thereof he shall appoint one of the Vice-Presidents to take his place.

*Rule 32*

If the President is unable to perform his functions a new President shall be elected for the unexpired term.

*Rule 33*

A Vice-President acting as President shall have the same powers and duties as the President.

*Rule 34*

The President, or Vice-President acting as President, shall not vote but shall appoint another member of his Delegation to vote in his place.

*Rule 35*

In addition to exercising the powers which are conferred upon him elsewhere by these Rules, the President shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting and at such meetings ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order, and subject to these Rules, shall have complete control of the proceedings at any meeting.

## VIII GENERAL COMMITTEE

*Rule 36\**

The General Committee shall consist of the President and the Vice-Presidents of the General Assembly, and the Chairmen of the Main Committees and of the Credentials Committee of the General Assembly. The General Assembly may add to the General Committee the Chairmen of the other Committees of the General Assembly and, in exceptional cases, other members.

*Rule 37*

The General Committee shall at the beginning of each Session consider the provisional Agenda, together with the supplementary list, and shall make a report to the General Assembly. It shall consider applications for the inclusion of additional items in the Agenda and shall report thereon to the General Assembly. It shall assist the President in drawing up the Agenda for each plenary meeting, in determining the priority of its items, in the co-ordination of the work of all Committees of the General Assembly, and in the general direction of the work of the General Assembly.

*Rule 38*

Proposals to refer any portion of the Report of the Secretary-General to one of the Main Committees without debate shall be decided upon by the General Assembly without previous reference to the General Committee.

*Rule 39*

The General Committee may revise the resolutions adopted by the General Assembly, changing their form but not their substance. Any such changes shall be reported to the General Assembly.

*Rule 40*

The President of the General Assembly shall serve as Chairman of the General Committee.

*Rule 41*

No member shall have more than one representative on the General Committee.

## IX ADMINISTRATIVE AND BUDGETARY QUESTIONS

*Rule 42*

The General Assembly shall establish regulations for the financial administration of the United Nations.

*Rule 43*

The General Assembly shall appoint a Supervisory Committee for Administrative and Budgetary Questions (hereinafter called the "Supervisory Committee") with a membership of seven, including at least two financial experts of recognised standing.

*Rule 44*

The members of the Supervisory Committee shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for re-election. The two financial experts shall not retire simultaneously. The General Assembly shall elect the members of the Supervisory Committee at the regular session at which the term of members expires or, in case of vacancies, at the next session.

\* See footnote in connection with Section 4, paragraph 13, (p. 31).

*Rule 45*

The Supervisory Committee shall be responsible for expert examination of the Budget of the United Nations and shall assist the Administrative and Budgetary Committee of the General Assembly on matters other than personnel. It shall perform such other duties as may be assigned to it under the regulations which may be established for the financial administration of the United Nations. It shall also examine on behalf of the General Assembly the administrative budgets of specialised agencies and proposals for financial and budgetary arrangements with such agencies.

*Rule 46*

The Supervisory Committee shall ordinarily meet at a convenient time before the regular Session of the General Assembly. It shall also meet during each regular Session of the General Assembly.

*Rule 47*

At the commencement of each regular session the Supervisory Committee shall submit to the General Assembly a detailed report on the Budget for the next financial year and on the accounts of the last financial year.

*Rule 48*

No Member shall have more than one representative on the Supervisory Committee.

## X SECRETARIAT

*Rule 49*

When the Security Council has submitted its recommendation on the appointment of the Secretary-General, the General Assembly shall consider the recommendation and vote upon it by secret ballot in private meeting.

*Rule 50*

The Secretary-General shall act in that capacity in all meetings of the General Assembly, its Committees and subsidiary organs. He may appoint a member of the staff to act in his capacity at any meeting.

*Rule 51*

The Secretary-General shall provide and direct such staff as is required by the General Assembly and any Committees or subsidiary organs which it may establish.

*Rule 52*

The Secretary-General shall make an annual Report, and such supplementary reports as are required, to the General Assembly on the work of the Organisation. He shall communicate the annual Report to the Members of the United Nations not less than forty-five days before the opening of the session.

*Rule 53*

The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

*Rule 54*

The Secretary-General may at any time, upon invitation of the President, make to the General Assembly either oral or written statements concerning any question which is being considered by the General Assembly.

*Rule 55*

It shall be the duty of the Secretariat, acting under the authority of the Secretary-General, to receive, print, translate and distribute documents, reports and resolutions of the General Assembly, its committees and organs; translate speeches made at the meetings; draft, print and circulate the summary records of the session; have the custody and proper preservation of the documents in the archives of the General Assembly; publish the reports of the meetings; distribute all documents of the General Assembly to the Members of the United Nations, and, generally, perform all other work which the General Assembly may require.

*Rule 56*

The General Assembly shall establish regulations concerning the staff of the Secretariat.

## XI LANGUAGES

*Rule 57*

Chinese, English, French, Russian and Spanish shall be the official languages of the General Assembly. English and French shall be the working languages.

*Rule 58*

Speeches made in either of the working languages shall be interpreted into the other working language.

*Rule 59*

Speeches made in any one of the other three official languages shall be interpreted into English or French according to the choice of the speaker. Interpretation into the other working language shall be made if requested by the speaker or by any Delegation. In meetings of Main Committees of the General Assembly speeches in official languages other than the working languages shall always be interpreted into the two working languages.

*Rule 60*

Any representative may make a speech in a language other than the five official languages. In this case, he must himself provide for interpretation into one of the working languages. If interpretation into the other working language is desired by the speaker or by any Delegation the interpretation by the Secretariat interpreter shall be based on the interpretation given in the first working language.

*Rule 61*

Verbatim records shall be drawn up in the two working languages. A translation of the whole or part of any verbatim record into any of the other official languages shall be furnished if requested by any Delegation.

*Rule 62*

Summary records shall be drawn up as soon as possible in the five official languages.

*Rule 63*

The Journal of the General Assembly shall be issued in the two working languages.

*Rule 64*

All resolutions and other important documents of the General Assembly shall be made available in the five official languages. Upon the request of any Delegation, any other document of the General Assembly shall be made available in any or all of the five official languages.

*Rule 65*

Subject to the exception provided for in the last sentence of Rule 59, the same Rules shall apply for meetings of the Main Committees of the General Assembly as for plenary meetings. Other Committees and sub-committees may, in consultation with the Secretariat, adopt simplified rules of procedure regarding interpretations and translations.

*Rule 66*

Documents of the General Assembly shall, if the General Assembly so decides, be published in any language other than the official languages.

## XII PUBLICITY OF MEETINGS

*Rule 67*

The meetings of the General Assembly and its Main Committees shall be held in public unless the body concerned decides that exceptional circumstances require that the meeting be held in private. Meetings of other Committees and subsidiary organs shall be held in public unless the body concerned decides otherwise.

*Rule 68*

All decisions of the General Assembly taken at a private meeting shall be announced at an early public meeting of the General Assembly.

## XIII RECORDS

*Rule 69*

Verbatim records of all plenary meetings shall be drawn up by the Secretariat and submitted to the General Assembly after approval by the President. Verbatim records shall also be made of the proceedings of the Main Committees established by the General Assembly. Other Committees or sub-committees may decide upon the form of their records.

*Rule 70*

No representative may address the General Assembly without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

*Rule 71*

The Chairman and the Rapporteur of a Committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their Committee.

*Rule 72*

When a motion is under discussion, a representative may rise to a point of order, and such point of order shall be immediately decided by the President in accordance with the Rules of Procedure.

*Rule 73*

During the discussion of any question, any representative may move the adjournment. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion.

*Rule 74*

The General Assembly may limit the time allowed to each speaker.

*Rule 75*

Resolutions, amendments and substantive motions shall be introduced in writing and handed to the Secretary-General, who shall circulate copies to the Delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all Delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

*Rule 76*

Parts of a proposal may be voted on separately if a representative requests that the proposal be divided.

*Rule 77*

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. If application is made for permission to speak against the closure it may be accorded to not more than two speakers.

*Rule 78*

The President shall take the sense of the General Assembly on a motion for closure. If the General Assembly is in favour of the closure the President shall declare the closure of the debate.

*Rule 79*

When a number of proposals are before the General Assembly the proposal furthest removed in substance from the principal one shall be voted on first.

*Rule 80*

If an amendment striking out part of a proposal is moved the General Assembly shall first vote on whether the words in question shall stand part of the proposal. If a decision is in the negative the amendment shall then be put to the vote.

*Rule 81*

When an amendment holds to a proposal the amendment shall be voted on first and, if it is adopted, the amended proposal shall then be voted on.

XV VOTING

*Rule 82*

Each member of the General Assembly shall have one vote.

*Rule 83*

A majority of the members of the General Assembly shall constitute a quorum.

*Rule 84*

Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86 of the Charter, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

*Rule 85*

Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

*Rule 86*

The General Assembly shall normally vote by a show of hands, except that any representative in plenary or committee meetings of the General Assembly may request a roll-call which shall then be taken by members in English alphabetical order.

*Rule 87*

The vote of each member participating in any roll-call shall be inserted in the record.

*Rule 88*

In addition to the provisions for the use of a secret ballot set forth elsewhere in these Rules, all decisions relating to individuals shall be taken by secret ballot.

*Rule 89*

If, when only one person or member is to be elected, no one person or member obtains in the first ballot the majority required in Rules 84 and 85, a second ballot shall be taken, confined to the two candidates who obtained the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the President shall decide between them by drawing lots. When a two-thirds majority is required, the balloting shall be continued until one candidate secures two-thirds of the votes cast.

*Rule 90*

When a number of elective places are to be filled at one time under the same conditions, those persons or members obtaining in the first ballot the majority required in Rules 84 and 85 shall be elected. If the number of persons or members to obtain such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates who obtained the greatest number of votes in the previous ballot, not more than double in number the places remaining to be filled.

*Rule 91*

If a vote is equally divided on matters other than elections, a second vote shall be taken in the course of the next meeting; this meeting shall be held within forty-eight hours from the date on which the first vote was taken, and it shall be expressly mentioned on the agenda that a second vote will be taken on the matter in question. Unless there is at this subsequent meeting a majority in favour of the proposal, it shall be considered as lost.

## XVI ELECTION OF MEMBERS OF COUNCILS

*General Provisions.**Rule 92*

The General Assembly shall elect the members of Councils by secret ballot.

*Rule 93*

The term of office of each member shall begin immediately on the day of the election by the General Assembly and shall end on the day of the election of a member for the subsequent term.

*Rule 94*

Should a member cease to belong to a Council before its term of office expires, its seat shall be filled by a by-election held separately at the next session of the General Assembly. The term of office of the member so elected shall end at the date at which the term of office of the member whose place it takes would have expired.

*Rule 95*

When one seat is to be filled, the General Assembly shall follow the procedure set forth in Rule 89.

*Rule 96*

When more than one seat is to be filled, the General Assembly shall follow the procedure set forth in Rule 90.

*The Security Council**Rule 97*

The General Assembly shall each year, in the course of its regular session, elect three non-permanent members of the Security Council for a term of two years.

*Rule 98.*

In casting their ballots for non-permanent members of the Security Council, the members of the General Assembly shall pay due regard in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organisation, and also to equitable geographical distribution.

*Rule 99*

A retiring member of the Security Council shall not be eligible for immediate re-election.

*The Economic and Social Council**Rule 100*

The General Assembly shall each year, in the course of its regular session, elect six members of the Economic and Social Council for a term of three years.

*Rule 101*

A retiring member of the Economic and Social Council shall be eligible for immediate re-election.

*The Trusteeship Council**Rule 102*

When a trusteeship agreement has been approved and a Member of the United Nations has become an administering authority of a trust territory in accordance with Articles 83 or 85 of the Charter, the General Assembly shall decide, in accordance with Article 86, whether a Member which is not an administering authority of a trust territory shall be elected to the Trusteeship Council. If it is decided that an additional member of the Trusteeship Council is required, the General Assembly shall elect a member at the session in which the trusteeship agreement is approved.

*Rule 103*

At each session the General Assembly shall, in accordance with Article 86 of the Charter, elect members to fill any vacancies.

*Rule 104*

A non-administering member of the Trusteeship Council shall be elected for a term of three years and shall be eligible for immediate re-election.

**XVII ELECTION OF JUDGES OF THE INTERNATIONAL COURT OF JUSTICE***Rule 105*

The election of the judges of the International Court of Justice shall take place in accordance with the Statute of the Court.

**XVIII COMMITTEES***Rule 106*

The General Assembly may establish such committees and subsidiary organs as it deems necessary for the performance of its functions.

*Rule 107*

The Main Committees of the General Assembly are :

- (1) Political and Security Committee (including the Regulation of Armaments) ;
- (2) \*Economic and Financial Committee ;
- (3) \*Social, Humanitarian and Cultural Committee ;
- (4) Trusteeship Committee ;
- (5) Administrative and Budgetary Committee ;
- (6) Legal Committee.

*Rule 108*

Each Delegation may designate one member for each Main Committee, and for any other Committee that may be constituted upon which all members have the right to be represented. It may also assign to these Committees advisers, technical advisers, experts or persons of similar status.

*Rule 109*

Items relating to the same category of subjects shall be referred to the Committee or Committees dealing with that category of subjects. Committees shall not introduce new items on their own initiative.

*Rule 110*

Each Committee shall elect its own Chairman, Vice-Chairman, and Rapporteurs.

\* See footnote in connection with Section 4, paragraph 3, (p. 29).

*Rule 111*

Each Committee may appoint sub-committees, which shall elect their own officers.

*Rule 112*

The Secretary-General or his deputies may make to any Committee or sub-committee any report or oral communication which the Secretary-General considers desirable.

*Rule 113*

The procedure set forth in Rules 70 to 81 shall apply to proceedings of Committees of the General Assembly.

*Rule 114*

Decisions in the Committees of the General Assembly shall be taken by a majority of the members present and voting.

*Rule 115*

Unless the General Assembly itself decides otherwise, it shall not make a final decision upon items on the Agenda until it has received the report of a Committee on these items.

*Rule 116*

A discussion of the report of a Main Committee in plenary session of the General Assembly shall take place if one-third of the members of the Committee consider such a discussion to be necessary.

*Rule 117*

Decisions involving expenditure shall be subject to the regulations for the financial administration of the United Nations.

*Rule 118*

No resolution involving expenditure shall be voted by the General Assembly before the Administrative and Budgetary Committee of the General Assembly has had an opportunity of stating the effect of the proposal upon the budget of the United Nations.

## XIX ADMISSION OF NEW MEMBERS OF THE UNITED NATIONS

*Rule 119*

Any state which desires to become a Member of the United Nations shall submit an application to the Secretary-General. The application shall be accompanied by a declaration of the readiness of the state to accept the obligations contained in the Charter.

*Rule 120*

If the applicant state so requests, the Secretary-General shall inform the General Assembly, or the Members of the United Nations if the General Assembly is not in session, of the application.

*Rule 121*

If the Security Council recommends the applicant state for membership, the General Assembly shall decide, by a two-thirds majority of the members present and voting, whether the applicant is a peace-loving state and is able and willing to carry out the obligations contained in the Charter.

*Rule 122*

The Secretary-General shall inform the applicant state of the decision of the General Assembly.

*Rule 123*

If the application is approved the Secretary-General shall inform the applicant state that its membership will become effective on the date on which it presents to the Secretary-General the instrument of adherence.

## XX CIRCULATION OF RESOLUTIONS

*Rule 124*

Resolutions adopted by the General Assembly shall be circulated by the Secretary-General to the Members of the United Nations within fifteen days after the termination of the session.

## XXI AMENDMENTS

*Rule 125*

These Rules of Procedure may be altered by a decision of the General Assembly taken by a majority of the members present and voting, after a committee has reported on the proposed alteration.

## Supplementary Provisional Rules of Procedure for the First Session of the General Assembly.

(*Note.*—The Roman numerals are identical with those of the main Rules of Procedure. It will be noted that there is no need for Supplementary Rules in many cases).

### I SESSIONS

#### *Supplementary Rule A*

The first and second parts of the First Session of the General Assembly shall together be regarded as constituting the first regular session of the General Assembly within the meaning of these Rules.

#### *Supplementary Rule B*

The General Assembly shall fix the place and date for the second part of the First Session.

### II CONVOCATION

#### *Supplementary Rule C*

The Secretary-General shall notify the Members of the United Nations not less than thirty days in advance of the opening of the second part of the First Session of the General Assembly.

### IV DELEGATIONS

#### *Supplementary Rule D*

The credentials of representatives, and the names of members of Delegations, shall be delivered to the Executive Secretary of the Preparatory Commission of the United Nations if possible not less than two days before the date fixed for the opening of the first part of the First Session. The credentials shall be issued either by the Head of the State or by the Minister for Foreign Affairs.

### VI AGENDA

#### *Supplementary Rule E*

The Provisional Agenda for the first part of the First Session of the General Assembly shall be the Agenda prepared for the purpose by the Preparatory Commission of the United Nations.

#### *Supplementary Rule F*

Any Member of the United Nations may, at least six days before the date fixed for the opening of the first part of the First Session of the General Assembly, request the inclusion of additional items in the Agenda. Such items shall be placed on a supplementary list which shall be circulated to the Members of the United Nations as soon as possible.

#### *Supplementary Rule G*

The Provisional Agenda for the second part of the First Session of the General Assembly shall be drawn up by the Secretary-General, and shall be communicated to the Members of the United Nations not less than thirty days before the opening of the second part of the session.

#### *Supplementary Rule H*

Any Member of the United Nations may, at least twenty days before the date fixed for the opening of the second part of the First Session of the General Assembly, request the inclusion of additional items in the Agenda. Such items shall be placed on a supplementary list, which shall be circulated to the Members of the United Nations at least ten days before the date fixed for the opening of the second part of the session.

### VII PRESIDENT AND VICE-PRESIDENTS

#### *Supplementary Rule I*

At the opening of the first part of the First Session of the General Assembly, the President of the Preparatory Commission of the United Nations shall preside until the General Assembly has elected a President for the session.

### IX ADMINISTRATIVE AND BUDGETARY QUESTIONS

#### *Supplementary Rule J*

At the second part of the First Session, the General Assembly shall elect simultaneously, in accordance with the procedure set forth in Rule 90, the seven members of the Supervisory Committee, two of whom at least shall be financial experts of recognised standing. It shall then by a second vote choose three of the elected members, one of whom shall be a financial expert, for the three-year term. By a third vote it shall choose two of the remaining elected members, one of whom shall be a financial expert, for the two-year term.

## X SECRETARIAT

*Supplementary Rule K*

At the beginning of the first part of the First Session of the General Assembly, the Executive Secretary and staff of the Preparatory Commission of the United Nations shall be authorised to perform the functions of the Secretary-General and staff of the Secretariat respectively pending the appointment of the Secretary-General.

*Supplementary Rule L*

The Secretary-General may request the services of the Executive Secretary and any of the staff of the Preparatory Commission of the United Nations until such time as a permanent staff is established.

## XVI ELECTION OF MEMBERS OF COUNCILS

*Supplementary Rule M*

The General Assembly shall elect simultaneously the six non-permanent members of the Security Council, in accordance with the procedure set forth in Rule 90. It shall then by a second vote choose three of the elected members for the two-year term.

*Supplementary Rule N*

The General Assembly shall elect simultaneously the eighteen members of the Economic and Social Council, in accordance with the procedure set forth in Rule 90. It shall then by a second vote choose six of the eighteen elected members for the three-year term. By a third vote it shall choose six of the remaining elected members for the two-year term.

*Supplementary Rule O*

The terms of office of members of Councils elected for one, two and three years shall end on the day of the elections held at the Second, Third and Fourth Sessions respectively of the General Assembly.

**Section 4: Committee Structure of the General Assembly.**

## TYPES OF COMMITTEES

1. In view of the powers and functions vested in the General Assembly by the Charter, and in the light of past experience in the organisation of international conferences and assemblies, four types of committees would seem to be necessary:

- (a) *Main Committees* to consider substantive matters referred to them by the plenary meeting of the General Assembly;
- (b) *Procedural Committees* required for the organisation and conduct of the business of the General Assembly;
- (c) *Standing Committees* with continuing functions;
- (d) *Ad hoc Committees* which might be required from time to time for special purposes.

2. All Main and Procedural Committees would exist only for the duration of the session at which they are established.

## MAIN COMMITTEES

3. In meeting the requirements for the consideration of substantive items appearing regularly on the Agenda of the General Assembly, it would seem desirable to establish six\* Main Committees on each of which all members of the General Assembly would have the right to be represented;

(1) *Political and Security Committee* (Including the Regulation of Armaments);

\* (2) *Economic and Financial Committee*;

\* (3) *Social, Humanitarian and Cultural Committee*;

(4) *Trusteeship Committee*;

(5) *Administrative and Budgetary Committee*;

(6) *Legal Committee*;

\* Opinion was almost equally divided on the advisability of establishing either one or two Main Committees to deal with matters in the economic and social field; a small majority was, however, in favour of the creation of two Committees. The group in favour of a single Economic and Social Committee urged that this was the only practical means of fixing the responsibility for the overall review of the policies and programme of the Economic and Social Council. The Main Committee might create two sub-committees, on each of which all members would have the right to be represented.

4. In deciding upon the Main Committees, the following two considerations were paramount: firstly, that the major fields of responsibility of the General Assembly, as defined in the Charter, should have their corresponding Committees; and secondly, that the Reports coming before the General Assembly from the other principal organs of the United Nations might be dealt with adequately by competent committees.

5. The Main Committees would have the double role of considering items referred to them by the General Assembly and of preparing draft recommendations and resolutions for submission to the plenary session. The items from the Reports of the other principal organs, of the specialised agencies, and of the Secretary-General, would be referred to the appropriate Main Committee for consideration. In addition to considering matters for which the General Assembly shares the responsibility with other organs, the Main Committees would also review matters for which the General Assembly is alone responsible.

6. The *Political and Security Committee* might consider, among other items, appropriate aspects of the admission, suspension and expulsion of Members; any political and security matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations; the general principles of co-operation in the maintenance of international peace and security, and the principles governing disarmament and the regulation of armaments; the promotion of international co-operation in the political field, and the peaceful adjustment of situations likely to impair the general welfare and friendly relations among nations.

7. The *Economic and Financial Committee* might concern itself with the economic and financial aspects of the programme of the Economic and Social Council and of the specialised agencies, and might consider any economic and financial matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations. It might also consider the promotion of international co-operation in the economic field, including questions of higher standards of living, full employment and conditions of economic progress and development.

8. The *Social, Humanitarian and Cultural Committee* might consider the corresponding aspects of the work of the Economic and Social Council and of the specialised agencies, and any social, humanitarian, cultural, educational, health and related matters within the scope of the Charter or relating to the powers and functions of any of the organs of the United Nations. It might also consider the promotion of international co-operation in the social, cultural, educational and health fields, and assistance in the realisation of human rights and fundamental freedoms. It might also consider conditions of social progress and development.

9. The *Trusteeship Committee* might have the large and clearly defined task of considering items pertaining to trusteeship arrangements as set forth under Article 16, and Chapters XII and XIII of the Charter. This Committee might also consider any matters arising under Chapter XI.\*

10. The *Administrative and Budgetary Committee* might consider items pertaining to the budget of the Organisation, changes in the assessments of Members, financial and budgetary arrangements with the specialised agencies referred to in Article 57, and the examination of the administrative budgets of such specialised agencies. It might also consider the staff regulations to be established by the General Assembly.

11. The *Legal Committee* might consider the legal and constitutional aspects of such matters as proposed amendments to the Charter, requests to the International Court of Justice for advisory opinions, and problems referred from other Committees. It might also consider the encouragement of the progressive development of international law and its codification.

#### PROCEDURAL COMMITTEES

12. The following Procedural Committees would seem to be required for the organisation and conduct of the business of the General Assembly:

(a) *General Committee.*

[(b) *Nominations Committee.*]†

(c) *Credentials Committee.*

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\* A majority of delegates, but not the required two-thirds, voted for the introduction of this sentence into the draft Report. Against this, it was contended that it implied an extension of the authority of the General Assembly with regard to Chapter XI beyond the limits of the Charter.

† See footnote in connection with paragraphs 14 and 15, (p. 31).

13. The *General Committee*\* would consider the provisional Agenda, together with the supplementary list and applications for the inclusion of additional items in the Agenda, and report thereon to the General Assembly. It would have the responsibility of assisting the President generally in directing the work of the General Assembly, in drawing up the Agenda and in determining the priority of items for each meeting, and in the co-ordination of the work of the Committees of the General Assembly. The General Committee would comprise the President, the seven Vice-Presidents, and the Chairmen of the Main Committees and of the Credentials Committee.

14. The Nominations Committee† would be responsible for the nomination of those persons other than the President whose functions would entitle them to a seat on the General Committee. In deciding on the desirability of establishing this Committee, the possibility was considered that the Nominations Committee might also make recommendations for membership of Councils, but this procedure was not supported by a majority of the delegates. The President of the General Assembly should be entrusted with the task of nominating the members of the Nominations Committee. It was agreed that these members should be states, not individual persons.

15. In an effort to find a proper balance between the factors of personal competence and adequate geographical distribution, it was decided by a two-thirds vote that, in nominating the Chairmen of the Main Committees of the General Assembly, the Nominations Committee should, provided that an adequate geographical distribution of the total membership of the General Committee is assured, be guided by considerations of personal competence.

16. The *Credentials Committee* was recognised as forming a necessary and normal part of the mechanism of a deliberative body such as the General Assembly. Although the major part of this Committee's task would be performed at the beginning of the session, it was altogether probable that certain problems might continue to engage its attention throughout the session.

17. As envisaged in the Rules of Procedure, the Procedural Committees would have a small membership, in contrast to the Main Committees on which all members have the right to be represented. It is thought that this comparatively small membership will make possible the expeditious conduct of the business of the General Assembly.

#### STANDING COMMITTEE

18. A *Supervisory Committee for Administrative and Budgetary Questions* should be appointed with the responsibility for expert examination of the Budget of the United Nations. It would assist the Administrative and Budgetary Committee of the General Assembly on matters other than personnel. It would consist of seven members, two of whom should be recognised financial experts. The members of the Supervisory Committee should be selected on the basis of broad geographical representation, personal qualifications and experience, and should serve for three years. The terms of office of the two financial experts should not expire simultaneously.

#### AD HOC COMMITTEES

19. In addition to Procedural, Main and Standing Committees, there will probably be many occasions when *Ad hoc* Committees could be usefully established by the General Assembly or by any one of its Committees.

\* This paragraph was adopted by a vote of 9 to 3 with 2 abstentions. In view of the importance which the minority attached to their dissent, the Executive Committee, by unanimous consent, gave the minority permission to record their views as a footnote.

The footnote submitted by the representative of the U.S.S.R. reads as follows:

"The Soviet delegation agreed to the principle of the establishment of a General Committee of the General Assembly, but proposed that a decision on the question of the composition of the Committee be postponed, believing that further study of the issues involved is necessary."

The following proposal by the representative of China was put forward as a compromise, and is recorded here at his request.

"The Executive Committee was not able to reach unanimous agreement or to make recommendations as to the precise composition of the General Committee, but all delegates were agreed that the composition should be effected on a basis which will ensure broad representative character and effective discharge of its functions."

† The Executive Committee, by a majority of 8 to 6, voted for the establishment of a Nominations Committee. However, failing to secure the two-thirds majority necessary for adoption, the Committee decided, in harmony with its policy on majority votes, to include the descriptive material pertaining to it in the Report. It was agreed that the attention of the Preparatory Commission should be invited to the difficulty, in the absence of a Nominations Committee, of selecting officers of Committees on the basis of geographical distribution.

## APPENDIX

## Summary of the Discussions of the Committee on the General Assembly

## INTRODUCTION

*Nature of the General Assembly*

1. In order to deal adequately with the task of proposing a provisional Agenda, devising a committee structure and drawing up provisional Rules of Procedure of the General Assembly, it was found necessary to engage in a preliminary discussion on the nature of the General Assembly. The functions and composition of the General Assembly are defined by the terms of the Charter, and, within these terms, the type of detailed organisation and procedure used will have a formative effect on the General Assembly.

2. The General Assembly of the United Nations, under the Charter, is given the broad general power of considering any matters within the scope of the Charter, or relating to the powers or functions of any of the organs provided for in the Charter, and of making recommendations thereon. Its functions may be generally described as deliberative, administrative, electoral, budgetary, and constitutional. These functions indicate the type of agenda, committee structure and procedure which the General Assembly will require to perform its task effectively and expeditiously.

3. It became clear in discussion that the nature of the First Session of the General Assembly would differ in certain respects from that of subsequent sessions. The First Session would have to give its attention to a great variety of constitutional problems whereas most of the time of normal sessions would be devoted to the handling of substantive problems. To give proper attention to numerous constitutional problems as well as to a full agenda of substantive items would be impossible without a large amount of preliminary planning and preparation.

*Decision to divide the First Session of the General Assembly into Two Parts*

4. The Executive Committee of the Preparatory Commission agreed that it was urgent to establish the General Assembly and the other principal organs of the Organisation as soon as possible. Their early establishment would enable them to perfect their own organisation, and to direct their attention effectively to pressing world problems.

5. To gain these advantages, it was decided that the First Session of the General Assembly should be divided into two parts. The first part should be a constituent Assembly, meeting in January 1946 and being devoted primarily to organisational problems. The second part, held some months later, would be devoted to major world issues. It was believed, however, that since some problems could not await solution, world public opinion would expect speedy action. Hence, such problems might be included in the Agenda of the first part of the First Session.

## AGENDA OF THE FIRST PART OF THE FIRST SESSION

*Effect of the Decision upon the Agenda*

6. The decision of the Executive Committee naturally influenced the drawing up of the Agenda for the first part of the First Session of the General Assembly, the organisation of its Committees, and the drafting of its Rules of Procedure. The Agenda would be devoted primarily to the following organisational problems:—

(a) The steps by which the General Assembly would organise itself to conduct business;

(b) The election of members of Councils as a necessary step to the establishment of these organs;

(c) The consideration of recommendations on the permanent organisation of the General Assembly.

A place would be left in the Agenda for the consideration of substantive items, as indicated above.

*The Relation between the Preparatory Commission and the General Assembly*

7. A further factor determining the nature of the first part of the First Session was the relation of the Preparatory Commission of the United Nations to the General Assembly, as defined in the Interim Arrangements. Under these provisions, the Preparatory Commission is directed to convoke the General Assembly, prepare a provisional Agenda, and draw up documents and recommendations relating to all items on the Agenda. In the latter connection recommendations have been prepared on the Committee structure and the Rules of Procedure for the General Assembly. Furthermore, the provision that

the Preparatory Commission and the Executive Committee shall cease to exist upon the election of the Secretary-General of the Organisation implies that the Executive Secretary and staff will continue to serve the General Assembly until the appointment of the Secretary-General.

#### *Priority of Items on the Agenda*

8. In the light of the foregoing facts, considerable attention was paid to the creation of a satisfactory sequence of items on the Agenda, as it was clearly necessary that certain items should be taken initially. Other items could be taken at the convenience of the General Assembly. In the early part of the First Session of the General Assembly, a particular sequence would seem to be required in taking the necessary organisational steps. After the first meeting is opened by the President of the Preparatory Commission, who will serve, if the Preparatory Commission so decides, as temporary President of the General Assembly, the body must elect the President and provide itself with a temporary staff.

#### *Presentation of the Report; Adoption of Rules of Procedure*

9. The Report of the Preparatory Commission of the United Nations should be presented to the General Assembly at a very early stage in the session. It is recommended that the Provisional Rules of Procedure, together with the Supplementary Provisional Rules for the First Session, should be adopted prior to the consideration of other parts of the Report. The Rules of Procedure thus approved provisionally would not imply final acceptance for subsequent sessions of the General Assembly. Final action on them would be delayed until an appropriate committee had reported, or until the second part of the First Session. The use of the Supplementary Rules of Procedure would, of course, automatically be discontinued when they had served their purpose.

#### *Constitution of the General Committee\**

10. The General Committee would comprise the President, the seven Vice-Presidents, the Chairmen of the Main Committees and the Chairman of the Credentials Committee. The President chosen at the first part of the First Session would, in accordance with the Supplementary Provisional Rules, continue to serve until the end of the second part of the Session.

11. It was felt that seven would represent the optimum number of Vice-Presidents. In the early history of the League, the Assembly had six Vice-Presidents, and in its later years eight.

#### *The Secretary-General and the Staff*

12. The role of the Secretary-General and his staff presents a problem of special character in the first part of the First Session of the General Assembly, since the Security Council must make its recommendation before the Secretary-General can be appointed by the General Assembly. It is, therefore, desirable that the election by the General Assembly of the non-permanent members of the Security Council shall take place as soon as possible so that that organ can establish itself. In the meantime, the General Assembly would require the services of an executive secretary and staff. As indicated above, the Executive Secretary and staff of the Preparatory Commission will presumably remain in the service of the General Assembly until the appointment of the Secretary-General. In order to give the Executive Secretary and staff a recognised status as a part of its temporary organisation the General Assembly should, as early as possible at its first meeting, authorise the Executive Secretary and staff to perform the functions of the Secretary-General and staff of the Secretariat respectively pending the appointment of the Secretary-General.

13. Since the Secretary-General has, in accordance with Article 101 of the Charter, the right to appoint his own staff, it was agreed that the Executive Secretary and any of the staff of the Preparatory Commission might be made available at the discretion of the Secretary-General to serve until such time as the regular staff shall have been appointed.

#### *General Debate on the Report and Reference to Committees*

14. With the completion of the steps necessary for the establishment of the General Assembly and the election of the members of Councils, the General Assembly would open a general debate on the Report of the Preparatory Commission of the United Nations. It is at this point in the First Session that the General Assembly would decide, in accordance with the Rules of Procedure, upon the number and type of Committees necessary for the adequate consideration of the items in the Report. After the establishment of the Committees, sections of the Report would be assigned to the appropriate Committee for more detailed study. The Committees would, in turn, submit their recommendations and resolutions to a plenary meeting of the General Assembly for adoption.

\* See footnote in connection with Section 4, paragraph 13 (p. 31).

*Agenda Items relating to Permanent Organisation*

15. Most of the items referred to Committees after the completion of the general debate would relate to questions of permanent organisation of the General Assembly. Recommendations would need to be adopted on the committee structure of a normal General Assembly, the functions of these Committees, the manner of their appointment and composition.

16. The staff regulations of the Secretariat would also need to be approved, this responsibility being assigned to the General Assembly under the Charter. It is important that staff regulations should be adopted in the first part of the First Session so that the Secretary-General can begin to recruit a regular staff. Recommendations should also be approved in the First Session covering the provisional budget, general financial organisation, and methods of assessing and collecting contributions from Members. The transfer of certain functions, activities and assets of the League of Nations to the United Nations, a point also requiring attention, would have a bearing upon planning the facilities of the United Nations.

17. The question of the relations of the General Assembly with the Councils and the specialised agencies will also require consideration by the First Session.

18. A major item relating to permanent organisation will be the determining of the conditions for, and the location of, the permanent headquarters of the United Nations, and satisfactory physical arrangements for the General Assembly.

*Substantive Items on the Agenda*

19. In the discussion of the Executive Committee a number of pressing substantive items was mentioned but none of them was included in the Agenda. The Agenda is properly left open so that the General Assembly itself, at its discretion, can, in the light of pressing world problems at the moment, and any proposals which may be made by its members, decide which of these items, within the terms of the Charter, require the most urgent consideration. It is reasonably certain that the realities of hunger and disease will force themselves upon the attention of the General Assembly.

20. The item on the provisional Agenda, "Opening of the general discussion on the Report of the Preparatory Commission of the United Nations," would provide an opportunity for speeches by heads of Delegations appropriate to the historic occasion.

THE COMMITTEE STRUCTURE OF THE GENERAL ASSEMBLY

*Types of Committees*

21. In making recommendations on the committee structure of the General Assembly, four requirements were taken into account: firstly, that the General Assembly would require procedural committees in order that it might organise itself and conduct its business; secondly, that it would require working committees for the consideration of substantive items referred from the General Assembly; thirdly, that it would require standing committees to take care of responsibilities which would require attention between sessions; and fourthly, that *ad hoc* committees might also be needed for special purposes.

22. In the light of these four requirements, the following committee structure for the General Assembly is recommended:—

*Main Committees:*

(1) *Political and Security Committee* (including the regulation of armaments).

- \* { (2) *Economic and Financial Committee.*  
(3) *Social, Humanitarian and Cultural Committee.*  
(4) *Trusteeship Committee.*  
(5) *Administrative and Budgetary Committee.*  
(6) *Legal Committee.*

*Procedural Committees:*

†(a) [*Nominations Committee.*]

\* See Appendix, paragraphs 27-29 (p. 35), for discussion of this issue.

† The Executive Committee, by a majority of 8 to 6, voted for the establishment of a Nominations Committee. However, failing to secure the two-thirds majority necessary for adoption, the Committee decided, in harmony with its policy on majority votes, to include the descriptive material pertaining to it in the Report. It was agreed that the attention of the Preparatory Commission should be invited to the difficulty, in the absence of a Nominations Committee, of selecting officers of Committees on the basis of geographical distribution.

*\*(b) General Committee.*

*(c) Credentials Committee.*

*Standing Committee :*

*Supervisory Committee on Administrative and Budgetary Questions.*

*Ad Hoc Committees.*

*Criteria determining the Number and Type of Main Committees*

23. In deciding on the number of Main Committees to be established by the General Assembly, two major principles of selection were weighed.

24. First, it was felt that Main Committees might be provided to cover those responsibilities of the General Assembly arising out of relations with the other principal organs of the United Nations. Each Main Committee would thus have the responsibility of reviewing matters within the limits of the authority of the General Assembly relating to a principal organ. For example, the Trusteeship Committee would have referred to it from the plenary meeting of the General Assembly matters which had been taken from the Report of the Trusteeship Council to the General Assembly. It would draw up resolutions and recommendations on the items for the consideration of the General Assembly.

25. Secondly, the major fields of responsibility of the General Assembly, as set forth in the Charter, are capable of definition and Main Committees might be established to cover each of the well-defined fields. For example, a Political and Security Committee would consider not only agenda items taken from the Report of the Security Council to the General Assembly, but might also consider items arising under Articles 10, 11, 14 and other parts of the Charter. It might also study the political and security aspects of the reports from the other Councils and from the specialised agencies. Political and security matters brought to the attention of the General Assembly by Members of the United Nations would also be referred to this Committee.

26. These two principles of selection are not mutually exclusive. Both were given due weight in arriving at a recommendation on the number and scope of Main Committees deemed necessary for the efficient performance of the work of the General Assembly.

27. Little difficulty was experienced in arriving at agreement on four of the Main Committees named above. Opinion, however, was almost equally divided as to the desirability of establishing either one or two Main Committees to deal with matters in the economic and social field.

28. On the one hand, it was emphasised that a single Committee should be given the responsibility for the overall review of the policy and programme of the Economic and Social Council, particularly as economic and social problems are closely interlocked. The General Assembly should be provided with efficient machinery for the performance of this essential task, since careful and detailed co-ordination and review could not be undertaken by the General Assembly in plenary meeting. It might very probably be desirable for the wide field of responsibility to be sub-divided but this could be done by the creation, within the frame of the one Main Committee, of two sub-committees, on each of which every member would be entitled to have a representative.

29. On the other hand, the argument was advanced that the General Assembly, under the Charter, was also entrusted in its own right with very definite responsibilities in regard to humanitarian questions. On practical grounds, it would seem that more than one Main Committee would certainly be needed, if not at once, then within a very short time, to deal with the vast multiplicity of problems which would come before the General Assembly. It was suggested that even sub-committees with full membership would be inferior in status, their work consequently being liable to be impaired.

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\* The General Committee, as defined in Section 4, paragraph 13, (p. 31), was approved by a vote of 9 to 3 with 2 abstentions. In view of the importance which the minority attached to their dissent, the Executive Committee, by unanimous consent, gave the minority permission to record their views as a footnote.

The footnote submitted by the representative of the U.S.S.R. reads as follows :

"The Soviet Delegation agreed to the principle of the establishment of a General Committee of the General Assembly, but proposed that a decision on the question of the composition of the Committee be postponed, believing that further study of the issues involved is necessary."

The following proposal by the representative of China was put forward as a compromise, and is recorded here at his request.

"The Executive Committee was not able to reach unanimous agreement or to make recommendations as to the precise composition of the General Committee, but all delegates were agreed that the composition should be effected on a basis which will ensure broad representative character and effective discharge of its functions."

*Criteria determining the Number and Type of Procedural Committees*

30. The question of establishing a Nominations Committee as part of the machinery of the General Assembly was debated at length. Before a satisfactory decision could be made upon the advisability of such a Committee, an effort was made to define in precise terms the manner of its creation and composition as well as the scope of its functions and powers, and it was agreed that the decision should be made in the light of the following assumptions :

- (1) That the President of the General Assembly should be entrusted with the task of proposing the members of the Nominations Committee ;
- (2) That its membership should be composed of states rather than persons ;
- (3) That the Committee should have a membership of eleven ;
- (4) That the Committee should be limited to the nomination of members for offices within the General Assembly and not for members of Councils ;
- (5) More specifically, that the Committee would limit itself to the nomination of members, other than the President, whose functions would entitle them to a seat on the General Committee of the General Assembly ;
- (6) That, in nominating the Chairman of the Main Committees of the General Assembly, the Nominations Committee should, provided that an equitable geographical distribution of the total membership of the General Committee is assured, be guided by considerations of personal competence.
- (7) That recommendations of the Nominations Committee should not be mandatory for the General Assembly and the Committees concerned would retain the right to accept or reject these recommendations or to make additional nominations from the floor.

On the basis of the above assumptions the Committee on the General Assembly agreed upon the advisability of establishing the Nominations Committee by a vote of 10 to 2. The Executive Committee, however, by a vote of 8 to 5, with one abstention, failed to confirm this decision by the requisite two-thirds majority.

31. The desirability of creating such a Committee to be charged also with making nominations for members of Councils was fully discussed, but the general sentiment was against it. It was considered preferable that the question of making such nominations should be left to informal consultation between all the members of the General Assembly.

32. The General Committee\* as indicated above, would have as its members the President and Vice-Presidents of the General Assembly and the Chairmen of the Main Committees and of the Credentials Committee. Its functions would include the consideration of the provisional Agenda, and the determination of the priority of items for each meeting of the General Assembly, and the co-ordination of the work of the Committees. It would assist the President generally in the direction of the work of the General Assembly.

33. A Credentials Committee was recognised as forming part of the normal and necessary mechanism of a deliberative body such as the General Assembly.

*The Standing Committee†*

34. It is recommended that a Supervisory Committee for Administrative and Budgetary Questions be established, which should be responsible for expert examination of the budget of the United Nations and should assist the Administrative and Budgetary Committee of the General Assembly on matters other than personnel. It should submit to the General Assembly a detailed report on the budget for the next financial year and on the accounts for the last financial

\* The General Committee, as defined in Section 4, paragraph 13 (p. 31), was approved by a vote of 9 to 3 with 2 abstentions. In view of the importance which the minority attached to their dissent, the Executive Committee, by unanimous consent, gave the minority permission to record their views as a footnote.

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The following proposal by the representative of China was put forward as a compromise, and is recorded here at his request.

"The Executive Committee was not able to reach unanimous agreement or to make recommendations as to the precise composition of the General Committee, but all delegates were agreed that the composition should be effected on a basis which will ensure broad representative character and effective discharge of its functions."

† The Netherlands Delegation also presented to the Committee on the General Assembly on 5 October, 1945, a paper (PC/EX/A/40) already transmitted with the regular documentation to the members of the Preparatory Commission, proposing the establishment of a Standing Committee on Peace and Security. The Committee, confronted with a crowded agenda, was unable to give to this paper the attention which its substance required.

year. It should examine, on behalf of the General Assembly, the administrative budgets of specialised agencies, and proposals for financial and budgetary arrangements with such agencies. It should have a membership of seven, including at least two financial experts of recognised standing.\*

#### *Ad hoc Committees*

35. It is recognised that, in addition to Procedural, Main and Standing Committees, there would be occasions when *ad hoc* Committees could usefully serve as a part of the mechanism of the General Assembly. It is of course understood that any Committee can appoint sub-committees.

36. The expeditious conduct of business can generally be effected most satisfactorily by relatively small committees. On the other hand, every Member of the United Nations is vitally interested in the substantive conclusions reached by the General Assembly, and, as a result, should be entitled to have a representative on each Committee in which substantive decisions are made. The Main Committees therefore, should be regarded as those full committees on which all members may have a representative.

### RULES OF PROCEDURE FOR THE GENERAL ASSEMBLY

#### *Regular and Supplementary Rules of Procedure*

37. The special circumstances in which the first, or constituent, part of the First Session of the General Assembly will meet, required the preparation of two sets of rules of procedure for the General Assembly. The Supplementary Provisional Rules annexed to the Provisional Rules are made necessary by

(a) the special responsibilities of the First Session of the General Assembly under the Charter ;

(b) the need for correlating the work of the Preparatory Commission with that of the First Session, as defined in the Interim Arrangements ;

(c) the recommendation of the Executive Committee, subsequently concurred in by a majority of the members of the Preparatory Commission, to divide the First Session of the General Assembly into two parts.

38. The Supplementary Rules are not to be regarded as a substitute for the main body of Rules of Procedure, but cover only the exigencies of the First Session. In many respects, the proposed Rules of Procedure for regular sessions of the General Assembly are of such a nature as to require adoption at the same time as the Supplementary Rules. Hence, it seems advisable that, at the beginning of the first part of the First Session, both sets shall be approved provisionally by the General Assembly for use in the conduct of its business.

39. As indicated previously, the use of Supplementary Rules would be discontinued as and when they had served their purpose, while the main body of Rules could be examined by the appropriate committee for later acceptance as the Permanent Rules of Procedure for the General Assembly.

#### *Principles in formulating Rules of Procedure*

40. In drawing up the Rules of Procedure, an effort has been made to keep them as flexible as possible, and at the same time provide adequately for any contingencies. The purpose of good Rules of Procedure is so to order business and canalise discussion that the high purposes of the Charter may be pursued with the maximum efficiency and fairness, and the minimum of preventable difficulties.

41. An examination of the Rules will reveal similarities between them and procedures followed in other international organisations. It will be noted, however, that there has been no rigid imitation, but a constructive attempt to profit from experience by conserving rules that have proved their usefulness whilst devising new rules to meet new situations arising from the Charter.

#### *Commentary on the Provisional Rules of Procedure*

42. It may be useful to make observations on certain sections of the Provisional and Supplementary Provisional Rules of Procedure in order to throw light upon the reasoning that lay behind their construction. Generally, the meaning and purpose of each Rule are such that no comment is necessary. The functions and composition of the different Committees have been described elsewhere ; these explanations are not repeated here.

43. It will be seen that the provisions in certain Rules of Procedure are taken directly from the Charter. This method seemed to be desirable as a means of rounding out the Rules and avoiding possible conflicts of interpretation which might result from the employment of different wording.

\* "Secretariat editing note: The Executive Committee recommended in Part III, Chapter VII, Section 1, paragraph 6, the following:—'that the General Assembly appoint during the first part of the First Session a standing expert Committee on Contributions of seven members, with instructions to prepare a detailed scale of apportionment of expenses, based on the principles set out in paragraphs 14 to 17 of Part III, Chapter VII, Section 2, for consideration by the second part of the First Session.' Due to pressure of time, the Committee was unable to give this paper the attention which its substance required."

44. *Sessions.*—These Rules set forth in precise terms the distinction made in the Charter between regular and special sessions. September is proposed as the date for regular sessions of the General Assembly. After careful canvassing of various possibilities, this month would seem to be desirable for climatic reasons and would also appear to take into account the parliamentary time-tables in most countries.

45. *Convocation.*—The convocation procedure suggested for special sessions provides for the maximum notice possible in view of the probable urgency of the circumstances. It is proposed, likewise, to inform the other organs and commissions of the United Nations, as well as the specialised agencies.

46. *Delegations.*—Whilst there was no desire to impose precise restrictions upon the total composition of Delegations, it was thought desirable, the number of representatives having been laid down in the Charter, to suggest a maximum number of alternate representatives, and to define the respective powers of alternate representatives and of advisers, technical advisers and experts.

47. *Agenda.*—These Rules enumerate the various sources from which agenda items may come. Generally speaking, reports from specialised agencies would be channelled through the Economic and Social Council, but there might be instances, provided for in agreements with certain specialised agencies, where direct transmission of items to the General Assembly would be appropriate.

48. It was thought that Rule 22 item (g) would cover the right of access to the General Assembly of a non-member, as envisaged in Article 35, paragraph 2, of the Charter, if and when such a contingency arose. The way is left open in Rule 23 for additions to the Agenda after the provisional Agenda has been communicated to the Members of the United Nations.

49. In Rule 28, similar provisions are included to cover special sessions, with an indication, however, in the preceding Rule that, generally speaking, it is desirable to confine the Agenda of a special session so far as possible to the items communicated by the Secretary-General.

50. *President and Vice-Presidents.*—The proposal that “the Chairman of that Delegation from which the President of the previous session was elected” should preside over the General Assembly pending the election of the President provides a convenient automatic method for selecting a temporary President. It was agreed that, by suggesting the number of Vice-Presidents at seven, an important contribution towards satisfactory geographical distribution on the General Committee could be made.

51. *Secretariat.*—Provisions concerning both the Secretary-General and the Secretariat were brought together because of the overall responsibility of the Secretary-General for the functioning of the Secretariat.

52. Two specific responsibilities of the Secretary-General under the Charter are made clear in Rules 52 and 53.

53. There was considerable discussion of the conditions under which the Secretary-General might make to the General Assembly statements concerning any question that is being considered. It was suggested that in Rule 54 the words “recognition of the President” might replace “invitation of the President”, so that the right of the Secretary-General to make statements to the General Assembly when he thought that the occasion demanded it, would be made clear. In opposition it was claimed that the Secretary-General had no such general right under the Charter, since the specific granting of that right, in relation to the Security Council, in Article 99 of the Charter, implied a limitation in relation to the General Assembly. The term “invitation of the President” was, however, accepted as representing a statement of the practical realities of the relation between the Secretary-General and the President, since in any case the Secretary-General would consult the President in making either oral or written statements to the General Assembly. It was further contended that the expression “any question” was too broad. It was explained, however, that the expression was clearly modified by the clause “which is being considered by the General Assembly”. By virtue of this wording, the Secretary-General would be limited strictly in his statements to the General Assembly to those questions which, under the Charter, the General Assembly would be competent to discuss.

54. *Languages.*—The proposed text on languages follows closely the language rules of the United Nations Conference at San Francisco. An effort has been made to provide for more extended use of all five official languages. It is proposed that Resolutions and other important documents of the General Assembly shall be published in all five official languages; and that any additional document shall be reproduced upon request by any Delegation in any or all of the five languages. At the same time certain practical necessities involved in the use of the working languages have been kept in view.

55. *Publicity of Meetings.*—The procedure regarding publicity of meetings of the General Assembly was devised in harmony with the policy laid down in other parts of this Report, and corresponds in the main to the recommendations of Committee 2/1 of the United Nations Conference at San Francisco. A clear

majority of the Delegations felt that the basic principle of holding meetings in public should be respected, so far as meetings of the General Assembly and its Main Committees are concerned, and departure therefrom made only when exceptional circumstances obliged the body concerned to decide that a meeting or meetings should be held in private. For the subsidiary organs and other committees, it was agreed that meetings should be held in public unless the body concerned decided otherwise.

56. *Records*.—It is proposed that verbatim records should be drawn up not only of plenary meetings of the General Assembly, but also of the Main Committees. It was agreed that many of the major issues referred to the General Assembly will be dealt with in the Committees, and that a full record of their deliberations is, therefore, a matter of considerable importance.

57. *Conduct of Business*.—These Rules reflect generally accepted practice and were adopted with little discussion. An effort was made to simplify usual parliamentary procedure. It was considered desirable to define so far as possible the role of the President in the conduct of debate. The Rules cover the introduction of motions, conduct of debate, raising of points of order, moving of the adjournment, closure of debate and voting upon proposals.

58. *Voting\**.—The Rules on voting, which follow the general prescriptions of the Charter, are devised to enable the General Assembly and its Committees to reach satisfactory decisions as easily and simply as possible. The provisions of Rules 84 and 85 on decisions of the General Assembly to be taken by a simple majority or by a two-thirds majority of the members present and voting are taken directly from the Charter, and reference is made to them in later Rules dealing with the election of persons or members. The needs of multiple balloting are met in Rules 89 and 90.

59. It was agreed that the General Assembly should normally vote by a show of hands, except that any representative could request that a roll-call be taken.

60. *Election of Members of Councils*.—Certain general provisions governing the election of members of all Councils will be found in the first five Rules. The provision in Rule 93 that the term of office of each member shall begin on the day of election by the General Assembly, not only establishes the date for the beginning and the end of terms of office in the future, but carries special significance for those members elected to Councils in the first part of the First Session of the General Assembly. Supplementary Rule O states that appointments of members of Councils made for one-, two- or three-year periods shall terminate on the day of the elections held at the Second, Third and Fourth Sessions respectively. The term of office for each member elected at the first meeting may be three months shorter than the statutory period. The unsatisfactory co-relation between the termination of the appointments arising from the abnormal date of the first elections and the elections held at regular sessions could be corrected most satisfactorily by the provisions of Supplementary Rule O.

61. Some doubt was expressed as to whether it was better for appointments to take effect immediately upon election, or at the end of the session. The general feeling was that it was preferable to avoid where possible a "lame duck" situation, and that there was reason to assume that Delegations at the General Assembly would normally be strong enough to ensure adequate immediate participation of the new appointees in the work of the respective organs to which they had been elected.

62. The general provisions for elections are followed by special provisions applying to the three Councils. Rule 98 re-emphasises the obligation of members to elect the non-permanent members of the Security Council in accordance with Article 23 of the Charter. The Rules pertaining to the elected members of the Trusteeship Council are related to Articles 83, 85 and 86 of the Charter.

63. *Election of Judges of the International Court of Justice*.—These Rules are limited to a reference to the appropriate Articles of the Statute of the International Court of Justice, which set forth the procedure to be followed by the General Assembly in the election of judges to the Court.

64. *Committees*.—These Rules contain provisions governing the establishment of Committees and the conduct of their work. It gives the General Assembly wide latitude to create such committees and subsidiary organs as it deems necessary for the performance of its functions. It enumerates the Main Committees of the General Assembly and defines their composition. It sets forth the important principle that Committees shall not introduce new agenda items on their own initiative.

\* The Canadian Delegation also presented to the Committee on the General Assembly on 10th October, 1945, a paper (PC/EX/A/46), already transmitted with the regular documentation to the members of the Preparatory Commission, containing extracts from a memorandum submitted by the Norwegian Government to the Secretariat of the League of Nations following the Assembly of 1926. The Committee, confronted with a crowded agenda, was unable to give to this paper the attention which its substance required.

65. *Admission of New Members.*—The procedure proposed is designed to take account of the conditions of admission as laid down in Article 4 of the Charter, to clarify the relative roles of the Security Council, the General Assembly and the Secretary-General, and to specify the steps to be taken by states in making application and in responding to the notification of acceptance.

*Supplementary Provisional Rules of Procedure for the First Session*

66. *Supplementary Rule A (Sessions).*—It would seem desirable that the first and second parts of the First Session of the General Assembly should together be regarded as constituting the first regular session. In Rule 6 it is provided that the General Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date. By this provision, officers and Committees of the General Assembly may continue their functions between the two parts of a single session, and proceed with the conduct of business in the second part of the session without the time-consuming formalities of organisation.

67. *Supplementary Rules F, G and H (Agenda).*—The time schedule for the first and second parts of the First Session necessitated some variation in the Supplementary Rules regarding the maximum delay for the circulation of the Agenda by the Secretary-General, and also regarding the inclusion of additional items by Members of the United Nations.

68. *Supplementary Rule J (Supervisory Committee).*—According to the recommendation contained in another part of the Report of the Executive Committee, the Supervisory Committee for Administrative and Budgetary Questions would be created at the second part of the First Session. This Rule therefore suggests a method of election of the seven members of this Committee which would cover the special conditions for differing terms of office at the first election, and would also ensure compliance with the provision that the two financial experts should not retire at the same time from the Supervisory Committee.

69. *Supplementary Rules M, N and O (Election of Members of Councils).*—A number of methods were suggested for the election of members of Councils at the First Session, and after some discussion, the Committee agreed upon the procedure outlined in these three Rules. All the methods proposed were based upon an effort to combine simplicity of procedure, on the one hand, with the greatest likelihood of attaining the desired results, on the other. One of the suggestions put forward provided that those to be designated for the longer terms should be elected first, and those for the shorter terms subsequently. It was agreed, however, that the best results might be obtained if all the members were elected simultaneously, with a subsequent vote or votes to determine which members should be designated for the longer terms.

## CHAPTER II : THE SECURITY COUNCIL

### Section 1 : Recommendation Concerning the Security Council

*The Executive Committee,*

Considering that by Article 24 of the Charter, in order to ensure prompt and effective action by the United Nations, its Members confer upon the Security Council primary responsibility for the maintenance of international peace and security and agree that, in carrying out its duties under this responsibility, the Security Council acts on their behalf; and

Considering that the Interim Arrangements agreed upon by the United Nations charged the Preparatory Commission with the preparation of the provisional Agenda and appropriate documents for the first meetings of the Security Council, for the purpose of assisting the Security Council to organise itself initially as soon as possible and thus to be in a position to begin promptly the exercise of its responsibilities under the Charter;

*Recommends :*

1. that the Preparatory Commission approve for presentation to and adoption by the Security Council the Provisional Agenda (Part III, Chapter II, Section 2) and that, with regard to Item 9 of this Agenda, the Preparatory Commission recommend for adoption by the Security Council the Draft Directive to the Military Staff Committee attached as Section 3;
2. that the Preparatory Commission also approve for presentation to and adoption by the Security Council the Provisional Rules of Procedure attached as Section 4;
3. that the representative of the first member of the Security Council in the English alphabetical order of the names of members act as temporary Chairman of the Security Council.

### Section 2 : Provisional Agenda for the First Meetings of the Security Council

1. Opening of meeting by temporary Chairman.
2. Presentation of the section of the Report of the Preparatory Commission which relates to the Security Council.

3. Adoption of Rule 9 of the Provisional Rules of Procedure providing a method for selecting the President.
4. Selection of the President of the Security Council.
5. Adoption of the Agenda.
6. Adoption of Provisional Rules of Procedure.
7. Recommendation to the General Assembly regarding the appointment of the Secretary-General (Charter, Article 97).
8. Election of the members of the International Court of Justice (Statute, Articles 4, 7-12, 14).
9. Adoption of directive to the Military Staff Committee to meet at a given place and date.
10. Discussion of the composition and organisation of the staff to be assigned to the Security Council under Article 101 (1 and 2) of the Charter.
11. Discussion of the best means of arriving at the conclusion of the special agreements referred to in Article 43 of the Charter.
12. Reception and consideration of reports and recommendations (if any) from the General Assembly.
13. Consideration of the submission of a special report (if any) to the General Assembly (Charter, Article 24 (3)).

### **Section 3 : Draft Directive to the Military Staff Committee**

*Whereas* by Article 47 of the Charter the United Nations have agreed that there shall be established a Military Staff Committee to advise and assist the Security Council ; and

*Whereas* it is further provided that the Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives ;

*The Security Council*

*Requests* the permanent members of the Security Council to direct their Chiefs of Staff to meet, or to appoint representatives who shall meet, at (place) on (date) ;

*Directs* that the Chiefs of Staff or their representatives, when so assembled, shall constitute the Military Staff Committee referred to above ; and

*Directs* the Military Staff Committee thereupon, as its first task, to draw up proposals for its organisation (including the appropriate secretarial staff) and procedure, and to submit these proposals to the Security Council.

### **Section 4 : Provisional Rules of Procedure for the Security Council**

#### **I MEETINGS**

##### *Rule 1*

The Security Council shall hold regular meetings at such stated intervals as it may decide.

##### *Rule 2*

The Security Council shall hold the periodic meetings called for in Article 28 (2) of the Charter at quarterly intervals as soon after the first of the month as may be convenient.

##### *Rule 3*

The President may at any time call extraordinary meetings of the Security Council at (length of time to be specified) notice.

The President shall call such meetings at the request of a member of the Security Council, or at the request of any Member of the United Nations with a view to bringing a dispute to the attention of the Security Council.

#### **II AGENDA**

##### *Rule 4*

A provisional Agenda for each meeting shall be drawn up by the Secretary-General and approved by the President of the Security Council.

##### *Rule 5*

The provisional Agenda for each regular meeting shall be circulated by the Secretary-General to representatives on the Security Council at least forty-eight hours in advance.

##### *Rule 6*

The provisional Agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to this provisional Agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the Agenda at any time during a periodic meeting.

##### *Rule 7*

The provisional Agenda for an extraordinary meeting shall be communicated by the Secretary-General to the members of the Security Council and to their representatives on the Council simultaneously with the convocation of the extraordinary meeting.

*Rule 8*

The first item on the provisional Agenda of any meeting of the Security Council shall be the adoption of the Agenda.

## III PRESIDENCY

*Rule 9*

The Presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

*Rule 10*

The President shall preside over the meetings of the Security Council and, under the authority of the Council, shall represent it in its corporate capacity.

## IV SECRETARIAT

*Rule 11*

The Secretary-General shall act in that capacity in all meetings of the Security Council.

The Secretary-General may authorise a deputy to act in his place at meetings of the Security Council.

*Rule 12*

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

*Rule 13*

The Secretary-General shall notify representatives of meetings of the Security Council and its committees and of matters on the Agenda of these meetings.

*Rule 14*

The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

*Rule 15*

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

## V CONDUCT OF BUSINESS \*

*Rule 16*

Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

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\*Some Delegations, representing a majority of the committee concerned but not the requisite two thirds majority, wished to insert, at this point, the following Rules :

*Rule A*

The President shall call upon speakers in the order in which they signify their desire to speak.

*Rule B*

The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by the committee.

*Rule C*

When a motion is under discussion, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the Rules of Procedure.

*Rule D*

Resolutions, amendments and substantive motions shall be introduced in writing and handed to the President. The President shall cause copies to be distributed to the representatives.

*Rule E*

Parts of a proposal shall be voted on separately, if a representative requests that the proposal be divided.

*Rule F*

When a number of proposals is before the Security Council, the proposal furthest removed in substance from the principal one shall be voted on first.

*Rule G*

If an amendment striking out part of a proposal is moved, the Security Council shall first vote on whether the words in question shall stand part of the proposal. If the decision is in the negative, the amendment shall then be put to the vote.

*Rule H*

When an amendment adds to a proposal, it shall be voted on first, and if it is adopted the amended proposal shall then be voted on.

*Rule I*

The Security Council may invite members of the Secretariat or any person, whom it considers competent for the purpose, to supply it with information or to give their assistance in examining matters coming within its competence.

## VI LANGUAGES.

*Rule 17*

The official languages of the Security Council shall be Chinese, English, French, Russian and Spanish. English and French shall be the working languages.

*Rule 18*

Speeches made in either of the working languages shall be interpreted into the other working language.

*Rule 19*

Speeches made in Chinese, Russian or Spanish shall be interpreted into either English or French according to the choice of the speaker. Interpretation into the other working language shall be made if requested by any representative on the Council.

*Rule 20*

Any representative may speak in a language other than the five official languages. If he does so, he shall himself provide for interpretation into one of the working languages. If interpretation into the other working language is desired by any representative, the interpretation by the Secretariat interpreter shall be based on the interpretation rendered in the first working language used.

*Rule 21*

All documents shall be placed before the Security Council in the two working languages.

*Rule 22*

Verbatim records shall be drawn up in the two working languages. A translation of the whole or part of any verbatim record into any of the other official languages shall be furnished if requested by any representative on the Security Council.

*Rule 23*

Summary records of meetings of the Security Council shall be drawn up as quickly as possible in the five official languages.

*Rule 24*

All resolutions and important documents approved by the Security Council shall forthwith be reproduced in all of the five official languages. Any other document of the Security Council shall be reproduced in any of the official languages at the request of a representative on the Council.

*Rule 25*

Documents which the Security Council has decided to make available to the public shall be issued in the five official languages. If the Council so decides, such documents shall also be published in any language other than the official languages.

## VII VOTING

*Rule 26*

Voting in the Security Council shall be in accord with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

## VIII PUBLICITY OF MEETINGS

*Rule 27*

Unless it decides otherwise, the Security Council shall meet in public.

*Rule 28*

At the close of each private meeting, the Security Council shall issue a communique through the Secretary-General.

*Rule 29*

The verbatim record of public meetings and the documents relating thereto shall be published as soon as possible.

## IX RECORDS

*Rule 30*

Subject to the provisions of Rule 31, the Secretary-General shall keep a verbatim record of all meetings and shall send it as soon as possible to the representatives on the Council, who shall within forty-eight hours inform the Secretariat of any corrections which they may desire to have made.

*Rule 31*

The Security Council may decide that, for a private meeting, a summary record in a single copy shall alone be made. This record shall be kept by the Secretary-General, and the representatives of members who have taken part in the meeting may have corrections made in their own speeches within a period of ten days, and shall be signed by the Secretary-General. Representatives of the members who have taken part in the meeting shall at all times have the right to consult the records at the Secretariat.

*Rule 32*

Any state which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall be accompanied by a declaration of its readiness to accept the obligations contained in the Charter.

*Rule 33*

The application for membership in the United Nations shall be placed by the Secretary-General before the Security Council, which shall decide whether in its judgment the applicant is a peace-loving state and is able and willing to carry out the obligations contained in the Charter.

*Rule 34*

Should the Security Council decide to recommend the applicant state for membership in the United Nations, this recommendation shall be placed before the General Assembly by the Secretary-General.

**Appendix : Observations by the Acting Chairman on the Work of the Committee on the Security Council**

The Recommendations and other Documents regarding the Security Council (Chapter II, Sections 1 to 4), have been prepared by the Committee pursuant to the agreement on Interim Arrangements signed at San Francisco. It is there stated in item 4(b) that the Commission shall "prepare the provisional agenda for the first sessions of the principal organs of the Organisation, and prepare documents and recommendations relating to all matters on these agenda".

Several considerations have operated to put a particular stamp upon the provisional Agenda and the relevant documents of the Security Council. In the first place, since the Council is intended to be "so organised as to be able to function continuously", it is not to be expected that its "first session" will require a provisional Agenda similar to that of organs meeting only from time to time like the General Assembly. Moreover, the Security Council is not under the supervision of the General Assembly as are the Economic and Social Council, the Trusteeship Council and the Secretariat. Therefore, the recommendations coming from an organ such as the Preparatory Commission, with the same membership as the General Assembly, would not have the same weight in the case of the Security Council as they would in the case of the other organs; and both these factors have tended to limit the scope of the provisional Agenda of the Security Council and consequently of the supplementary documentation.

Both factors resulted moreover in a certain division of opinion in the Committee as to the extent to which the Security Council should be provided with detailed material in order to enable it to function initially. Some members held that little detailed material was required and that the Council would have mainly to operate in the light of its own day-to-day experience and of certain guiding principles. Others, on the other hand, argued that, in view of the very general nature of the provisions of the Charter and of the agreement on Interim Arrangements, it would be helpful if a complete set of rules of procedure and other detailed guidance were prepared for the benefit of the Security Council.

As the result of the discussions, therefore, recommendations were prepared which are inevitably a compromise, and it will be evident from a perusal of them that neither the one school of thought nor the other has prevailed. Like all compromises, it is not entirely satisfactory, but the Committee hopes, nevertheless, that the Preparatory Commission will find the recommendations useful and that, in the light of them, it will decide what positive recommendations it would be desirable to make to the Security Council itself.

The Preparatory Commission will have at its disposal the documents, including the summary reports, which show the development of the work of the Committee. However, during the course of the discussions, certain points were brought out which deserve special mention, and certain delegations wished particular views and reservations recorded. These follow.

*1. Presidency of the Security Council*

In the course of discussion of the method of selecting the President of the Security Council, various observations were made which may be of value in considering the method proposed:

(a) The method of selection provided for in Rule 9 of the Provisional Rules of Procedure may be recommended on practical grounds. It will occasion least controversy. It will permit each member of the Security Council, including those elected for one year only, to hold office in the first year. In the opinion of several members of the Committee, this method of selection can however, be recommended only for a short initial period such as one year.

(b) The provision that the President shall, under the authority of the Council, represent the Council in its corporate capacity is intended to give him the requisite authority to nominate committees and to conclude agreements on behalf of the Council.

(c) It is essential that the office of President be deemed to attach to the member state concerned and not to the person of its representative, and that the office of President may be filled by such representative as the member in question may desire.

(d) If, for some special reason, the President considers that it is not fitting for him to act as President during the consideration of a particular question, he should so inform the Council, and the Presidency should then pass during the consideration of that question to the representative whose State is next in the alphabetical line of succession.

(e) To avoid the disadvantages of the Presidency changing in the course of the periodic meetings, it is desirable that the Presidency should change at the beginning of the month so that the change would coincide with the opening of the periodic meetings.

(f) It is desirable that attention should be given to the adoption of a rule authorising the Council to extend the term of office of a President, e.g. to avoid the transfer of the Presidency during the handling of a dispute.

## *2. Recommendation of the Secretary-General*

With respect to Rule 16 of the provisional Rules of Procedure, it was felt by a majority of the Committee that it may prove desirable to elaborate special rules of procedure to cover questions which may arise in connection with the nomination and recommendation of the Secretary-General by the Security Council. For example; such questions as the following might arise: the manner in which names shall be submitted to the Council, rules governing discussions on the recommendation in the Council, the method of transmitting the recommendation of the Council to the General Assembly, provisions for dealing with any observations of the Assembly on the recommendation of the Council, and the procedure to be adopted should the Assembly reject the recommendation made by the Council. Rules of procedure covering these questions may prove necessary in order to ensure the observance of requisite formalities in the nomination and recommendation of the Secretary-General.

## *3. Organisation of the Security Council*

Detailed recommendations for the organisation of the Security Council were desired by some members of the Committee, but not the two-thirds majority necessary for recommendation.

## *4. Reports*

A number of Delegations felt that the following question should be brought to the attention of the Council for early consideration: "whether a minority report to the General Assembly may be made in case the Security Council should adopt its report to the Assembly, not unanimously, but by majority vote".

## *5. Voting*

Certain Delegations expressed doubts whether the provisions of the Charter relating to voting would by themselves prove adequate. The view has prevailed that, in view of the complexity of this problem, it is undesirable at the present time to elaborate additional rules of voting.

## *6. Permanent Rules of Procedure*

The following subjects may ultimately need to be covered in the permanent Rules of Procedure of the Security Council:

- (a) The method by which the Security Council shall organise itself so as to be able to function continuously;
- (b) the suspension and expulsion of Members of the United Nations;
- (c) the establishment of subsidiary organs;
- (d) the negotiation and approval of special agreements;
- (e) relations with the Military Staff Committee;
- (f) pacific settlement of disputes;
- (g) the taking of enforcement action;
- (h) relations with the Economic and Social Council;
- (i) relations with the Trusteeship Council and the Temporary Trusteeship Committee;
- (j) strategic areas in trust territories;
- (k) election of the judges of the International Court of Justice;
- (l) the requesting of advisory opinions from the Court;
- (m) appeals to the Security Council in case of default of judgment of the Court;
- (n) the assessment of the economic difficulties of states under Article 50, and consideration of the claims of states under this Article.

### 7. Reservations by Individual Delegations

A. *The Delegations of Australia and Canada* wished to have called to the attention of the Preparatory Commission the matter of the relations between the Security Council and the Economic and Social Council with special reference to the desirability of requesting the latter to include in the agreements which it negotiates with the specialised agencies, provisions under which they will carry out the decisions of the Security Council for the maintenance of international peace and security. (Article 48, paragraph 2, Articles 57 and 63.)

B. *The Delegation of Australia* reserved the right to re-open discussion of the method of selecting the President.

C. *The Delegation of France* stated that the English alphabetical order would result in placing in the Chair, one following the other, three of the permanent members of the Council (U.S.S.R., U.K., U.S.A.). This disadvantage could be avoided by resorting to the French alphabetical order which would ensure a better distribution, in the order of succession to the Presidency, of the permanent and non-permanent members of the Council. Failing the latter solution, the order of rotation might be determined by drawing lots.

D. *The Delegation of Canada* expresses no preference between French and English alphabetical order.

E. *The Delegation of Yugoslavia* wished to have its desire recorded that, at the time a state applies for membership of the United Nations, it should accompany its application with evidence of support by the constitutional organ whose consent is required for the ratification of international treaties.

## CHAPTER III : THE ECONOMIC AND SOCIAL COUNCIL

### Section 1 : Recommendation Concerning the Economic and Social Council

#### *The Executive Committee*

*Having considered*, in accordance with Articles 1 and 4 (b) of the Agreement, the interim arrangements to be made for the first session of the Economic and Social Council ; and,

*Considering* that it is necessary for this purpose to prepare a Provisional Agenda for the first session of the Council, to draw up provisional Rules of Procedure for the Council and to make recommendations concerning the organisation of the work of the Council and its subordinate structure ;

#### *Recommends :*

1. that the Provisional Agenda contained in Section 2 be approved and transmitted to the Economic and Social Council and that in connection with item 11 of this Agenda, the Preparatory Commission consider suggesting urgent problems in the economic, social, cultural, educational, health, and related fields for discussion by the Council at its first session ;

2. that the Provisional Rules of Procedure contained in Section 3 be approved and transmitted to the Economic and Social Council ;

3. that the Economic and Social Council consider at its first session the best methods :

(a) to undertake the negotiation of agreements with specialised agencies ;

(b) to confer with authorised representatives of the Trusteeship organ on methods of co-operation in dealing with matters of mutual concern, and

(c) similarly, to confer with authorised representatives of the Security Council ;

4. that the following commissions be established by the Economic and Social Council at its first session :

(a) Commission on Human Rights.

(b) Economic and Employment Commission

(c) Temporary Social Commission

(d) Statistical Commission,

and possibly,

(e) Demographic Commission

(f) Temporary Transport and Communications Commission ;

5. that, when setting up commissions and committees subordinate to those commissions, the Economic and Social Council take account of the recommendations of Section 4, and notably of the considerations regarding :

(a) the relation between commissions of the Council and specialised agencies ;

(b) The need for immediate action to deal with urgent economic and social problems arising out of the war ;

(c) the continuance of certain functions and activities of the League of Nations ;

(d) the need for flexibility in the subordinate structure of the Economic and Social Council, and

(e) the importance of co-ordination of activities in fields which are closely inter-related.

## Section 2 : Provisional Agenda for the First Session of the Economic and Social Council

1. Opening remarks by the temporary President.
2. Presentation of the Report of the Preparatory Commission concerning the Economic and Social Council.
3. Adoption of the part of the Report which relates to the Rules of Procedure for the election of the President and the two Vice-Presidents.
4. (a) Election of the President.  
(b) Election of the first Vice-President.  
(c) Election of the second Vice-President.
5. Adoption of temporary Rules of Procedure.
6. Adoption of the Agenda.
7. Establishment of committees to report on the recommendations of the Preparatory Commission concerning :
  - Rules of Procedure (other than those for the election of officers) ;
  - Organisation of the Economic and Social Council ;
  - Composition and functions of the staff of the Secretariat in so far as it concerns the Economic and Social Council.
8. Establishment of a committee to report on :
  - (a) the recommendations of the Preparatory Commission concerning relations with specialised agencies ;
  - (b) arrangements for negotiating the agreements with such agencies.
9. Establishment of a committee to report on arrangements for consultation with non-governmental organisations.
10. Adoption of the reports of the Committees.
11. Discussion of such urgent problems in economic, social, cultural, educational, health, and related fields, as may be suggested by the Preparatory Commission or referred to the Council by the General Assembly or which the Council may find desirable to put on its Agenda.
12. Consideration of other items.

## Section 3 : Provisional Rules of Procedure for the Economic and Social Council

### I SESSIONS

#### *Rule 1*

The Economic and Social Council shall meet at least three times a year. One of these sessions shall be convened shortly before the opening of the regular session of the General Assembly.

#### *Rule 2*

(a) Apart from the sessions convened at a date fixed by the Council at a previous meeting, the Council shall be convened within thirty days of the request thereof :

- (i) by a majority of its members
- (ii) by the General Assembly
- (iii) by the Security Council, acting in pursuance of Article 41 of the Charter.

(b) A session shall be held if the Security Council, the Trusteeship Council, or any Member of the United Nations, or a specialised agency\* requests a session and the President of the Economic and Social Council agrees to the request. If the President does not agree, he shall, within eight days, inform the other members of the Council of the request and of his refusal, and shall at the same time enquire whether or not they support the request for a session. If, within fifteen days of this enquiry, a majority of the members of the Council explicitly concurs in the request, a session shall be convened by the President within the next twenty-one days.

(c) A session may also be convened by the President of the Council at a date fixed by him.

#### *Rule 3*

Each session shall be held at the seat of the United Nations unless in pursuance of a previous decision of the Council or at the request of a majority of its members another place is designated.

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\*When the term " specialised agency " is used in these Rules, it refers to specialised agencies brought into relationship with the United Nations.

*Rule 4*

The President of the Economic and Social Council shall fix the date of the first meeting of each session and shall notify the members, through the Secretary-General, not less than twenty-one days in advance. Such notification shall be sent, not less than fifteen days in advance, in the cases referred to in Rule 2, (b) and (c).

## II AGENDA

*Rule 5*

A provisional Agenda for each session shall be drawn up by the Secretary-General in consultation with the President, and shall be communicated to the members together with the notice convening the Economic and Social Council.

*Rule 6*

The provisional Agenda shall include :

- (a) all items proposed by the Economic and Social Council at a previous meeting ;
- (b) all items proposed by any Member of the United Nations ;
- (c) all items proposed by the General Assembly, the Security Council, the Trusteeship Council, or by a specialised agency ;
- (d) all items or reports which the President or the Secretary-General deems necessary to put before the Council.

*Rule 7*

The first item on the provisional Agenda of any meeting of the Economic and Social Council shall be the adoption of the Agenda.

*Rule 8*

The Economic and Social Council may decide to revise the Agenda and may accord priority to certain items. If the session has been summoned in accordance with Rule 2, special priority shall be given to those items which have occasioned the session.

## III RULES CONCERNING OFFICERS

*Rule 9*

The Economic and Social Council shall elect a President, a first Vice-President, and a second Vice-President, from among the representatives of the members of the Council.

*Rule 10*

The President and Vice-Presidents shall hold office until their successors are elected at the first meeting of the Council following the next annual session of the General Assembly, and shall be eligible for re-election.

*Rule 11*

If the President finds it necessary to be absent from a meeting or any part thereof, the first Vice-President shall take his place.

*Rule 12*

If the President is unable to perform his functions the first Vice-President shall serve for the unexpired term.

*Rule 13*

A Vice-President acting as President shall have the same powers and duties as the President.

## IV SECRETARIAT

*Rule 14*

The Secretary-General shall act in that capacity in all meetings of the Economic and Social Council. He may authorise a deputy to act on his behalf.

*Rule 15*

The Secretary-General shall provide and direct the staff required by the Economic and Social Council and by such commissions and committees as may be established.

*Rule 16*

The Secretary-General shall be responsible for keeping the Economic and Social Council informed of any questions which may be brought before it for consideration.

*Rule 17*

The Secretary-General may at any time, upon invitation of the President, make to the Economic and Social Council and to the commissions and committees, either oral or written statements concerning any question under consideration by the Council.

*Rule 18*

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Economic and Social Council.

## V LANGUAGES

*Rule 19*

The rules regarding the use of languages shall be the same as those adopted by the General Assembly, for its own use.

*Rule 20*

The commissions and committees may, after consultation with the Secretariat, adopt simplified rules regarding interpretations and translations.

## VI QUORUM AND VOTING

*Rule 21*

A majority of the members of the Economic and Social Council shall constitute a quorum.

*Rule 22*

Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Rule 23*

At the request of a member, a record vote shall be taken on any question.

*Rule 24*

On decisions relating to individuals, a secret ballot shall be taken.

*Rule 25*

If, when one person or member only is to be elected, no one person or member obtains a majority at the first ballot, a second ballot shall be taken, but on this occasion the voting shall be confined to the two candidates who obtained the largest number of votes at the first ballot. If at the second ballot the votes are equally divided, the Chairman shall decide between them by drawing lots.

*Rule 26*

If equal numbers of votes are cast for and against any proposal, a second vote shall be taken at the next meeting. If this also results in equality, the proposal shall be regarded as lost.

## VII PUBLICITY OF MEETINGS

*Rule 27*

The meetings of the Economic and Social Council shall be held in public unless the Council decides otherwise.

*Rule 28*

At the close of each private meeting, the Economic and Social Council shall issue a communique through the Secretary-General.

## VIII RECORDS

*Rule 29*

Verbatim and summary records shall be made of the meetings of the Economic and Social Council. Summary records shall be made of the meetings of commissions and committees.

*Rule 30*

The verbatim and summary records referred to in the preceding Rule shall be sent as soon as possible to the representatives of Delegations who participate in the meeting in order to give them an early opportunity to inform the Secretariat of any corrections they may decide to have made.

*Rule 31*

As soon as possible the text of all resolutions, recommendations and other formal decisions adopted by the Economic and Social Council, the commissions and committees, shall be transmitted by the Secretary-General to the members of the Council, and, as soon as possible, after the end of the session, to all Members of the United Nations.

## IX COMMISSIONS AND COMMITTEES

*Rule 32*

The Economic and Social Council shall be assisted in its work by commissions and committees, composed of specially qualified persons appointed for appropriate terms by the Council, or at the request of the Council, by Members of the United Nations. Members of commissions and committees shall be eligible for reappointment.

*Rule 33*

The Economic and Social Council shall define the purposes of all its commissions and committees and state their terms of reference, including authority in appropriate cases to commissions to establish subordinate committees; shall decide on the number and character of their membership; and shall determine whether they shall be *ad hoc*, provisional, or permanent.

*Rule 34*

Each commission or committee shall elect its own officers, unless otherwise decided by the Council.

*Rule 35*

In general, these Rules of Procedure of the Council shall apply to the proceedings of commissions and committees.

## X AMENDMENTS

*Rule 36*

These Rules of Procedure may be amended or suspended by the Economic and Social Council.

*Supplementary Rule of Procedure*

At the beginning of the first session of the Council the Secretary-General shall preside until the Council has elected its President.

**Section 4 : Organisation of the Economic and Social Council***General Comment*

1. Article 68 provides that the Economic and Social Council "shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions".

2. It was agreed that the organisation of commissions of the highest competence, adequately co-ordinated, is indispensable for the effective discharge of the Council's responsibilities.

3. In reaching conclusions concerning commissions which the Economic and Social Council should set up immediately, five important considerations have been taken into account.

4. *The first consideration* was that the specific fields in which, according to Chapter IX of the Charter, international economic and social co-operation is required, are diverse and call for treatment by more or less specialised bodies. In some of these fields inter-governmental agencies exist or are contemplated. In others the specialised functions might be entrusted to commissions or committees of the Economic and Social Council. The initial structure of the subordinate machinery of the Council has been drawn up with a view to avoiding undesirable duplication between inter-governmental agencies and the Council.

5. For the purposes of this Report the assumption, necessarily somewhat arbitrary, was that the following subjects would fall within the responsibility of specialised agencies related in due course by agreement to the United Nations :

- (a) relief and rehabilitation ;
- (b) monetary co-operation and international investment ;
- (c) trade policies (including commodity problems and restrictive practices of private international agreements) ;
- (d) food and agricultural policies ;
- (e) labour standards, welfare and related social questions ;
- (f) educational and cultural co-operation ;
- (g) health ;
- (h) some aspects of transport ;
- (i) some aspects of communications.

Agencies have already been set up for some of these matters. For others conferences are scheduled or in prospect. The need for a subordinate structure of the Council in these fields will therefore depend to a considerable extent upon developments in the next few months and, for that reason, commissions are not now recommended to deal with them.

6. If, however, no specialised agency is established in any one of these spheres, suitable provision must be made within the structure of the Council. In any event, it is necessary to consider the position in the transitional period before specialised agencies are set up and have been brought into relationship with the United Nations. Temporary arrangements may have to be made by the Economic and Social Council to cover this period.

7. The suggestions in the preceding paragraph are in line with the conclusions of the Committee on the Relationship with Specialised Agencies, namely that in certain fields in which international co-operation and organisation are not yet fully developed, the Council might, *inter alia*, recommend the creation of a new specialised agency or establish a special commission.

8. *The second consideration* which has been taken into account was the existence of complex economic and social problems of the gravest urgency, arising out of the war, which will demand the immediate attention of the Economic and Social Council after its establishment. No attempt has been made to analyse in any detail the nature of these special problems nor to propose all the machinery which may prove necessary to advise the Economic and Social Council on the proper solutions.

9. One of these problems, perhaps the most urgent one, is that of refugees. The Economic and Social Council, on its own initiative or on the request of the General Assembly, should review at its first session the nature and efficacy of the international machinery which then exists and, if necessary, should promote improvements in the existing machinery or provide other effective means to deal with this problem. Similarly, the First Session of the General Assembly and of the Economic and Social Council will be the occasion to consider other urgent questions in the light of events then current and of progress made in the establishment of the various specialised agencies now contemplated, and to recommend appropriate action. Attention is drawn to Article 62 of the Charter (paragraph 4), enabling the Council to call international conferences on matters falling within its competence.

10. *The third consideration* was that provision will also have to be made for the continuance of certain functions and activities of the League of Nations in the field covered by the Council.

11. *The fourth consideration*, which follows from the three preceding, was the need for flexibility in the number of commissions, the scope of their activities, the powers delegated to them, the method of selection of personnel, and in the duration of their sittings. Some commissions may be of short life, others are envisaged as permanent subordinate organs. Powers may, on the one hand, be confined to research and publication of long-term studies, and on the other, may extend to administrative and executive action.

12. *The fifth consideration* was that the Economic and Social Council should give due regard to the importance of co-ordination of activities in fields which are closely inter-related. Certain suggestions are made in paragraphs 13, 44 and 45 for achieving co-ordination among commissions.

13. This co-ordination, while being a function of the Council itself, is also necessary at the commission level, and the work of the Council will be greatly facilitated if the reports and recommendations coming forward from any one commission take full account of the point of view of others. This consideration suggests, among other things, the desirability of a closely-knit system with as few independent commissions as the diversity of social and economic collaboration permits.

14. Accordingly the recommendations set out in paragraphs 15-40 below are made with the object of indicating the commissions (and in some cases the subordinate committees) which might be adequate to deal with the majority of the economic and social questions on which the Council initially will need advice. Owing to lack of time it has not been possible to indicate the scope of all commissions and subordinate committees with equal precision. The terms of reference suggested are not intended to be final or exhaustive but are designed primarily to indicate the division of functions between the bodies proposed.

15. *Commissions recommended :*

- (a) Commission on Human Rights,
  - (b) Economic and Employment Commission,
  - (c) Temporary Social Commission,
  - (d) Statistical Commission,
- and possibly (see paragraph 31)
- (e) Demographic Commission,
  - (f) Temporary Transport and Communications Commission.

*Commission on Human Rights*

16. In general the functions of the Commission would be to assist the Council to carry out its responsibility under the Charter to promote human rights. The studies and recommendations of the Commission would encourage the acceptance of higher standards in this field and help to check and eliminate discrimination and other abuses.

17. In particular the work of the Commission might be directed towards the following objects :

- (a) formulation of an international bill of rights ;
- (b) formulation of recommendations for an international declaration or convention on such matters as civil liberties, status of women, freedom of information ;
- (c) protection of minorities ;
- (d) prevention of discrimination on grounds of race, sex, language, or religion ;
- (e) any matters within the field of human rights considered likely to impair the general welfare or friendly relations among nations.

18. Studies, recommendations and provision of information and other services would be made at the request of the General Assembly, or of the Economic and Social Council, whether on its own initiative or at the request of the Security Council or of the Trusteeship Council.

#### *Economic and Employment Commission*

19. The Economic and Social Council will require an advisory commission to assist the Council in fulfilling the responsibility in the economic field imposed in Article 55 of the Charter. This commission will be especially concerned with questions which do not fall solely within the scope of any of the other commissions or of any single specialised agency.

20. It is recommended that the Council should establish an Economic and Employment Commission with the following as its principal terms of reference.

21. The Commission would advise the Economic and Social Council on :

- (a) economic questions of a general character ;
- (b) economic questions involving concerted study and action by more than one specialised agency or commission of the Council.

22. In particular it will be the function of the Commission to advise the Council on—

- (a) the promotion of world-wide full employment and the co-ordination of national full employment policies ;
- (b) the prevention of economic instability ;
- (c) urgent problems of economic reconstruction ;
- (d) economic development of under-developed areas.

23. It is agreed that the Commission will require several specialised committees to assist it in its comprehensive work. Attention is drawn to three such committees which will probably be required and for which brief terms of reference and explanatory notes are set out in the following paragraphs.

#### *Employment Committee*

24. The promotion of full employment is a function which cannot be divorced from the general economic policy work of the main Commission. Nevertheless there are special highly important aspects of employment which should be handled by a special group :

- (a) study of national and international methods of promoting full employment and related economic and administrative problems ;
- (b) analysis of information relating to employment and unemployment in the various countries.

#### *Balance of Payments Committee*

25. Since trade, exchange and employment policies of states will be largely affected by their balance of payments it will be desirable for an expert group to study and advise the Commission on balance of payments problems, especially in so far as they require for their solution concerted action by Governments and specialised agencies.

#### *Economic Development Committee*

26. The Commission will require expert advice on longer term development of production and consumption throughout the world and, in particular, on—

- (a) the methods of increasing production, productivity and levels of consumption in under-developed regions of the world ;
- (b) the effects of industrialisation and technological change on world economic conditions, and the adjustments required ;
- (c) the co-ordination of the activities of the commissions or specialised agencies concerned.

#### *Temporary Social Commission*

27. The Economic and Social Council will require expert advice on social problems and objectives and the co-ordination of the policies and activities of specialised agencies and commissions dealing with these problems. The term "social" embraces a wide variety of topics, some of which are not adequately covered by existing organisations or by proposals already worked out. It is considered premature at this stage to recommend any structure of permanent commissions or committees in this field.

28. It is recommended that a Temporary Social Commission be established, one of whose tasks would be to make a general review of international organisations in the social field with a view to making recommendations to the Economic and Social Council at the earliest possible date regarding the structure of commissions and committees and possibly of new specialised agencies which it appears desirable to set up.

29. In addition, the Temporary Social Commission would deal with substantive problems in the social field requiring immediate attention. It might also be charged with the task of making interim provision for carrying on certain functions of the League of Nations such as those in respect of opium and other dangerous drugs, slavery, traffic in women and children, child welfare, etc.

#### *Statistical Commission*

30. This Commission should advise the Council and collaborate closely with the other organs of the United Nations and specialised agencies on statistical matters. Its functions would be :

- (a) to assist in the co-ordination of national statistics and the improvement of their comparability ;
- (b) to assist in the co-ordination of the statistical activities of specialised agencies, and in this connection to recommend the terms to be included in regard to statistics in the agreements with such agencies ;
- (c) to assist in the development of the central statistical services of the Secretariat ;
- (d) to advise the Members of the United Nations and its principal and subsidiary organs on general questions relating to the collection, interpretation and dissemination of statistical information ;
- (e) to promote the improvement of statistics.

#### *Other Commissions*

31. The Council may wish to establish at an early date, possibly at the first session, the following commissions, particularly as it may be desirable to continue certain functions of the League of Nations in the fields indicated.

#### *Demographic Commission*

32. This Commission should make studies and advise the Council on matters related to :

- (a) population growth and the factors determining such growth ;
- (b) the effectiveness of policies designed to influence these factors ;
- (c) the bearing of population changes on economic and social conditions ;
- (d) general population and migration questions.

#### *Temporary Transport and Communications Commission*

33. Intergovernmental agencies for certain aspects of transport and communications already exist. It is suggested that the Council should establish a Temporary Transport and Communications Commission which would be charged with the responsibility of reviewing the general field of international transport and communications in order to advise the Council on any machinery which it will be necessary to establish as part of the United Nations or as a new specialised agency. In the meantime the Commission would advise the Council on matters related to :

- (a) development of international co-operation in matters of communication and transport, and co-ordination of the activities of specialised agencies in this field ;
- (b) such functions of the Organisation for Communications and Transit of the League of Nations as the United Nations may decide.

#### *Co-ordination Commission*

34. Some Delegations suggested that the Economic and Social Council should set up at its first session a co-ordination commission. This commission would, at the first stage of its work, consist of the chairmen of certain commissions of the Council, under the chairmanship of the Secretary-General.

35. As agreements with specialised agencies come into force, the membership of the co-ordination commission would include the administrative heads of such agencies.

36. The functions of the commission would be :

- (a) to consider, periodically, machinery for insuring or promoting the effective co-ordination of the activities of specialised agencies and the commissions of the Council, and to make recommendations in connection therewith ;
- (b) to review, periodically, such inter-agency relationships as may be established between two or more specialised agencies ;
- (c) to assist in the preparation of schedules of meetings of conferences and executive bodies of specialised agencies and of the principal and subsidiary organs of the United Nations.

37. The Executive Committee felt that the time had not come to make a decision on this subject.

*Fiscal Commission*

38. Some Delegations suggested that the Economic and Social Council might wish to establish a fiscal commission at an early date, possibly at the first session.

39. This commission would make studies and advise the Council on matters related to :

- (a) international taxation problems ;
- (b) exchange of information among states on the technique of government finance and on their social and economic effects ;
- (c) fiscal techniques to assist the prevention of depressions or inflation ;
- (d) such functions of the Fiscal Committee of the League of Nations as the Organisation may decide.

40. The Executive Committee felt that the time had not come to make a decision on this subject.

*Composition of Commissions and Subordinate Committees*

41. The composition of the commissions and subordinate committees will vary according to the particular case, but they should be kept of manageable size, and be composed of highly qualified personnel. Since it has not been attempted to foresee all the Council's commissions and subordinate committees which ultimately may be necessary, any principles laid down may not have universal application. Subject to this, it is recommended that the following general principles be accepted.

42. Commissions should in most cases contain a majority of responsible, highly-qualified government officials or other governmental representatives. Where the work of a commission is likely to result in recommendations for specific action by governments, acceptance of this principle would add realism and responsibility to the advice of the commission, and improve the prospects of implementation by governments. Appointments in this category might be made from any Member of the United Nations in two ways : (a) by the Council, after obtaining the consent of the government concerned and (b) by governments nominated by the Council.

43. Non-governmental members of commissions, with appropriate qualifications, might be chosen by the Council from among the nationals of any Member of the United Nations.

44. To facilitate collaboration between commissions working in allied fields, suitable arrangements for reciprocal representation should be made.

45. The Council should make appropriate arrangements for the participation of specialised agencies in the work of the commissions, in accordance with the terms of agreement with each agency.

46. In conformity with the principle advocated in paragraph 42, sessions of the commissions and periods of service should as far as possible be so organised as to permit members to maintain contact with the domestic affairs of their respective countries.

*Committees of the Economic and Social Council*

47. It is recommended that the Economic and Social Council establish, at its first session, the Committees referred to under items 7, 8 and 9 of the provisional Agenda contained in Section 2.

48. The Council should also consider at its first session the best methods :

- (a) to undertake the negotiation of agreements bringing specialised agencies into relation with the United Nations ;
- (b) to confer with authorised representatives of the Trusteeship organ on methods of co-operation in dealing with matters of mutual concern. Included in the discussions would be such subjects as exchange of information, attendance of representatives of one Council at meetings of the other, communication with specialised agencies, and collaboration on study projects. Recommendations resulting from such a conference, when approved by both Councils, would constitute a working arrangement to govern their normal relationships with each other ;
- (c) similarly, to confer with authorised representatives of the Security Council.

## CHAPTER IV : THE TRUSTEESHIP SYSTEM

### Section 1 : Recommendation Concerning the Establishment of the Trusteeship System

#### *The Executive Committee,\**

Considering that in accordance with Article 86 of the Charter the Trusteeship Council cannot be formed until a number of territories shall first have been placed under trusteeship ; and

Considering that it is nevertheless desirable that some interim organ should be established to assist the General Assembly in expediting the constitution of the trusteeship system and, pending the establishment of the Trusteeship Council, in taking such other action in connection with the trusteeship system as may be found necessary ;

#### *Recommends :*

1. that there be established, in accordance with Article 22 of the Charter, a Temporary Trusteeship Committee, the formation, composition, functions and duration of which are elaborated in Section 2 ;

2. that the Preparatory Commission adopt for presentation to the Temporary Trusteeship Committee, and for adoption at the latter's discretion, the Provisional Agenda and Provisional Rules of Procedure which are found in Sections 3 and 4, respectively ;

3. that, with a view to assisting the Temporary Trusteeship Committee in its work, the Preparatory Commission also approve the proposals contained in Sections 5 and 6, concerning :

(a) Rules of Procedure for the Trusteeship Council ; and

(b) a recommendation to the General Assembly for the establishment of the Trusteeship Council, as soon as the necessary conditions have been fulfilled.†

### Section 2 : Report on Interim Arrangements Required Pending the Establishment of the Trusteeship Council

#### *The Terms of the United Nations Charter*

1. The composition of the Trusteeship Council is governed by paragraph 1 of Article 86 of the United Nations Charter, which reads as follows :—

“ 1. The Trusteeship Council shall consist of the following Members of the United Nations :

(a) those Members administering trust territories ;

(b) such of those Members mentioned by name in Article 23 as are not administering trust territories ;

(c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.”

#### *Question of application*

2. Half the members of the Council will be those Members of the United Nations which administer trust territories. The term “ trust territories ” means such territories as may, by subsequent individual agreement, be placed under the International Trusteeship System (Articles 75 and 77). At present, therefore, there are no trust territories, nor will there be any until trusteeship agreements for individual territories have been approved by the General Assembly, or, in the case of strategic areas, by the Security Council (Articles 83 and 85). Consequently, there are at present no Members of the United Nations administering trust territories ; and, therefore, a Trusteeship Council composed as laid down in Article 86 of the Charter cannot yet be formed. Some means of resolving this difficulty must be found, and the Committee submits the following recommendations.

#### *Proposal for a Temporary Trusteeship Committee*

3. The Committee recommends that the General Assembly, acting under Article 22 of the Charter, create a temporary subsidiary organ to carry out certain of the functions assigned in the Charter to the Trusteeship Council, pending its establishment.

\* The Czechoslovak, Soviet and Yugoslav Delegations made objection to the proposal for the establishment of the Temporary Trusteeship Committee on the grounds that such action is not authorised by the Charter and would be unconstitutional.

† Additional material for the consideration of the Temporary Trusteeship Committee will be found in the Appendices to Part III, Chapter IV.

4. This Temporary Trusteeship Committee would, *inter alia*, perform the following functions :

(i) assist the United Nations in expediting the conclusion of trusteeship agreements by the states directly concerned, and the coming into operation of the Trusteeship System provided for in Chapters XII and XIII of the Charter ;

(ii) assist and advise the General Assembly in the discharge of any of its functions with regard to proposed non-strategic areas, including the approval of trusteeship agreements ;

(iii) assist the Security Council in such matters as the Security Council might wish to refer to the Temporary Trusteeship Committee in relation to matters mentioned in Article 83 (3) ;

(iv) advise the General Assembly on any matters that might arise with regard to the transfer to the United Nations of any functions and responsibilities hitherto exercised under the Mandates System.

#### *Composition of the Temporary Trusteeship Committee*

5. The Committee recommends that the Temporary Trusteeship Committee be composed as follows :—

(i) The five states mentioned by name in Article 23 ;

(ii) the Member states other than those mentioned by name in Article 23, which are at present administering Mandated Territories (Australia, Belgium, New Zealand and the Union of South Africa) ;

(iii) any other states to which may be allocated the administration of territories detached from enemy states as a result of the Second World War, with a view to their becoming trust territories ;

(iv) as many other members, to be elected by the General Assembly, as are necessary to secure equality between administering and non-administering members. (It is suggested that a recommendation be made to the Assembly that the Netherlands be elected on account of her long experience in the administration of dependent territories.)

#### *Duration of the Temporary Trusteeship Committee*

6. The Committee recommends that the tenure of the Temporary Trusteeship Committee should cease when, through the conclusion of a sufficient number of trusteeship agreements, the conditions in Article 86 have been fulfilled.

### **Section 3 : Provisional Agenda for the Temporary Trusteeship Committee**

1. Selection of a temporary Chairman in accordance with English alphabetical order of states represented.

2. Adoption of temporary Rules of Procedure governing selection of a Chairman and other Officers.

3. Adoption of the Agenda.

4. Selection of a Chairman and other Officers.

5. Adoption of Rules of Procedure.

6. Recommendation to the Secretary-General on the staff required by the Temporary Trusteeship Committee.

7. Consideration, at the request of the General Assembly or of the Security Council, of any trusteeship agreements submitted to the United Nations for approval.

8. Recommendations to the General Assembly as to the steps to be taken to expedite in the spirit of Article 80, paragraphs 1 and 2, the initiation and preparation of trusteeship agreements in accordance with the provisions of Articles 75, 77 and 79, with a view to the early conclusion of trusteeship agreements for submission to the United Nations for approval.

9. Problems arising from the transfer of functions in respect of existing mandates from the League of Nations to the United Nations.

10. Special problems which will arise if the United Nations itself is designated as an administering authority.

11. Preliminary discussion of the following matters for eventual decision by the Trusteeship Council :

(a) Rules of Procedure for the Trusteeship Council, with special reference to :

(i) arrangements for the examination of reports ;

(ii) arrangements for the examination of petitions ;

(iii) the method of communicating observations to the General Assembly (or the Security Council) and to the administering authority.

(b) the questionnaire to form the basis of annual reports ;

(c) arrangements for visits to trust territories ;

(d) procedure for obtaining the assistance of the Economic and Social Council and of the specialised agencies.

12. Formulation of a draft Agenda for the first meeting of the Trusteeship Council.

13. Recommendation to the General Assembly for the establishment of the Trusteeship Council as soon as the necessary conditions have been fulfilled.

14. Consideration of other items.

#### **Section 4 : Provisional Rules of Procedure for the Temporary Trusteeship Committee**

(Items 2 and 5 of the Provisional Agenda, Section 3.)

Considering Articles 83, 85, 86, 87, 88 and 91 of the Charter, the Temporary Trusteeship Committee adopts the following Rules of Procedure :—

##### *Rule 1—Sessions*

The Temporary Trusteeship Committee shall meet at the seat of the United Nations for as many sessions and at such times as may be found necessary. The date and the duration of such sessions shall be determined in such a way as to facilitate the work of the United Nations.

##### *Rule 2—Officers*

The Temporary Trusteeship Committee shall elect, at the beginning of each session, a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall hold office until the corresponding elections take place at the beginning of the following session. These elections shall be conducted by the method of secret ballot.

In the absence of the Chairman, the Vice-Chairman shall take his place.

##### *Rule 3—Secretariat*

The Secretary-General of the United Nations shall act in that capacity for the Temporary Trusteeship Committee; he may authorise a deputy to act on his behalf.

##### *Rule 4—Languages*

The rules regarding the use of languages shall be the same as those adopted by the General Assembly for its own use.

##### *Rule 5—Technical Experts*

The Temporary Trusteeship Committee may seek the advice of individual technical experts, or establish commissions of technical experts, to act in an advisory capacity. These experts shall be selected by the Committee for their special knowledge and experience.

##### *Rule 6—Agenda*

The provisional Agenda for any session shall be drawn up by the Secretary-General in consultation with the Chairman of the Committee and shall be communicated to the members together with the notice convening the Committee. The first item on the provisional Agenda shall be the adoption of the Agenda. Normally no new item shall be considered until four days after its inclusion in the Agenda.

##### *Rule 7—Quorum*

At any meeting, the representatives of two-thirds of the members shall constitute a quorum.

##### *Rule 8—Voting*

All decisions or recommendations of the Temporary Trusteeship Committee shall be made by a majority of the representatives present and voting.

If equal numbers of votes are cast for and against any proposal, a second vote shall be taken at the next meeting. If this also results in equality the proposal shall be regarded as lost.

A statement of minority views may be appended to a report or recommendation of the Committee at the request of any member.

##### *Rule 9—Publicity of Meetings*

The Committee shall determine in each instance, in accordance with the nature of the Agenda, whether the meeting shall be private or open to the public. At the close of each private meeting, the Committee shall issue a communique through the Secretary-General. All meetings of sub-committees and of commissions of technical experts shall be held in private.

##### *Rule 10—Records*

The verbatim records of the meetings, after being approved by the Committee, shall be preserved and made public as and when the Committee decides.

Copies of records relating to non-strategic areas shall be communicated to the General Assembly, and those relating to strategic areas to the Security Council.

*Rule 11—Interim Powers*

In so far as the Temporary Trusteeship Committee undertakes the functions of the Trusteeship Council, it shall make use of such rules of procedure, concerning the formulation of questionnaires, the examination of reports from administering authorities, the examination of petitions, arrangements for visits to trust territories, and the method of communicating observations to the General Assembly (or the Security Council) and the administering authority, as it shall have prepared for submission to the Trusteeship Council.\* The Committee shall perform such other functions as may be provided for in the trusteeship agreements or as may be assigned to it by the General Assembly or the Security Council, including the expedition and consideration of draft trusteeship agreements and the preparation of recommendations thereon for submission to the General Assembly or the Security Council.

*Rule 12—Relations with Other Bodies*

The Committee shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialised agencies, and of any regional bodies which may be separately established, in regard to matters with which they may respectively be concerned. It shall invite representatives of these bodies, when appropriate, to attend the meetings of the Committee.\*

*Rule 13—Amendments*

These Rules of Procedure may be modified by the Committee. Normally a vote shall not be taken until four days after the proposal for modification has been submitted.

**Section 5 : Provisional Rules of Procedure for the Trusteeship Council****I SESSIONS***Rule 1*

The Trusteeship Council shall meet in regular session at least once a year. The regular session shall be convened by the Council in time to permit the submission of the annual report of the Council to the General Assembly at least fifteen days before the regular annual session of the General Assembly.

*Rule 2*

Special sessions may be held as and where occasion may require, by decision of the Trusteeship Council or at the request of a majority of its members. A request for a special session may be made by any member of the Council and shall be addressed to the Secretary-General of the United Nations, who shall communicate the request to the other members of the Council. On notification by the Secretary-General that a majority of the members have concurred, the President shall request the Secretary-General to call a special session.

*Rule 3*

Each session shall be held at the seat of the United Nations unless in pursuance of a previous decision of the Council, or of a majority of its members, another place is designated.

*Rule 4*

The President of the Trusteeship Council shall fix the date of the first meeting of a special session and shall notify the members through the Secretary-General at least thirty days in advance of the date of such session.

**II AGENDA***Rule 5*

A provisional Agenda for every session shall be drawn up by the Secretary-General in consultation with the President and shall be communicated to the members together with the notice convening the Trusteeship Council.

*Rule 6*

The provisional Agenda shall include :

- (a) all items proposed by the Trusteeship Council at a previous meeting ;
- (b) all items proposed by any Member of the United Nations ;
- (c) all items proposed by the General Assembly, the Security Council, the Economic and Social Council, or by a specialised agency ; and
- (d) all items or reports which the President or the Secretary-General deem necessary to put before the Council.

*Rule 7*

The first item on the provisional Agenda of any meeting of the Trusteeship Council shall be the adoption of the Agenda.

\* cf. Item 11 in the Provisional Agenda, Part III, Chapter IV, Section 3 (p. 56.)

## III RULES CONCERNING OFFICERS

*Rule 8*

At the beginning of the first regular session following the first annual session of the General Assembly, the Trusteeship Council shall by secret ballot elect a President and a Vice-President from among the representatives of the members of the Council.

*Rule 9*

The President and Vice-President shall hold office until their successors are elected at the first meeting of the Council following the next annual session of the Assembly, and shall be eligible for re-election.

*Rule 10*

In the absence of the President, the Vice-President shall take his place.

*Rule 11*

If the President is unable to perform his functions, the Vice-President shall serve for the unexpired term.

*Rule 12*

The Vice-President, acting as President, shall have the same powers and duties as the President.

## IV SECRETARIAT

*Rule 13*

The Secretary-General shall act in that capacity in all meetings of the Trusteeship Council.

*Rule 14*

The Secretary-General may authorise a deputy to act on his behalf.

*Rule 15*

The Secretary-General shall provide and direct the staff required by the Trusteeship Council.

*Rule 16*

The Secretary-General may at any time, upon invitation of the President, make to the Trusteeship Council either oral or written statements concerning any question under consideration by the Council.

*Rule 17*

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Trusteeship Council.

## V LANGUAGES

*Rule 18*

The rules regarding the use of languages shall be the same as those adopted by the General Assembly for its own use.

## VI QUORUM AND VOTING

*Rule 19*

At any meeting, the representatives of two-thirds of the members shall constitute a quorum.

*Rule 20*

All decisions or recommendations of the Trusteeship Council shall be made by a majority of the representatives present and voting.

*Rule 21*

If equal numbers of votes are cast for and against any proposal, a second vote shall be taken at the next meeting. If this also results in equality the proposal shall be regarded as lost.

*Rule 22*

On decisions relating to individuals, when one person or member only is to be elected, if at the first ballot no candidate obtains an absolute majority of votes a new ballot shall be taken, but on this occasion the voting shall be confined to the two candidates who obtain the largest number of votes at the first ballot. If at the second ballot there is an equality of votes for the two candidates, the President shall decide between them by drawing lots.

*Rule 23*

A statement of minority views may be appended to a report or recommendation of the Trusteeship Council at the request of any member.

## VII PUBLICITY OF MEETINGS

*Rule 24*

The Trusteeship Council shall hold both private and public meetings. It shall determine in each instance, in accordance with the nature of the Agenda for the particular meeting, whether the meeting shall be private or open to the public.

*Rule 25*

At the close of each private meeting, the Council shall issue a communique through the Secretary-General.

*Rule 26*

All meetings of committees and commissions of technical experts shall be held in private.

## VIII RECORDS

*Rule 27*

The verbatim records of the meetings, after being approved by the Council, shall be preserved and made public as and when the Council decides.

*Rule 28*

Copies of records relating to non-strategic areas shall be communicated to the General Assembly, and those relating to strategic areas to the Security Council.

## IX TECHNICAL EXPERTS

*Rule 29*

The Trusteeship Council may seek the advice of individual technical experts, or establish commissions of technical experts, to act in an advisory capacity. These experts shall be selected by the Council for their special knowledge and experience.

## X QUESTIONNAIRES

*Rule 30*

At its first session, the Trusteeship Council shall formulate a questionnaire on the political, economic, social and educational advancement of the inhabitants of each trust territory. The Council may modify the questionnaires at its discretion.

*Rule 31*

The Trusteeship Council shall avail itself, in formulating or modifying the several questionnaires, of the assistance of the Economic and Social Council, and of the specialised agencies, with regard to those sections of the questionnaire with which these bodies may be respectively concerned.

*Rule 32*

The questionnaires, and any subsequent modifications thereof, shall normally be communicated to the administering authorities six months before the date fixed for the presentation of their annual reports to the Council.

## XI ANNUAL REPORTS OF ADMINISTERING AUTHORITIES

*Rule 33*

The annual reports of the administering authorities on the basis of the questionnaires shall be submitted to the Secretary-General in each case at least one month before the session at which the report is to be considered.

*Rule 34*

The administering authorities shall submit one hundred copies of each report to the Secretary-General. At the same time, in order to facilitate the work of the Trusteeship Council, copies may be sent directly to its members.

## XII EXAMINATION OF ANNUAL REPORTS

*Rule 35*

During its regular sessions the Trusteeship Council shall undertake a separate examination and discussion of each of the annual reports, and any other documents, submitted by the administering authorities in respect of trust territories not designated as strategic areas and of any such documents in respect of strategic areas on which their advice may have been asked by the Security Council.

*Rule 36*

To assist the Trusteeship Council in the examination and discussion of an annual report, the administering authority concerned shall be entitled normally to be represented before the Council by one or more special representatives, who shall be well-informed on the territory under consideration, and shall normally include a responsible official of the local administration of the territory, whose task it would be to afford any supplementary explanations or information which the Council may request.

*Rule 37*

These representatives shall freely participate in the examination and discussion of the reports, but without the right of vote, and without the right to take part in any discussions directed to specific conclusions concerning the report which the Trusteeship Council may have under consideration.

## XIII PETITIONS

*Rule 38*

Written petitions concerning the affairs of any trust territory may be addressed directly to the Secretary-General of the United Nations or may be transmitted through the administering authority, which may attach comments thereon. The Secretary-General shall submit them to the Trusteeship Council. The Council shall reject petitions or parts thereof: (a) if they are trivial in nature, couched in abusive terms, or submitted anonymously; and (b) if they contain complaints which are incompatible with the provisions of Chapters XII and XIII of the Charter or the trusteeship agreements. The Secretary-General shall prepare an annual report on petitions which shall include an account of petitions rejected by the Council, together with the reasons for such action.

*Rule 39*

The Trusteeship Council may, at its discretion, accept petitions delivered orally by any petitioners whom it may deem worthy of a hearing. Such petitions shall be confined to matters previously notified by the petitioner to the Council. The Council in each instance may either hear the petition itself or designate the representative or representatives of the Council to whom an oral petition may be presented. Hearings of oral petitions shall be held in public or in private as the Council may decide, and in either case shall take place in the presence of a representative of the administering authority as provided in Rule 40.

*Rule 40*

Each authority administering a non-strategic trust territory shall be entitled to designate a special representative, who shall be well informed on the territory under consideration—preferably a responsible official of the local administration—to consult with the Trusteeship Council, either orally or by exchange of communications, on petitions received concerning the territory. In the case of strategic trust areas from which petitions are permitted by the terms of the trusteeship agreements, the administering authorities shall similarly designate representatives to consult with the Council.

*Rule 41*

The administering authority shall, within a maximum period of six months, furnish to the Trusteeship Council such comments, on petitions referred to it by the Council, as it may consider desirable.

*Rule 42*

During its regular sessions, the Trusteeship Council shall undertake, as far as possible and desirable in connection with the annual reports from administering authorities, a separate examination of the petitions referred to it.

*Rule 43*

The Trusteeship Council shall submit to the General Assembly, in its Annual Report to that body, recommendations or observations based on its consideration of petitions which it has received in regard to non-strategic areas. The Council shall submit similar recommendations or observations to the Security Council concerning petitions which it has considered in regard to strategic areas.

*Rule 44*

Conclusions on petitions shall be reached in private meeting.

*Rule 45*

The term "written petition" shall include any letter, telegram, memorandum or other document received from petitioners.

## XIV VISITS TO TRUST TERRITORIES

*Rule 46*

The Trusteeship Council shall make provision for periodic official visits, by its representative or representatives, to each trust territory within the competence of the General Assembly, and, at the request of the Security Council, to strategic areas, in accordance with the provisions of Article 83, paragraph 3, or the terms of trusteeship agreements for such areas. At least one month in advance of each proposed visit, the Council shall notify the administering authority of the trust territory of the intention of the Council to sponsor a visit to that territory. The administering authority may indicate its preference for some other date. In such case, the date of visit shall be determined by agreement between the President of the Council and the administering authority.

*Rule 47*

The Trusteeship Council may designate, as its agents for the purpose of its periodic visits, one or more representatives of members of the Council or members of the Secretariat, who shall report to the Council on their findings. It may also call upon the services of experts. In no case shall all the agents designated to visit a trust territory be nationals of the administering authority of that territory.

*Rule 48*

To the extent provided in the individual trusteeship agreements, the Trusteeship Council may conduct special investigations or inquiries when conditions in any trust territory require such action.

*Rule 49*

The Trusteeship Council shall publish the findings of its agents unless it decides that publication should be temporarily postponed in the general interest.

XV ANNUAL REPORT OF THE TRUSTEESHIP COUNCIL ON EACH  
TRUST TERRITORY

*Rule 50*

On the basis of its consideration of the annual reports of the administering authorities and such other information as may be available, including petitions and data obtained as a result of visits or inspections conducted in trust territories, the Trusteeship Council shall submit to the General Assembly an annual report on each trust territory within the competence of the General Assembly.

*Rule 51*

The Annual Report of the Trusteeship Council on each trust territory shall include:

- (a) its conclusions regarding the execution or interpretation of the provisions of Chapters XII and XIII of the Charter and of the trusteeship agreement concerned;
- (b) suggestions or recommendations for the improvement of the administration in each territory or for dealing with any problems in regard to the territory; and,
- (c) other relevant information or observations which the Council may wish to make available to the General Assembly.

*Rule 52*

At the request of the Security Council or when authorised in a trusteeship agreement, the Trusteeship Council shall submit similar reports on strategic areas.

*Rule 53*

The Trusteeship Council may also, at any time at its discretion, submit to the General Assembly, or to the Security Council, as the case may be, special reports on any matter relating to the observance of the terms of the Charter or of the trusteeship agreements or to the attainment of the objectives of the trusteeship system.

XVI GENERAL REPORT OF THE TRUSTEESHIP COUNCIL

*Rule 54*

The Trusteeship Council shall also prepare, at the end of each session, for submission to the General Assembly or to the Security Council, as the case may be, a general report on its activities and on the discharge of its responsibilities under the Trusteeship System.

XVII OTHER FUNCTIONS

*Rule 55*

The Trusteeship Council shall perform such other functions as may be provided for in the trusteeship agreements or as may be assigned to it by the General Assembly or the Security Council, including the expedition and consideration of draft trusteeship agreements and the preparation of recommendations thereon for submission to the General Assembly or the Security Council.

XVIII AMENDMENTS OF TRUSTEESHIP AGREEMENTS

*Rule 56*

The Trusteeship Council may submit, to the appropriate organs of the United Nations, recommendations for alterations or amendments in the terms of the trusteeship agreements, so far as they may come within the province of the Council.

XIX RELATIONSHIP WITH OTHER BODIES

*Rule 57*

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialised agencies, and of any regional bodies which may be separately established, concerning matters with which they may respectively be concerned. It shall invite representatives of these bodies, when appropriate, to attend the meetings of the Council.

## XX PERIODIC SURVEYS

*Rule 58*

The Trusteeship Council shall conduct, as one means of giving effect to Article 76(b) of the Charter, periodic surveys of the development of the political institutions and capacity for self-government or independence of the inhabitants of each trust territory for which the Council is empowered to conduct such surveys by the terms of the trusteeship agreements. The results of these surveys shall be submitted to the General Assembly or the Security Council, as the case may be.

## XXI AMENDMENTS

*Rule 59*

These Rules of Procedure may be amended by the Trusteeship Council. Normally, a vote shall not be taken until four days after the proposal for amendment has been submitted.

**Section 6 : Recommendation to the General Assembly for the Establishment of the Trusteeship Council \***

1. The conditions necessary for the constitution of the Trusteeship Council will have been fulfilled : either (i) when there is equality of numbers between the administering and non-administering states referred to in Article 86 of the Charter, paragraph 1 (a) and (b) ; or (ii) when such equality can be established by an election under paragraph 1 (c).
2. Immediately upon the fulfilment of either of these conditions, the Temporary Trusteeship Committee shall :
  - (a) notify the General Assembly accordingly ; and
  - (b) prepare a report on its work for submission to the General Assembly.
3. The General Assembly, upon receipt of the above notification, shall establish the Trusteeship Council in accordance with Article 86 of the Charter.

## APPENDICES

**A. Delegation of the United Kingdom : Memorandum on the Relationship of the Trusteeship Council with the Economic and Social Council and with Specialised Agencies**

*The Relevant Articles of the United Nations Charter*

1. *Article 91* reads :

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialised agencies in regard to matters with which they are respectively concerned.

*Article 90, paragraph 1, reads :*

The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

The words "when appropriate" in Article 91 should, therefore, in the opinion of His Majesty's Government in the United Kingdom be construed as meaning "when the Trusteeship Council, or the General Assembly under whose authority it acts, considers it appropriate". This, however, should not be interpreted as debarring the Economic and Social Council or any of the specialised agencies from bringing to the notice of the Trusteeship Council any matters within their respective provinces arising in trust territories, which appear to them to merit the attention of the Trusteeship Council.

*Attendance at Trusteeship Council of Representatives of the Economic and Social Council and Agencies*

2. Under the League of Nations Mandate system it was recognised that the International Labour Organisation should send a representative to attend the meetings of the Permanent Mandates Commission. This system of liaison might be adopted generally by the Trusteeship Council in respect of the Economic and Social Council and the specialised agencies, it being, however, for the Trusteeship Council itself to decide which meetings and for which items such representatives should be invited to attend. In view of the wide range of responsibilities of the Economic and Social Council and the fact that like the Trusteeship Council it is one of the principal organs of the United Nations, it might be possible for the two Councils to draw up an agreed list of classes of items for which the Economic and Social Council should be regarded as having a standing invitation to attend meetings of the Trusteeship Council. A similar arrangement might be appropriate in respect of those of the specialised agencies which have a wide range of responsibilities. In the case, however, of those which have a more limited range of subjects, it may be difficult to itemise, and this procedure may be found unnecessary.

\* cf. Item 13 of Provisional Agenda, Part III, Chapter IV, Section 3.

The representatives of the Economic and Social Council or specialised agencies should be permitted to take part in the discussion of the Trusteeship Council upon any item for which they are present ; but they could not have a vote in the Trusteeship Council and it is for consideration whether they should be present while the Trusteeship Council formulates its observations. On the whole the balance of advantage probably lies with their being present. It is a matter for the Trusteeship Council itself to consider.

#### *Special Studies*

3. In certain circumstances the Trusteeship Council may find it appropriate to invite the Economic and Social Council or one of the specialised agencies to make a special study of some particular matter arising for example out of an Annual Report on a Trust Territory, or from a petition, and to advise the Trusteeship Council before the latter formulates its observations.

#### *Interchange of Documents*

4. Apart from attendance at meetings of the Trusteeship Council by representatives of the Economic and Social Council and the specialised agencies there is the question of interchange of papers. This raises no question of principle, but there should be the fullest interchange possible. The Secretariat of the United Nations will have to work this out as part of the general machinery of internal co-ordination and it is not possible to make precise recommendations at this stage.

#### *Interchange of Secretariat Staff*

5. This will also facilitate successful liaison between the bodies now under consideration. Chapter XV of the Charter provides for a unified Secretariat, and Article 101, paragraph 2, says that appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. The word "permanently" will presumably not be interpreted so as to prevent transfer of individual members from one organ to another within the unified Secretariat. Indeed it may well be desirable for a member of the staff of the Economic and Social Council to be appointed as a Permanent Liaison Officer with the staff of the Trusteeship Council or vice versa.

#### *Strategic Areas*

6. The above suggestions are made primarily in relation to "trust territories" which are not designated as "strategic areas" (Article 82). The functions of the United Nations in regard to strategic areas are vested in the Security Council—not the Trusteeship Council and General Assembly. Nevertheless, the Security Council in the discharge of these functions is required by Article 83, paragraph 3, subject to the provisions of the trusteeship, agreements and without prejudice to security considerations, to avail itself of the assistance of the Trusteeship Council in regard to political, economic, social and educational matters in the strategic areas ; and it must not be forgotten that the basic objectives of the Trusteeship system, as laid down in Article 76, apply to strategic areas as much as to non-strategic. It must presumably be left to the Security Council to decide when it is appropriate to call upon the advice of the Trusteeship Council in respect of strategic areas, just as it is proposed, in (1) above, that the Trusteeship Council should decide when to avail itself of the assistance of the Economic and Social Council and the specialised agencies. Once the Trusteeship Council's advice has been sought, however, the use of the services of these other organs (Article 91) is just as important in strategic areas as elsewhere.

### **B. Delegation of the United States of America : Some considerations regarding procedure for dealing with Trusteeship Agreements in the General Assembly and the Security Council**

#### *Negotiation of Agreements*

1. The trusteeship agreements by which territories will be placed under the trusteeship system (Article 77 of the Charter) are to include the terms of trusteeship for each such territory (Article 79), the manner in which the territory will be administered, and will designate the administering authority (Article 81). The conclusion of these agreements involves two stages. In the first stage the initiative with respect to the agreements, except in the case of territories which may be administered by the United Nations itself, and their formulation, will in each case remain with the states directly concerned (Article 79).

2. In order to carry out the intent of paragraph 2 of Article 80, the General Assembly or the Security Council could, presumably, encourage the states directly concerned to expedite the initiation and formulation of agreements, and might render whatever assistance may be requested by those states with respect to the agreements. But there would appear to be no other basis for direct participation in the first stage of the negotiation of trusteeship agreements by any of the organs of the United Nations, except where direct international administration is envisaged.

*Approval of Agreements*

3. The second stage in the conclusion of the agreements relates to their approval by the United Nations. In this process the General Assembly or the Security Council will be directly involved in each agreement. Once agreement is reached among the states directly concerned on the terms of a trusteeship agreement, that agreement is to be submitted to the General Assembly (Article 85) or, in the case of strategic areas, to the Security Council (Article 83), for approval.

4. The appraisal of the trusteeship agreements submitted, which would form the basis for approval or rejection by the appropriate organ of the United Nations, should be primarily based upon their consistency with the provisions of the Charter. In this connection, it would be essential that each agreement would :

(a) provide for placing the territory in question under the trusteeship system ;

(b) state the terms of trusteeship, which should be so designed as to give effect to the basic objectives of the trusteeship system as set forth in Article 76 ;

(c) allow for the exercise by the appropriate organs of the United Nations of the functions and powers set forth in Chapters XII and XIII ;

(d) be accepted by and binding upon the states directly concerned.

*Procedure*

5. In the case of non-strategic areas, the General Assembly, before acting upon the approval or rejection of an agreement, might, in conformity with Article 85 (2), submit the agreement to the Trusteeship Council, or, if that Council has not yet been permanently established, to the proposed Temporary Trusteeship Committee of the General Assembly for its review and advice. The Security Council could also call upon the Trusteeship Council or the Temporary Committee for similar review and advice respecting the non-military aspects of any trusteeship agreement for a strategic area.

6. In the event of the agreement being found to be consistent with the provisions of the Charter, approval would be given by a two-thirds majority of the members present and voting in the General Assembly, and with respect to strategic areas, by an affirmative vote in the Security Council of seven members including the concurring votes of the permanent members.

7. If any provision of a trusteeship agreement should be regarded by the General Assembly or the Security Council as in conflict with a provision of the Charter, it would not be approved by them and might be returned to the states directly concerned with recommendations for modifications which in the view of the General Assembly or the Security Council would make the agreement acceptable.

8. The General Assembly or the Security Council, however, may see fit to make suggestions for revision of trusteeship agreements on grounds other than their inconsistency with the Charter. Such suggestions would doubtless be seriously considered by the states directly concerned.

9. In view of the fact that when the trusteeship agreements are submitted to the United Nations they will have been formally approved by the states directly concerned, which in the case of some states may involve constitutional processes requiring to be referred to legislative bodies, it would be advisable, in the interests of expediting the conclusion of agreements, that the exercise of the power to make suggestions for revision be limited to matters of prime importance to the effective functioning of the system and to the well-being of the inhabitants of trust territories.

**C. Extract from Summary Report of the Seventh Meeting of the Committee on the Trusteeship Council, 2 October, 1945**

*Discussion of the Memorandum of the Delegation of the United States of America on procedure for dealing with trusteeship agreements (Appendix B)*

1. The Delegate of the U.S.A. asked the Committee to take note of a difficulty in paragraph 4(c) of Appendix B.

2. The functions in Chapters XII and XIII might not be exhaustive, since under Article 87 (d) of the Charter new powers for the United Nations could be created by the drafting of trusteeship agreements. Therefore it might be better to use the words "provided for" rather than "set forth".

3. With regard to the word "presumably" in paragraph 2 of Appendix B it was pointed out that the Committee had already arrived at a positive conclusion on this point.

4. In connection with paragraph 4 of Appendix B it was observed that Article 82 did not specify by what authority strategic areas were to be designated. It might be that the proper body to take this initiative would be the Military Staff Committee.

5. In answer to this, the opinion was expressed that there was no way in which the Security Council could take this action until trusteeship agreements, approved by the states directly concerned, had been submitted to it.

6. This statement gave rise to a discussion on the desirability of informal consultation between the Trusteeship Council and the states directly concerned, on the one hand, and between the Trusteeship Council and the General Assembly or the Security Council, on the other, before the terms of trusteeship for any territory were formally agreed by the states directly concerned for submission to the United Nations. It was explained that the final paragraph of the paper had been drafted with a view to avoiding prolonged delays; and the Committee agreed that this objective would be furthered if there could also be informal consultation at an early stage in the negotiation of trusteeship agreements.

7. The Delegate of the United Kingdom wished to record the fact that his Government had not at any time accepted any interpretation of the phrase "the states directly concerned", and to make an explicit reservation on this point. On the other hand, it was difficult to see how the procedure outlined in Appendix B would work out in practice until this phrase was defined. The emphasis placed in this paper on the "states directly concerned" seemed to suggest that they might be interposed as a third party between the administering authority and the United Nations, and this conception went beyond the terms of the Charter.

8. In answer to this statement, it was stated that the United States paper made no effort to define the phrase "states directly concerned" and adhered closely to the language used in the Charter.

9. It was suggested, in relation to paragraph 4(b) of Appendix B, that since Articles 73 and 74 of the Charter also govern trust territories, they might be mentioned in addition to Article 76.

10. In reply it was stated that Articles 73 and 74 bound all members; whereas the paper of the Delegation of the U.S.A. was designed to cover the special responsibilities of administering authorities.

11. *Decision.*—The Committee agreed that this paper, together with the record of the discussion, should be submitted to the Preparatory Commission for consideration either by its own appropriate committees or by the Temporary Trusteeship Committee, particularly in relation to items 7 and 11 (a) (iii) of the Provisional Agenda for the Temporary Trusteeship Committee (Part III, Chapter IV, Section 3).

## **CHAPTER V : THE INTERNATIONAL COURT OF JUSTICE: THE REGISTRATION AND PUBLICATION OF TREATIES: PRIVILEGES AND IMMUNITIES**

### **Section 1 : Recommendation Concerning the Nomination of Candidates for the Election of Members of the International Court of Justice**

#### *The Executive Committee,*

*Considering* that it is essential that the election of the judges of the International Court of Justice should take place at the First Session of the General Assembly and the first meetings of the Security Council of the United Nations; but that the Secretary-General of the United Nations whose function it is, under Article 5 of the Statute of the Court, to issue the invitations for the nomination of candidates will himself not be appointed until the First Session of the General Assembly;

*Taking into account* the fact that the Governments which signed the Charter of the United Nations, which includes the Statute of the Court, had in mind the above considerations, and that they provided by item 4 (e) of the Interim Arrangements establishing the Preparatory Commission signed at San Francisco on the 26th June, 1945, that the Preparatory Commission was to issue the invitations in accordance with the provisions of the Statute of the Court; and,

*Considering* that the said provisions require the invitations to be issued at least three months before the date of the election of the judges, and that it is therefore necessary that they should be issued as soon as possible;

#### *Recommends :*

that the Preparatory Commission approve the action of the Executive Committee, in directing the Executive Secretary to issue the invitations and to take all necessary action thereafter required under Article 7 of the Statute.

## Section 2 : Recommendation Concerning the Dissolution of the Permanent Court of International Justice

*The Executive Committee ;*

*Submits* for the approval of the Preparatory Commission, the following draft resolution :

*The Preparatory Commission of the United Nations,*

*Having been informed* by certain of its members, which are also members of the League of Nations, that it is their intention to move at the forthcoming session of the Assembly of the League of Nations a resolution for the purpose of effecting the dissolution of the Permanent Court of International Justice, the text of which has been communicated for information to the members of the Preparatory Commission ;

*Having been informed* of the intention of the Powers concerned to require, under the terms of the peace treaties made with them or in some other appropriate form, the assent of those states parties to the Protocol of Signature of the Statute of the Permanent Court, which have been or still are at war with certain of the Members of the United Nations, to any measures taken to bring the Permanent Court to an end ; and

*Recording* by the present resolution the assent to the dissolution of the Court of those members of the Preparatory Commission which are parties to the Protocol of Signature, whether members of the League of Nations or not ;

*Declares*

that it would welcome the taking by the League of Nations of appropriate steps for the purpose of dissolving the Permanent Court."

*Resolution to be moved in the Assembly of the League of Nations :*

*The Assembly of the League of Nations*

*Considering* that by Article 92 of the Charter of the United Nations provision is made for an International Court of Justice which shall be the principal judicial organ of the United Nations and shall be open to states not Members of the United Nations on terms to be determined by the United Nations ;

*Considering* that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice be taken in as simple and expeditious a manner as possible ;

[*Considering* that by a resolution of ..... the Preparatory Commission of the United Nations has declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that the above-mentioned resolution of the Preparatory Commission is stated to record the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether members of the League of Nations or not ;]\* and, further,

*Considering* that the Assembly has been informed that, under the terms of the peace treaties to be made with them or in some other appropriate form, those states parties to the Protocol of Signature but not members of the League, which have been or still are at war with certain of the Members of the United Nations, have been or will be required to assent to any measures taken to bring the Permanent Court to an end ;

*Resolves*

that the Permanent Court of International Justice shall be deemed to be dissolved and shall cease to exist on....., without prejudice to such subsequent measures as may be necessary for the complete liquidation of its affairs.

## Section 3 : Recommendation Concerning the Steps to be Taken for the Convening of the First Session of the International Court of Justice

*The Executive Committee,*

*Considering* it desirable that the International Court of Justice should be established as soon as possible after the election of its judges by the General Assembly and the Security Council ;

*Considering* that the use of premises at The Hague, the seat of the International Court of Justice in accordance with Article 22 of the Statute, should be secured for the Court as soon as possible ; and

*Considering* that the judges should be accorded emoluments such as to guarantee their absolute independence and also to render the office of judge acceptable to the most eminent of the persons qualified, in accordance with Article 2 of the Statute, to hold that office ;

\* This paragraph has been bracketed since it presupposes the adoption by the Preparatory Commission of the United Nations of the resolution concerning the dissolution of the Permanent Court.

*Recommends :*

1. that the Preparatory Commission invite the Executive Secretary (or the Secretary-General if he has been appointed at the time when the action in question is required) :

(a) to take the necessary steps to convene a first meeting of the Court at The Hague as soon as can be conveniently arranged after the election of the judges ;

(b) to appoint a secretary and such other temporary staff as may be required to assist the Court and to act for so long as the Court desires during the period preceding the appointment by the Court of its Registrar and his staff ; and

(c) to make any arrangements necessary to ensure that premises are available for the first session of the Court ;

2. that the Preparatory Commission call the attention of the General Assembly to the necessity for fixing the emoluments of the judges early in the first session and to the desirability of ensuring that their real value shall be not less than that of those of the judges of the Permanent Court of International Justice during the period 1936-1939.

**Section 4 : Recommendation Concerning the Registration and Publication of Treaties and International Agreements**

i

*The Executive Committee,*

*Considering* that the preparation of recommendations for procedures which might be followed on the registration and publication of treaties and international agreements requires the working out of technical details ; that this work can be done most satisfactorily by the Secretary-General when he is appointed ; that this work need not be performed by the Preparatory Commission ;

*Considering*, however, that it is the duty of the Preparatory Commission to point out the following problems, which in their opinion will have to be dealt with by the General Assembly of the United Nations :

(a) the provision of facilities for the registration of treaties and international agreements as from the date of the entry into force of the Charter ;

(b) the taking of all necessary measures to avoid any gap in the publication of these instruments between the termination of the League of Nations Treaty Series and the beginning of the Treaty Series of the United Nations ;

(c) the taking of steps to secure the voluntary registration with the United Nations of treaties by non-members ; and

*Considering* that other problems such as (d) the exact interpretation of the words " treaty and international agreement " in Article 102 of the Charter, (e) the detailed regulations for registration, and (f) the languages in which the Treaty Series of the United Nations should be published, can be left for subsequent study by the General Assembly after the Secretary-General has been able to report upon them ;

*Directs*

the Executive Secretary to send a circular letter to the Members informing them that, as from the date of the entry into force of the Charter of the United Nations, treaties and international agreements which Members send in will be received and filed on a provisional basis until the adoption of the detailed regulations referred to in the above paragraph.

ii

*The Executive Committee,*

*Recommends :*

that the Preparatory Commission invite the General Assembly to consider :

(a) inviting non-members voluntarily to send treaties and international agreements for registration with, and publication by, the Secretariat of the United Nations ; and

(b) inviting all Governments, whether or not Members of the United Nations, voluntarily to send for publication by the Secretariat of the United Nations, treaties and international agreements, concluded in recent years but before the date of the entry into force of the Charter, which have not been included in the Treaty Series of the League of Nations.

## Section 5 : Recommendation Concerning Privileges and Immunities

*The Executive Committee,*

*Recommends :*

1. that the attached study on privileges and immunities, drawn up by a committee of the Executive Committee, if approved by the Preparatory Commission, be referred to the General Assembly for its consideration ;
2. that the Preparatory Commission instruct the Executive Secretary to remind the Members of the United Nations that, under Article 105 of the Charter, the obligation to accord to the United Nations, its officials and the representatives of its Members all privileges and immunities necessary for the accomplishment of its purposes, operates from the coming into force of the Charter and is therefore applicable even before the General Assembly has made the recommendations referred to in paragraph (3) of the Article, or the conventions there mentioned have been concluded.

### APPENDIX

#### Study on Privileges and Immunities

##### *Provisions of the Charter*

1. Chapter XVI of the Charter contains the following provisions :

*“ Article 104*

The Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.”

*“ Article 105*

1. The Organisation shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.”

##### *Privileges and Immunities at the seat of the Organisation and elsewhere*

2. The question of privileges and immunities for the United Nations is of the greatest importance in connection with the country in which the United Nations has its seat. In the case of the League of Nations, including the International Labour Organisation, the Covenant of the League contains only the following short provision in Article 7 :

“ Representatives of the Members of the League and officials of the League, when engaged on the business of the League, shall enjoy diplomatic privileges and immunities.”

As a result, all the detailed arrangements for the privileges and immunities of the League of Nations and the I.L.O. were worked out in agreements concluded between the Secretary-General of the League and the Swiss Government. It would seem desirable that the working out of the detailed privileges and immunities of the United Nations should be deferred until the question of its seat has been decided.

3. However, although the question of privileges and immunities arises in the greatest degree as between the United Nations and the country in which it has its seat, the same question arises as between the Organisation and all its Members. The difference is one of degree rather than one of kind. The United Nations may have offices elsewhere than at its seat. The officials of the Organisation may be travelling on its business in any part of the world. The United Nations may wish to conclude contracts and hold funds or property elsewhere than at its seat. For these and similar reasons, therefore, the Organisation will require, in the territories of all Members, the same kind of privileges and immunities as it has in the country of its seat.

##### *Precedents afforded by the Constitutions of Specialised Agencies.*

4. A number of specialised agencies is already in existence. Their constitutions, or the agreements under which they are set up, have for the most part detailed provisions with regard to privileges and immunities based to a large extent on the arrangements made between the League of Nations and the Swiss Government. These specialised agencies include the following : The International Monetary Fund (see Article IX), the International Bank for Reconstruction and Development (see Article VII), United Nations Relief and Rehabilitation Administration (see Resolutions Nos. 32, 34 and 36 of the first

session of the Council), Food and Agriculture Organisation (see Articles VIII and XV), European Central Inland Transport Organisation (see Article VIII, paragraphs 13, 14, 15, 16, 17). These provisions are on the same lines in each case, though in some instances they have been worked out in more detail than in others.

*Co-ordination of the Privileges and Immunities of the United Nations with those of Specialised Agencies*

5. There are many advantages in the unification, as far as possible, of the privileges and immunities enjoyed by the United Nations and the various specialised agencies. On the other hand, it must be recognised that not all specialised agencies require all the privileges and immunities which may be needed by others. No specialised agency would, however, require greater privileges than the United Nations itself. The privileges and immunities, therefore, of the United Nations might be regarded as a maximum within which the various specialised agencies should enjoy just such privileges and immunities as the proper fulfilment of their respective functions may require. It should be a principle that no immunities and privileges, which are not really necessary, should be asked for. An example of a case where a differentiation has been made between immunities, for practical reasons, may be seen by comparing Section 3 of Article IX of the Articles of Agreement of the International Monetary Fund, and Section 3 of Article VII of the Articles of Agreement of the International Bank for Reconstruction and Development. There are certain privileges and immunities which probably every specialised agency would require as well as the United Nations itself, such as recognition that it possesses legal capacity to contract and to hold property, and to be a party to legal proceedings, the immunity of its premises and papers, and the granting of travelling facilities to its officials. When the privileges and immunities of the United Nations have been determined in detail, and the specialised agencies are being brought into relationship with the United Nations, reconsideration of the privileges and immunities accorded to such specialised agencies may be desirable if it is found that they enjoy privileges and immunities in excess of those to be given to the United Nations or of what is really required.

*Creation of an International Passport*

6. In order to facilitate the travelling of officials it may be found desirable to institute an international passport issued by the Organisation, describing the holder as its official. The United Nations might issue such passports also to the senior officials of specialised agencies. The creation of this passport would not, of course, impair the sovereign rights of Members of the United Nations in respect of the granting of visas. It might, however, be hoped that any necessary visas would be granted speedily. Member governments are already required to grant visas speedily under the constitutions of some specialised agencies. It may be desirable to confine the holding of these special passports to superior officials.

*Privileges and Immunities*

7. In this report the expression "diplomatic privileges and immunities" is used for convenience to describe the whole complex of privileges and immunities which are in fact accorded to diplomatic envoys. While it will clearly be necessary that all officials, whatever their rank, should be granted immunity from legal process in respect of acts done in the course of their official duties, whether in the country of which they are nationals or elsewhere, it is by no means necessary that all officials should have diplomatic immunity. On the contrary, there is every reason for confining full diplomatic immunity to the cases where it is really justified. Any excess or abuse of immunity and privilege is as detrimental to the interests of the international organisation itself as it is to the countries who are asked to grant such immunities. In the case of existing specialised agencies, the practice has up to now been to confine diplomatic immunity to the senior official of the agency concerned and those of his assistants, whose rank is equivalent to that of Deputy Secretary-General. (In the case of the I.L.O. the range of officials to whom diplomatic immunity has been accorded is somewhat wider). It is also a principle that no official can have, in the country of which he is a national, immunity from being sued in respect of his non-official acts and from criminal prosecution. It is further most desirable that both the United Nations and all specialised agencies should adopt the principle that privileges and immunities are only given to their officials in the interests of the Organisation in whose service they are, and in no way for the benefit of the individual concerned, and that, in consequence, the Secretary-General both can waive immunity and will in fact do so in every case where such a course is consistent with the interests of the United Nations. This rule has long been in force in the International Labour Organisation. It has been accepted by most of the new specialised agencies which have come into being. Similarly, it is desirable that where the United Nations or a specialised agency concludes contracts with private individuals or corporations, it should include in the contract an undertaking to submit to arbitration disputes arising therefrom, if it is not prepared to go before the Courts. Most existing specialised agencies have already agreed to do this.

*Taxation of Officials in the State of which they are nationals*

8. The provisions in the agreements or constitutions of the new specialised agencies, while providing in general that no taxation should be levied on the salaries of officials, leave complete latitude to governments to tax the salaries of officials who are their own nationals or persons resident in their territory. As a result, the Act of Parliament of the United Kingdom which was passed to enable the United Kingdom to give effect to its obligations as regards privileges and immunities for international organisations (the Diplomatic Privileges Extension Act, 1944) excepts from the immunity from income tax the salaries of those international officials who are both British subjects and whose usual place of abode is in the United Kingdom. A similar practice has been followed in certain other countries. It is, however, a matter for consideration whether this latitude or this exception are really sound. One of its effects is that some of the members of the staff have salaries which are tax free, because being resident outside their own states they do not fall under the income tax provisions of their own state, while other officials doing the same work for the same nominal salary are subject to income tax. This has led to certain administrative difficulties and has indeed raised the question whether the United Nations should not pay some special allowance to those of its employees who are paying income tax, in order to produce equality.

*The International Court of Justice*

9. The above paragraphs do not apply to the International Court of Justice. The Statute of the Court provides:

*Article 19*

"The members of the Court, when engaged upon the business of the Court, shall enjoy diplomatic privileges and immunities."

*Article 32—Paragraph 8*

"The above salaries, allowances and compensation shall be free of all taxation."

*Article 42—Paragraph 3*

"The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties."

When the first and second of these paragraphs (which correspond to the provisions of the Statute of the Permanent Court, whereas the third is new) are compared with paragraph 2 of the above quoted Article 105 of the Charter of the United Nations, it seems clear that the members of the Court, when engaged in the business of the Court, are to enjoy diplomatic privileges and immunities in the fullest sense. This has been the case with the members of the Permanent Court. For that institution the details of the privileges and immunities to be accorded at the seat of the Court were settled by negotiations between the Court itself and the Netherlands Government. It would seem desirable to postpone consideration of the subject until the Court can be consulted. It is therefore suggested that, for the first session of the Court, the rules applicable to the members of the Permanent Court should be observed, and that the new Court should then be invited to state whether changes are in their opinion required and, if this be the case, whether they wish the General Assembly to act on their behalf.

It would also appear expedient to consult the Court upon the privileges and immunities necessary for its members when engaged on the Court's business outside the country of its seat.

Finally, the question of the privileges and immunities of agents, counsel and advocates of parties before the Court would seem to be a matter which should only be taken up after it has been possible to consult the Court. It is not likely to arise at the first session.

**CHAPTER VI : THE SECRETARIAT****Section 1 : Recommendation Concerning the Organisation of the Secretariat**

i

*The Executive Committee,*

Considering that the degree in which the objects of the Charter can be realised will be largely determined by the manner in which the Secretariat performs its task, and that the Secretariat cannot successfully perform this task unless it enjoys the confidence of all the Members of the United Nations ;

*Recommends :*

1. that appropriate methods of recruitment be established in order that a staff may be assembled which is characterised by the highest standards of efficiency, competence and integrity, due regard being also paid to its recruitment on as wide a geographical basis as possible ;

2. that all officials, upon assuming their duties, make an oath or declaration that they will discharge their functions and regulate their conduct with the interests of the United Nations only in view ;

3. that all officials be required to conform to Staff Regulations following the general lines of those contained in Section 3 as tentative proposals for the consideration of the Preparatory Commission.

ii

*The Executive Committee,*

*Considering* the heavy responsibilities which fall to the Secretary-General in fulfilling his obligations under the Charter ;

*Recommends :*

4. that the terms of the appointment of the Secretary-General be such as to enable a man of eminence and high attainments to accept and maintain the position ;

5. that the first Secretary-General be appointed for five years, the appointment being open at the end of that period for a further five-year term ;

6. that the appropriate organs of the United Nations discuss both the nomination and the appointment of the Secretary-General *in camera*, and that a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot ;

7. that there be always an Assistant Secretary-General amongst those referred to in Recommendation 10 below, designated by the Secretary-General to deputise for him when he is absent or unable to perform his functions.

iii

*The Executive Committee,*

*Considering* that the administrative organisation of the Secretariat should be so designed as to enable the work of the Secretariat to be conducted with the greatest possible efficiency ;

*Recommends :*

8. that the Secretariat be organised on a functional basis, each administrative unit being at the disposal of any organ of the United Nations for the performance of work falling within its competence ;

9. that the principal units of the Secretariat be known as Departments, and should, in the first instance, be eight in number, namely :

(i) Department for the Maintenance of International Peace and Security,

(ii) Economic Department,\*

(iii) Social Department,\*

(iv) Department for Trusteeship and Information from Non-Self Governing Territories,

(v) Legal Department,

(vi) Personnel and Administration Department,

(vii) Treasury Department,

(viii) Information Department ;

10. that the Assistant Secretaries-General be the heads of Departments ;

11. that from the beginning considerable latitude be left to the Secretary-General in distributing the work of the Secretariat among these Departments, but that these Departments should, broadly speaking, conform to the plan set out in Section 2 ;

12. that a special technically qualified advisory committee be established by the Preparatory Commission to study the organisation and duties of the Information Department.

iv

*The Executive Committee,*

*Considering* that the system of grading, promotion and recruitment in the Secretariat will go far to determine the degree in which, in accordance with Article 101, paragraph 3, of the Charter, the highest standards of efficiency, competence and integrity may be ensured, due regard being paid to the importance of recruiting staff on as wide a geographical basis as possible ;

*Recommends :*

13. that members of the Secretariat, other than temporary officials on special contracts, and the lower staff mainly engaged in manual or mechanical work, be graded as follows :

I. Assistant Secretary-General .. (Sous Secrétaire-Général)

II. Director .. .. (Directeur)

III. Assistant Director .. .. (Sous Directeur)

\* A proposal that an official of a status superior to that of a departmental head should ensure co-ordination between these two departments was defeated by six votes to four. (See paragraph 25 of Section 2.)

- IV. Counsellor . . . . . (Conseiller)  
 V. Principal Secretary . . . . . (Secrétaire principal de  
 1re. catégorie)  
 VI. Assistant Principal Secretary (Secrétaire principal de  
 2me. catégorie)  
 VII. Secretary . . . . . (Secrétaire-rédacteur)  
 VIII. Head Assistant . . . . . (Assistant de 1re. catégorie)  
 IX. Senior Assistant . . . . . (Assistant de 2me. catégorie)  
 X. Junior Assistant . . . . . (Assistant de 3me. catégorie)

and that the character of these grades should follow the description set out in paragraphs 36-43 of Section 2, VI ;

14. that every official be able to obtain such promotion from grade to grade as his or her services and abilities warrant, and that all positions, even the highest, be open to officials from the lower grades ;

15. that in the selection of staff the Secretary-General be recommended to follow in general the suggestions outlined in paragraphs 52-55 of Section 2 ;

16. that a balanced age distribution in the Secretariat be achieved from the outset, in order to maintain regular inflow, promotion, and outflow of staff ;

17. that consideration be given by the Preparatory Commission to the early establishment of an international civil service commission to advise the Secretary-General in regard to the methods of recruitment of the Secretariat, as well as the methods by which the adoption of common standards of recruitment in the Secretariat and the specialised agencies may be ensured.

v

*The Executive Committee,*

*Considering* that the conditions of employment in the Secretariat should be such as will attract qualified candidates from any part of the world ;

*Recommends :*

18. that, subject to appropriate arrangements for the appointment of temporary staff, most of the officials of the middle and upper grades who have successfully passed their period of probation be offered some assurance that they will be able to make their careers in the Secretariat ;

19. that such officials be given five-year contracts, renewable for further five-year terms if their work is satisfactory, subject to the age limit for officials being sixty years, unless extended in individual cases by decision of the Secretary-General, confirmed by the General Assembly ;

20. that account be taken in determining the scale of salaries and allowances of the considerations outlined in paragraphs 64-67 of Section 2, and in particular of the wide range of remuneration for comparable work prevailing in the government services of the various states ; the limited prospects of promotion to the highest posts in the Secretariat compared with the prospects of promotion in national services ; the cost of living at the seat of the United Nations—a factor which may be affected, in the early years, by possible housing difficulties ; and the additional expenses which a large proportion of officials will incur by living away from their own country, such expenses varying with the number of dependents and other factors ;

21. that the Preparatory Commission, in the light of the suggestions outlined in paragraphs 69-75 of Section 2, undertake a detailed examination of the scales of salaries and allowances of the various grades of the Secretariat, and make recommendations concerning the establishment of an adequate staff pensions system ;

22. that the Preparatory Commission devote further consideration to certain aspects of the conditions of service which, as stated in paragraph 78 of Section 2, have not yet been sufficiently explored.

vi

*The Executive Committee,*

*Considering* that the Report on the Organisation of the Secretariat contained in Section 2, has been generally approved, subject to the reservation to which it refers in paragraph 25 ;

*Recommends :*

23. that the Report be submitted to the Preparatory Commission for its consideration.

## Section 2 : Report of the Committee on the Organisation of the Secretariat

### A : General Character of the Secretariat

1. The key position of the Secretariat in the United Nations is recognised in the Charter, Article 7 of which provides that it shall be one of the principal organs of the United Nations. While the responsibility for the framing and adoption of agreed international policies rests with the organs representative of the Members—the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council—the essential tasks of preparing the ground for those decisions and of executing them in co-operation with the Members will devolve largely upon the Secretariat. The manner in which the Secretariat performs these tasks will largely determine the degree in which the objectives of the Charter will be realised.

2. If it is to enjoy the confidence of all the Members of the United Nations, the Secretariat must be truly international in character. Article 100 of the Charter states that “the Secretary-General and the staff shall not seek or receive instructions from any Government or any other authority external to the Organisation” and “shall refrain from any action which might reflect on their position as international officials, responsible only to the Organisation.” The same article lays on each Member of the United Nations the obligation to “respect the exclusively international character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their responsibilities.”

3. Such a Secretariat cannot be composed, even in part, of national representatives responsible to Governments. For the duration of their appointments, the Secretary-General and the staff will not be the servants of the country of which they are citizens, but the servants only of the United Nations. Under the Draft Provisional Staff Regulations, all officials, upon assuming their duties, are required to make an oath or declaration that they will discharge their functions and regulate their conduct with the interest of the Organisation only in view. Those appointed for two years or more must resign from any position they may hold in public or private employment, and none may accept any honour, decoration, favour, gift or bonus for services rendered during the period of his appointment or service in the Organisation. Officials wishing to become candidates for any public office of a political character must resign from the Secretariat.

4. But the obligations of the officials are not purely negative. It is essential that officials should be inspired by a sense of loyalty to the United Nations and devotion to the ideal for which it stands, and that they should develop an *esprit de corps* and a habit of daily co-operation with persons of other countries and cultures. Loyalty to the Organisation is in no way incompatible with an official's attachment to his own country, whose higher interest he is serving in serving the United Nations. It clearly involves, however, a broad international outlook and a detachment from national prejudices and narrow national interests.

5. All officials of the United Nations must recognise the exclusive authority of the Secretary-General and submit themselves to rules of discipline such as are normally enforced in national civil services. More especially, they are required to observe the utmost discretion in regard to matters of official business. Except by authorisation of the Secretary-General, no official may publish anything relating to the activities of the Organisation or to any political question, or make any public pronouncements on such matters.

6. An adequate system of immunities and privileges, as provided in Article 105 of the Charter, is essential if officials are to be free from pressure by individual Governments and to discharge their duties efficiently.\* These immunities and privileges, however, furnish the officials who enjoy them no excuse for evading their private obligations, or for failing to observe laws and police regulations. Whenever these immunities and privileges are invoked, it lies within the discretion of the Secretary-General to decide whether they should be waived.

7. The paramount consideration in the employment of the staff and in the determination of the conditions of service, as laid down in Article 101 of the Charter, is the necessity of securing the highest standards of efficiency, competence and integrity. Due regard is also to be paid to the importance of recruiting the staff on as wide a geographical basis as possible. How best to ensure the fulfilment of these two principles—which, as experience has shown, can in large measure be reconciled—has been one of the major preoccupations of the Committee.

### B : The Secretary-General

#### Functions, Term of Appointment and Procedure of Appointment

##### *Functions of the Secretary-General*

8. The principal functions assigned to the Secretary-General, explicitly or by inference, by the Charter, may be grouped under six headings: general administrative and executive functions, technical functions, financial functions, the organisation and administration of the International Secretariat, political functions and representational functions.

\* This question has been dealt with in detail in Chapter V, Section 5 and Appendix.

9. Many of the Secretary-General's duties will naturally be delegated, in greater or lesser degree, to members of his staff and particularly to his higher officials. But the execution of these duties must be subject to his supervision and control; the ultimate responsibility remains his alone.

10. The Secretary-General is the "chief administrative officer of the Organisation" (Article 97) and Secretary-General of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council (Article 98). Certain specific duties of a more narrowly administrative character derived from these provisions are indicated in the Charter (e.g. in Articles 12 and 20, and in Article 98, the last sentence of which requires the Secretary-General to present an annual report to the General Assembly on the work of the Organisation) and in the Statute of the International Court of Justice (Articles 5 and 13).

11. Further specific duties falling under this head, many of which will no doubt be defined in the Rules of Procedure of the various principal organs concerned and their subsidiary bodies, relate to the preparation of the Agenda and the convocation of sessions, the provision of the necessary staff, and the preparation of the minutes and other documents.

12. The Secretary-General also has administrative and executive duties of a wider character. He is the channel of all communication with the United Nations or any of its organs. He must endeavour, within the scope of his functions, to integrate the activity of the whole complex of United Nations organs and see that the machine runs smoothly and efficiently. He is responsible, moreover, for the preparation of the work of the various organs and for the execution of their decisions, in co-operation with the Members.

13. The last mentioned functions of the Secretary-General have technical as well as administrative aspects. More particularly as regards the work of the Economic and Social Council and the Trusteeship Council, the expert technical assistance which the Secretary-General is able to provide, and which he himself must control, will clearly affect the degree in which these organs can achieve their purposes.

14. Under the Charter, the Secretary-General has wide responsibilities in connection with the financial administration of the United Nations; and it may be assumed that, under the financial regulations which will be established by the General Assembly, he will be made primarily responsible for preparing the budget, for allocating funds, for controlling expenditure, for administering such financial and budgetary arrangements as the General Assembly may enter into with specialised agencies, for collecting contributions from Members and for the custodianship of all funds.

15. The Secretary-General is the head of the Secretariat. He appoints all staff under regulations established by the General Assembly (Article 101, paragraphs 1 and 3), and assigns appropriate staff to the various organs of the United Nations (Article 101, paragraph 2). He alone is responsible to the other principal organs for the Secretariat's work; his choice of staff—more particularly of higher staff—and his leadership will largely determine the character and the efficiency of the Secretariat as a whole. It is on him that will mainly fall the duty of creating and maintaining a team spirit in a body of officials recruited from many countries. His moral authority within the Secretariat will depend at once upon the example he gives of the qualities prescribed in Article 100, and upon the confidence shown in him by the Members of the United Nations.

16. The Secretary-General may have an important role to play as a mediator and as an informal adviser of many Governments, and will undoubtedly be called upon from time to time, in the exercise of his administrative duties, to take decisions which may justly be called political. Under Article 99 of the Charter, moreover, he has been given a quite special right which goes beyond any power previously accorded to the head of an international organisation viz: to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security. It is impossible to foresee how this Article will be applied; but the responsibility it confers upon the Secretary-General will require the exercise of the highest qualities of political judgment, tact and integrity.

17. The United Nations cannot prosper, nor can its aims be realised, without the active and steadfast support of the peoples of the world. The aims and activities of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council will, no doubt, be represented before the public primarily by the Chairmen of these organs. But the Secretary-General, more than anyone else, will stand for the United Nations as a whole. In the eyes of the world, no less than in the eyes of his own staff, he must embody the principles and ideals of the Charter to which the Organisation seeks to give effect.

*Term of Appointment, etc.*

18. The first Secretary-General should be appointed for five years, the appointment being open to renewal at the end of that period for a further five-year term. There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.

19. Because of the Secretary-General's position as the confidant of many Governments, it would be desirable that on retirement he should not, at any rate immediately, enter national service, but rather remain available for other high international office.

#### *Procedure of Appointment*

20. From the provisions of Articles 18 and 27 of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly itself decides that a two-thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

21. It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed *in camera*, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

### **C. Administrative Organisation of the Secretariat**

22. The proposed initial administrative organisation of the Secretariat is set out in summary form in the attached diagram. Considerable latitude, however, must always be left to the Secretary-General, and the recommendations are consequently limited to the major subdivisions of the Secretariat. Moreover, any scheme thought out in advance may need to be modified in the light of experience and changing circumstances.

23. The recommendations are based upon the principle that the Secretariat should be organised functionally, each administrative unit being at the disposal of any organ of the United Nations for the performance of work falling within its competence.\*

24. Article 101, paragraph 2, of the Charter is interpreted to mean that the Secretary-General has full authority to move staff at his discretion within the Secretariat, but must always provide the Economic and Social Council, the Trusteeship Council and, as required, other organs of the United Nations with adequate specialised staff, which will form part of Secretariat.

25. Under the scheme adopted, the principal units of the Secretariat are known as Departments and are eight in number:†

- Department for the Maintenance of International Peace and Security,
- Economic Department,
- Social Department,
- Department for Trusteeship and Information from Non-Self-Governing Territories,
- Legal Department,
- Personnel and Administration Department,
- Treasury Department,
- Information Department.

Certain of these Departments are subdivided into two or more Divisions.‡ Below the Divisions come Sections and Services, concerning which no recommendations are made for the reasons explained in paragraph 22.

26. *The Department for the Maintenance of International Peace and Security* would deal with such political questions as may arise for consideration by the United Nations and, in regard to all matters relating to the maintenance of international peace and security, should serve both the Security Council and the General Assembly. It is divided into two Divisions; a General Political and Security Division, and a Division for Enforcement Measures. In view of the composition of the Military Staff Committee and the nature of the work assigned to it, the question of its staff will require special consideration.

27. *The Economic Department* is tentatively divided into four Divisions: general economic questions, financial questions, transport and communications questions, and statistics. While the bulk of the statistical work required to be

\* A minority view that each of the principal organs should have its own Secretariat is expressed in the diagram submitted by the Delegation of the U.S.S.R. which is appended to the Report (See Appendix A).

† The recommendations concerning the first and fourth of these Departments are in line with comments received from the Committee on the Security Council and the Committee on the Trusteeship Council respectively, to which the recommendations were communicated in draft form. The Committee on the Economic and Social Council favoured co-ordination of the proposed Economic and Social Departments by an official of a status superior to that of a departmental head or, if that should not be found feasible, the creation of a single Economic and Social Department (see Appendix B). The Committee on the Secretariat decided by seven votes to three to recommend separate Economic and Social Departments and rejected by six votes to four the proposal that co-ordination between them should be ensured by an official of a status superior to that of a departmental head.

‡ The question of possible Divisions within the Treasury and Legal Departments and the precise competence of, and demarcation between, certain Divisions in other Departments (more especially in the Economic Department) are left to the Secretary-General.

men in the Secretariat will undoubtedly be of an economic and financial character, the Statistics Division should also undertake statistical work for other Departments.\*

28. *The Social Department* is tentatively divided into four Divisions, dealing respectively with health, other aspects of social welfare, cultural and educational matters and human rights. If specialised agencies are created for health questions and for cultural and educational questions, separate Divisions to deal with these subjects may not be required, since the work of the Secretariat would then be more in the nature of liaison work, and might be covered by the other Divisions, or by Sections.

29. *The Department for Trusteeship and Information from Non-Self-Governing Territories*† contains two Divisions, the Division of Trusteeship Administration and the Division of Information from Non-Self-Governing Territories. The first of these Divisions would discharge the functions falling upon the Secretariat under Chapters XII and XIII of the Charter, the second those under Chapter XI.

30. *The Legal Department* will advise the Secretariat and the other organs on legal and constitutional matters and especially on the drafting of agreements, and will deal with questions arising out of the regime of immunities and privileges provided for in Article 105 of the Charter. It will further be responsible for the registration of treaties under Article 102 of the Charter. The question of the possible interchangeability of staff between this Department and the staff of the International Court of Justice should be considered by the Secretary-General and the Registrar of the Court.‡

31. Within the *Personnel and Administration Department*, which is likely to be by far the largest Department of the Secretariat, are the Divisions dealing with personnel, with general services and with the Library. The Library has been given the status of a Division to mark the importance of the role which it ought to play. The General Services Division includes not only the services dealing with buildings, offices and equipment and with supplies but also the Registry, the Documents Service (editing, distribution, sales, presentation, printing, duplicating and the stenographic services) and the Languages Service (interpreting, translating and minute writing). Upon the General Services the efficient working of the whole administrative machinery of the Secretariat will largely depend, and it may be found desirable to split the Division in two.

32. So far as possible, common general services should be established for the Secretariat and the specialised agencies brought into relation with the United Nations—especially those which are located at or near the seat of the Organisation.

33. The proposal concerning the *Treasury Department* is based upon the view that the Treasurer should be responsible directly to the Secretary-General for the internal financial administration of the Organisation, for the maintenance of relations with national treasury departments in regard to contributions, etc., and for the performance of such fiscal and other functions as may be conferred upon him as a result of agreements with specialised agencies. He should also be directly concerned with budgetary policy in co-operation with the heads of Departments and under the general control of the Secretary-General.§

34. A number of Divisions have been tentatively placed within the *Information Department* to deal with press, radio, films and pictures, publications, exhibitions and lectures. The exact definition of the Department's functions and the manner in which it can most appropriately be organised should, however, be made the subject of expert examination. A special technically qualified advisory committee should therefore be established by the Preparatory Commission to make a full study of all the factors involved, and to prepare recommendations to the Preparatory Commission with a view to their submission to the General Assembly.

35. *The Central Bureau*, shown in the diagram as attached directly to the Secretary-General, occupies a special place in the structure of the Secretariat and its exact status has been left undefined. It should be responsible for the administrative organisation required to run the General Assembly and international conferences called by the United Nations. It should also advise the Secretary-General concerning the co-ordination of work within the Secretariat, centralise and assist in the co-ordination of liaison with diplomatic representatives, with regional organisations and with important private international organisations, and undertake the miscellaneous tasks which do not exclusively or directly concern any other administrative division of the Secretariat.

\* Observations on the organisation of the statistical work of the Secretariat, submitted by the Delegation of the U.S.A., are reproduced as Appendix C.

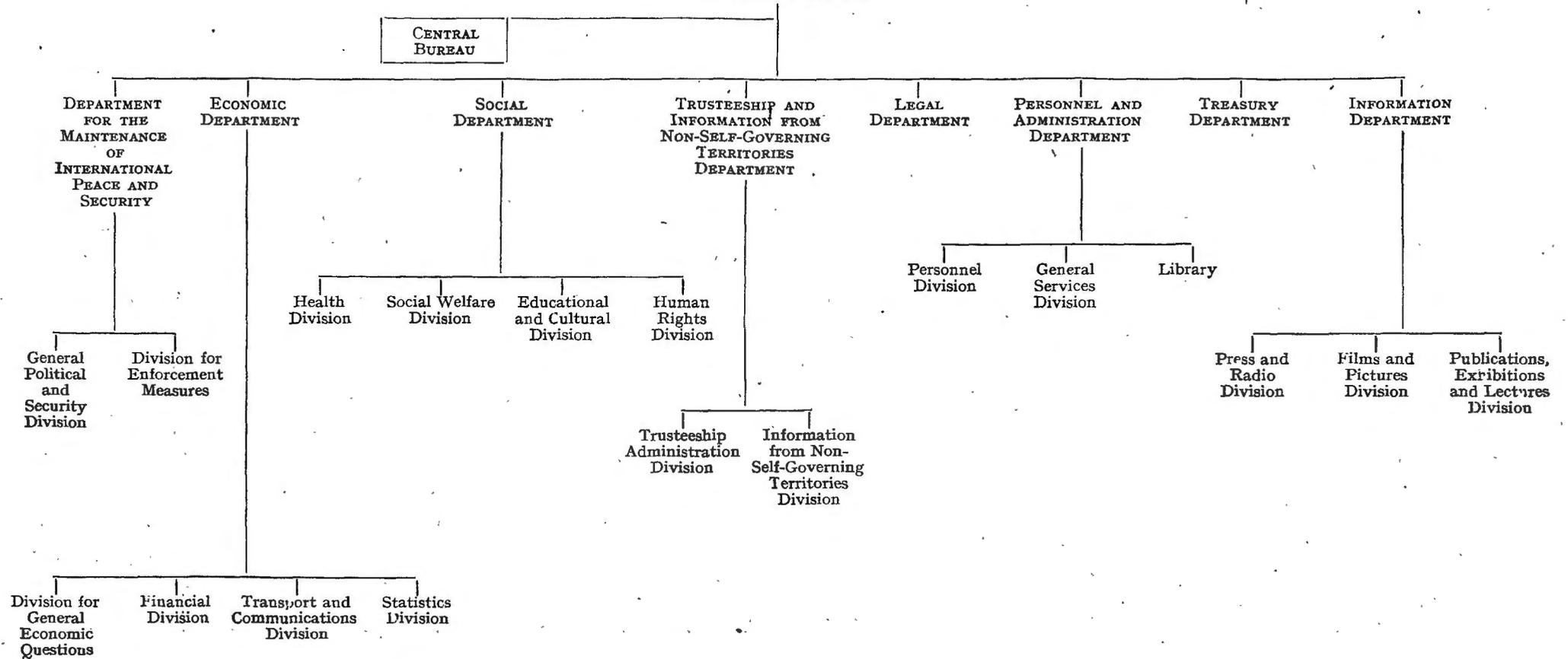
† The French Delegation took the view that it would be preferable for the Division for Information from Non-Self-Governing Territories to be placed in the Economic Department or the Social Department, and that the title of the Department for Trusteeship and Information from Non-Self-Governing Territories should be modified accordingly.

‡ The position of the staff of the Court was discussed in the light of Articles 7 and 101 of the Charter and Article 21, paragraph 2 of the Statute of the Court, but no interpretation of these Articles was attempted.

§ An alternative proposal to locate the budgetary function in an executive office of the Secretary-General was introduced by the Delegation of the U.S.A. A summary of the discussion on this proposal is set forth in Appendix D. It was agreed that the Delegation of the U.S.A. should submit a paper on the alternative proposal for consideration at the Preparatory Commission stage.

PROPOSED INITIAL ORGANISATION OF THE SECRETARIAT

SECRETARY-GENERAL



**D : Grading, Promotion and Recruitment***Grading*

36. The system of grading within the Secretariat should be uniform and, while adequately reflecting the relative status and responsibilities of officials, it should, more especially at the outset, be broad and simple.

37. With these considerations in mind, the following system of grading is suggested for all staff exclusive of temporary officials on special contracts and the lower staff mainly engaged in manual or mechanical work :

I.	Assistant Secretary-General	..	(Sous-Secrétaire General)
II.	Director	.. ..	(Directeur)
III.	Assistant Director	.. ..	(Sous-Directeur)
IV.	Counsellor	.. ..	(Counseiller)
V.	Principal Secretary	.. ..	(Secrétaire principal de 1re catégorie)
VI.	Assistant Principal Secretary	..	(Secrétaire principal de 2me catégorie)
VII.	Secretary	.. ..	(Secrétaire-rédacteur)
VIII.	Head Assistant	.. ..	(Assistant de 1re catégorie)
IX.	Senior Assistant	.. ..	(Assistant de 2me catégorie)
X.	Junior Assistant	.. ..	(Assistant de 3me catégorie)

Two salary scales should apply to the grade of Assistant Secretary-General, and perhaps other grades. At least two salary scales should apply to the grade of Junior Assistant.

38. The Assistant Secretaries-General will be the heads of Departments. There should always be an Assistant Secretary-General designated by the Secretary-General to deputise for him when he is absent or unable to perform his functions.

39. The other grades indicate no specific position within the administrative structure. The heads of the different Divisions, Sections and Services will obviously have widely different degrees of responsibility, and the Secretary-General should have discretion to grade them accordingly. The Directors will normally be the heads of Divisions, and the Assistant Directors the heads of Sections. A Director might, however, be placed in charge of an important Section or an Assistant Director in charge of a less important Division. A Counsellor might be the head of a Section or Service, but need not be in charge of any administrative unit. The higher posts should be filled as the necessity arises and it may not be necessary to fill all of them in the initial period of organising the Secretariat. Thus, an Assistant Secretary-General might, in this period, direct an important Division in his Department, or a Director be placed temporarily in charge of a Department.

40. Upon the officials of the first four grades—Assistant Secretary-General, Director, Assistant Director and Counsellor—will fall the immediate responsibility for organising and supervising the administrative and technical work of the Secretariat.

41. The officials who will carry out the bulk of that work form the next three grades, those of Principal Secretary, Assistant Principal Secretary and Secretary. From the outset, these grades will comprise persons of very different ages, performing very different types of functions—diplomats, experts in particular political problems, administrators, specialists, economists, etc., as well as editors and the entire corps of interpreters and translators. Staff will be allocated to these grades in accordance, roughly, with the age, experience and responsibilities of the officials concerned.

42. The eighth grade, that of Head Assistant, will comprise the most junior probationers for the grade of Secretary as well as the most experienced and responsible of what are, in many national administrations, known as "Second Division Personnel", e.g., the secretaries of Departments and Divisions, Parliamentary reporters, senior technical assistants, and the heads of some of the smaller central services.

43. The ninth and tenth grades, Senior and Junior Assistants, will comprise the rank and file of the administrative personnel, the shorthand typists and copyists, the lower staff of the Library, and of the Documents, Publications, Distribution and Registry services, etc.

*Promotion*

44. Every official should be able to obtain such promotion from grade to grade as his services and abilities warrant, and all posts, even the highest, should be open to officials from lower grades. So far as the requirements of the service permit, and assuming that the candidates are of equal merit, vacancies for long-term appointments should be filled by promotion of Secretariat officials in preference to appointments from outside. Moreover, promotion

from the Secretariat to the secretariats of the specialised agencies, and *vice versa*, should be encouraged. This will be facilitated by arrangements for uniform standards of recruitment and promotion.

45. The functions attached to each grade, and consequently the qualifications required, differ and, between certain grades, they differ widely. For this reason, promotion from one grade to another should not be automatic, and should be granted only if the official concerned possesses the qualifications required for the higher grade.

46. Moreover, since appointments to the higher posts from outside may frequently be desirable in order to maintain a fair geographical distribution in the Secretariat and a constant inflow of fresh talent, the prospects of promotion open to the majority of officials, whatever their merits, will inevitably be limited.

47. In order to offer reasonable opportunities of advancement to efficient officials who cannot be promoted, the salary scales for the various grades, within which officials may rise by means of salary increments, should be relatively wide. Furthermore, the top salary in the grades from which promotion may be especially difficult should be higher than the lowest salary of the grade above.

#### *Qualifications*

48. The Assistant Secretaries-General, Directors and Assistant Directors must possess extensive experience and many of those qualities of character and judgment that have been laid down for the Secretary-General. So far as academic qualifications are concerned, officials of the grade of Secretary upwards should in principle possess a University degree or comparable practical training or experience. For the grades of Senior Assistant and Junior Assistant, the requirement should be a secondary school education or the equivalent. The grade of Head Assistant will consist partly of persons with the first, partly of persons with the second type of qualifications.

49. It is important that each of the senior officials should be able to express himself in one of the two working languages, and if possible to understand the other, so as to dispense with translations for internal purposes. Past experience has taught that assistance from members of the clerical grades possessing a thorough knowledge of the working languages goes far to help senior officials, whose mother tongue is not one of these languages, in carrying out their tasks.

50. In certain branches of the service, knowledge of the working languages will be of less importance than in others. For example, the majority of the staff employed in branch offices situated in countries where other languages are spoken would require only a fair knowledge of one of the working languages.

51. In the interests of staff morale and discipline, the age distribution of officials in the various grades should correspond to the importance of their respective duties and the degree of responsibility assumed by them. A normal age distribution of this kind is desirable from the outset. It will facilitate both the regular inflow, promotion and outflow of staff essential to any healthy organisation, and the operation of a pensions scheme.

#### *Methods of Selection*

52. Adequate publicity arrangements for vacancies, and examinations open to all qualified persons, are cardinal features of any good civil service system and, applied internationally, they would have the important advantage of bringing the Organisation into more direct contact with the public in the various countries. Examinations should therefore be used as widely as possible. They should include an interview and be designed to test, so far as possible, not only the attainments of the candidate but also his qualities of judgment and character. Examinations cannot be entirely standardised, owing to difference in the academic systems of the various countries, but large countries or several countries with similar academic traditions might be regarded as separate examination areas.

53. Examinations might be held not only at the beginning but also at the end of the period of probation. Candidates should be allowed to demonstrate their technical knowledge in languages other than the working languages.

54. It is, however, undesirable to insist that all officials should enter the service by examination. Recruitment by this means will normally be unsuitable for the higher grades, and will often be unsuitable for particular appointments in other grades. Wide discretion should therefore be allowed to the Secretary-General and the bodies which are set up to advise him. Such latitude is particularly necessary at the outset, when the Secretary-General must be free to recruit at short notice a nucleus of competent officials.

55. Moreover, owing to war services, underground activities in enemy-occupied countries, internment in concentration camps, etc., many would-be candidates of merit will not have the required academic qualifications and will be at a disadvantage in examinations in the early years.

56. For this reason among others, a system of in-service training for probationer officials should be established. Instruction should be provided in the working languages, in the administrative methods of the Secretariat and in the work of the Organisation in general. While probationers would be expected to devote part of their time to the fulfilment of their normal duties in the Secretariat, a certain number of hours would be set aside every week for this special training. At the end of the period of training, the probationers would take an examination before having their appointments confirmed. The long-term effect of the establishment of such a system of in-service training would be to ease the task of reconciling the two criteria for appointment laid down in Article 101, paragraph 3, of the Charter.

57. In making appointments, the Secretary-General will have the advice of the Committee on Appointments and Promotion provided for in the Draft Provisional Staff Regulations (Chapter VI, Section 3, Regulation 13). Before an appointment is finally dealt with by this Committee, the qualifications of the candidates should be investigated by an *ad hoc* Selection Board of from three to five officials, including, normally, the Chief of the Department or Division in which the vacancy exists.

58. These internal bodies, however, consisting of officials concerned with the day to day business of the Secretariat, will in the long run not be fully adequate to advise the Secretary-General on the peculiarly complex problems with which he will be faced in recruiting his staff. Consideration should therefore be given to the early establishment of an international civil service commission to advise the Secretary-General on the methods of recruitment for the Secretariat, as well as the methods by which the adoption of common standards of recruitment in the Secretariat and the specialised agencies may be ensured. The nature and duties of this body should be studied by the appropriate organs of the Preparatory Commission.

### **E: Conditions of Employment**

#### *Duration of Appointments*

59. Unless officials can be offered some assurance of being able to make their careers in the Secretariat, many of the best candidates from all countries will inevitably be kept away. Nor can officials be expected fully to subordinate the special interests of their countries to the international interest if they are merely detached temporarily from national administrations and remain dependent upon them for their future prospects. Finally, it is important that the advantages of experience should be secured within the Secretariat, and sound administrative traditions established.

60. For these reasons, it is essential that the bulk of the middle and upper grades should consist of officials who will make their career in the Secretariat. They should be given five year contracts, renewable for further five year terms if their work is satisfactory. Renewal should be considered as normal, and should not be denied in order to make way for the appointment of an official of another nationality or for other reasons not connected with the official's own work.

61. It is clearly neither possible nor desirable, however, to recruit the entire Secretariat on a permanent basis. The Secretary-General must have freedom to offer temporary appointments, for such periods and under such conditions as he may determine, to specialists in technical fields, as well as to persons with special political qualifications who are likely to be required in the Secretariat for the performance of urgent and exceptional tasks or tasks of a temporary nature. The Secretary-General must also be in a position to make temporary appointments from geographical regions which are inadequately represented in the Secretariat if suitable candidates from that region are not readily available for permanent appointment. Furthermore, it is important that officials from national services should be enabled to spend a short period of not longer than two years in the lower and medium ranks of the Secretariat, so that personal contacts between the Secretariat and national administrations may be strengthened and a body of national officials created who have gained international experience.

62. All officials, except possibly those appointed for very short periods, should undergo a probationary period. Detailed provisions on the subject are included in the Draft Provisional Staff Regulations (Regulation 19 onwards). A special advantage of the probationary period is that it might conveniently be combined with the system of in-service training recommended in paragraph 56. The probationary period should not be a mere formality, but a genuine testing of the official's suitability for his particular post in the Secretariat. Not all persons who might be capable national civil servants are suited to international work, and failure to retain an official after his probationary period ought not necessarily to be regarded as a reflection on his general ability.

63. The age limit for permanent officials should be sixty years, unless extended in individual cases by decision of the Secretary-General, confirmed by the General Assembly.

*Salaries, Allowances and Pensions*

64. The salary and allowances of the Secretary-General should be such as to enable a man of eminence and high attainment to accept and maintain the position. Similar considerations apply to the other principal higher officers. The Assistant Secretaries-General should be ensured a status at least equivalent to that of the heads of the specialised agencies brought into relation with the United Nations.

65. In general, it would be desirable to establish comparable salary and allowance scales for the staffs of the United Nations and the various specialised agencies, so as to avoid inter-agency competition for personnel and facilitate interchanges of personnel. These scales should compare favourably with those of the most highly paid home and foreign services, due account being taken of the special factors affecting service in the Secretariat.

66. Among these factors are the following: the wide range of remuneration for comparable work prevailing in the government services of the various States; the limited prospects of promotion to the highest posts in the Secretariat compared with the prospects of promotion in national services; the cost of living at the seat of the Organisation—a factor which may be affected, in the early years, by possible housing difficulties; and the additional expenses which a large proportion of the officials will incur by living away from their own country, such expenses varying with the number of dependents and other factors.

67. Rates of remuneration should be related to individual duties and responsibilities in accordance, so far as practicable, with the principle of "equal pay for equal work." The application of this principle can never be perfect, but unless the principle is applied, there will be danger of discontent, personal friction and resignations. Scientific and technical posts should in general be graded similarly to administrative posts and receive equivalent remuneration where the factors of training, experience and responsibility are comparable. Under Article 8 of the Charter, there can be no differentiation in rates of pay for men and women of equivalent rank.

68. Certain of the factors referred to in paragraph 66 are not subject to precise measurement; others cannot be evaluated until the seat of the Organisation has been decided upon. Only recommendations of a general character can therefore be made at this stage. The figures which appear below are given merely as a basis for a detailed examination of the problem, which it is hoped that the Preparatory Commission will undertake. These figures have been based on the assumption that the official salaries and allowances of officials will be free of tax in all countries.

69. It is tentatively suggested that the salary of the Secretary-General should be about 20,000 U.S. dollars a year. The salaries of Assistant Secretaries-General, Directors and Assistant Directors should range between that figure and about 12,000 dollars. The salary for the grade of Secretary might begin in the neighbourhood of 3,500 dollars, rising through four successive grades to between 10,000 and 12,000 dollars for a Counsellor. In the Assistant grades, which are largely clerical and stenographic, salaries should not be less than those paid for corresponding work in the country of the seat of the United Nations, and should be sufficient to attract qualified candidates from any part of the world. The lower staff engaged in chiefly manual work should be paid the best local rates applicable to their work.

70. The provision of an adequate staff pensions system is recommended. Pending the establishment of such a scheme, provision should be made for the immediate creation of a Staff Provident Fund, based on joint contributions by officials and the Organisation (Regulation 63 of the Draft Provisional Staff Regulations).

71. Salaries should be supplemented by children's allowances, and possibly by special allowances towards the cost of the education of the children of officials not citizens of the country in which the seat of the United Nations is situated, if these children are sent to their home country for education. A special allowance might also be made to officials to cover the cost of their initial installation at the seat of the Organisation.

72. Mission allowances should be provided for officials travelling on the business of the Organisation or assigned to temporary duty at a distance from their ordinary place of residence.

73. Allowances should also be provided for the travel of officials (and under defined conditions, their families) to their post of duty upon initial appointment or transfer, and the cost of travel "home" at fixed intervals for officials on leave. Provisional rates for these mission and travel allowances should be fixed by the Secretary-General.

74. A fund for official hospitality should be set up and regulations established governing its use. In addition, certain of the higher officials should be

granted individual lump-sum hospitality allowances. The allowance made to the Secretary-General might be about 15,000 dollars a year. Allowances made to the Assistant Secretaries-General might vary between 3,000 and 5,000 dollars a year. Smaller allowances, to be worked out in the light of further study, should be made to the Directors and Assistant Directors.

75. An official residence, adequately furnished and staffed, should be provided for the Secretary-General by the Organisation.

*Other Conditions of Employment*

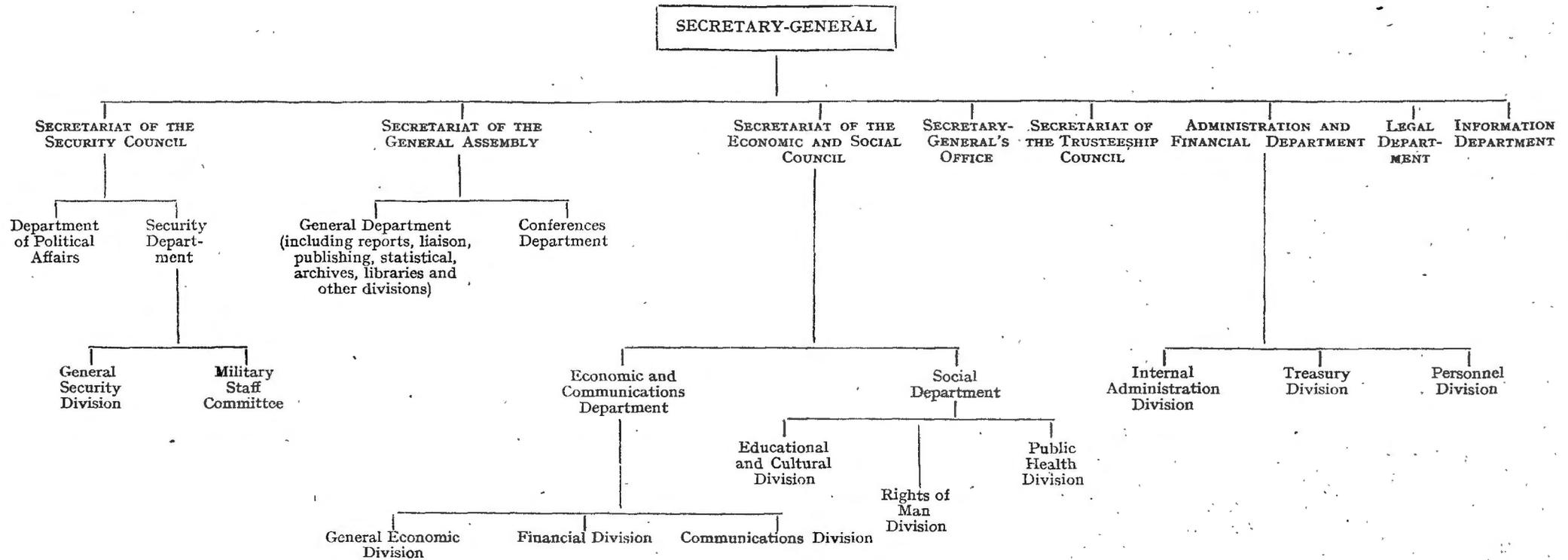
76. Early consideration should be given to the advisability of establishing an Administrative Tribunal to adjudicate on any complaint lodged against the Organisation by an official in connection with the fulfilment of the terms of his contract.

77. Questions relating to the termination of appointments, disciplinary measures, leave, staff institutions and safeguards, etc., are dealt with in the Draft Provisional Staff Regulations. They have been drawn up on the basis of the Staff Regulations proposed for certain of the specialised agencies, which in turn were based on those elaborated by the League of Nations as a result of long experience.

78. The Draft Provisional Staff Regulations are tentative. After consideration by the Preparatory Commission, they should be referred to the Assembly for approval and applied during the initial period of the organisation of the Secretariat. No attempt has been made in the Draft Provisional Staff Regulations to cover the whole field, and certain subjects, such as the procedure for the renewal of appointments, the regrading of staff, the granting of special salary increments, etc., have been left for later study.

## APPENDIX A

### THE DELEGATION OF THE U.S.S.R. : MINORITY PROPOSAL FOR THE ADMINISTRATIVE ORGANISATION OF THE SECRETARIAT



## APPENDIX B

**Communication by the Committee on the Economic and Social Council  
Concerning the Economic and Social Departments of the Secretariat**

1. The Committee on the Economic and Social Council considers that in view of the vast and complex field of economic and social questions, the staff required to deal with economic and social problems should be grouped in two Departments—an Economic and Communications Department and a Social and Human Rights Department. It considers, however, that in view of the close relationship between the questions involved, some special provision is required for co-ordination at the top.

2. The Committee would prefer that some official of a status superior to that of a departmental head should ensure this co-ordination. Such an official might deputise for the Secretary-General at meetings of the Economic and Social Council and be empowered to deal with the heads of specialised agencies. If, however, it is considered inexpedient from the point of view of the general organisation of the Secretariat to create an office of the rank indicated above, the Committee would prefer to have a single department covering the economic and social work of the United Nations, rather than have two departments with two separate heads, co-ordinated only by the Secretary-General, who would be unable to devote sufficient attention to this function in view of his wide responsibilities in the political and other fields.

3. The Committee has noted the suggested departments and divisions in the Charts included in Part III, Chapter VI, Section 2.

4. Assuming the solution for which the Committee indicated its preference in paragraph 1 were adopted, namely that the economic and social work of the Secretariat be co-ordinated by a single official of a higher rank than a departmental head, the Committee recommends that his sphere of competence be split up into the following departments :—

- (a) an Economic Department which would deal with all economic questions (including financial, transport and communications questions) ;
- (b) a Social Department, including social, human rights, cultural, educational and health questions ;
- (c) possibly a Statistical Department.

In these departments there would be a number of divisions and sections. The precise demarcation and competence of these should be left to the Secretary-General to decide upon, but the structure of divisions should be more similar to that which is recommended below as an alternative solution, than to that which is suggested in Section 2, paragraphs 22 to 35.

5. If the alternative solution, namely, that a single Economic and Social Department be set up, is adopted, the Committee would not recommend the creation of an Economic and a Social Division and the relegation of specific topics to sections. There would have to be possibly as many as seven or eight divisions directly under the head of the Economic and Social Department. The division structure as recommended by the Committee on the Secretariat, however, would have to be reconsidered. The Committee has some doubts about the division of work suggested as it lays too much stress on communications questions.

6. The Committee feels that three, or possibly four, divisions would be necessary in the broad social sphere to deal with human rights, health, cultural and educational matters and other aspects of social welfare.

If specialised agencies are created for health matters and cultural and educational matters respectively, no separate divisions would have to be created for them since the work in these fields would mostly be limited to liaison work, and therefore could be included in the other social divisions.

7. In addition to the above mentioned social divisions, three divisions might be created in the economic field (including financial, trade, transport and communications questions).

8. The Committee on the Economic and Social Council suggests that the precise competence and demarcation of these various divisions, especially in the economic field, should be left to the Secretary-General to decide upon.

9. The Committee emphasises the importance and the diversity of the statistical work of the Secretariat. Statistical work will be required in almost every field throughout the organisation, but the bulk of the statistical work will undoubtedly be in the economic and social field.

10. There was some difference of opinion in the Committee as to whether a statistical unit should be set up :

- (a) as a third (junior) department of the economic and social part of the Secretariat in case the first solution is adopted, and as a separate division in case the second solution is adopted ; or

(b) as a separate unit, directly under the Secretary-General.

11. The Committee points out that under the first solution of the preceding paragraphs, activities in the field of social security, human rights, control of narcotics, traffic in women and children, child-welfare, demographic problems, health, educational and cultural questions etc., would be included in the Social Department.

## APPENDIX C

### Delegation of the United States of America :

#### Observations on the Organisation of the Statistical Work of the Secretariat

##### *The Background of the Problem*

1. The Committee on the Economic and Social Council has recommended the establishment by the Economic and Social Council of a Statistical Commission. Further, it has emphasised the importance and diversity of the statistical work of the Secretariat. The Committee, however, did not reach a conclusion concerning the location of statistical services within the Secretariat. This question was referred to the Committee on the Secretariat for advice. The Delegation of the United States of America wishes to submit the following observations on the problem.

##### *Analysis of Problem*

The statistical functions of the Secretariat would appear to include the following aspects :

##### (a) Informational Service to the Secretary-General

2. The Secretary-General will require immediate access to reliable information to assist him, the Assembly, and the Security Council in policy discussions and determinations. Statistical data from all sources will have to be brought together, analysed and interpreted. For this purpose the Secretary-General should be able to secure needed data through a staff directly related to his executive office.

##### (b) Validation of Statistical Findings employed in United Nations Proceedings.

3. It is common experience that statistical data available from different sources on the same subject may be widely at variance. It was this experience that led the British Government to direct in 1941 that the Central Statistical Office in the Offices of the War Cabinet should be generally responsible for the accuracy and consistency of statistical facts presented for Cabinet consideration. A similar validating function should be performed by the statistical staff of the Secretariat in the case of all figures employed in proceedings of the United Nations and its several organs.

##### (c) Internal Statistical Co-ordination

4. To the extent that separate statistical functions and interests may be developed within the separate organs, departments and divisions of the United Nations, these will have to be co-ordinated by a central statistical group.

##### (d) Collection of Statistics from Member Governments or other International Organisations

5. The various organs, departments and divisions of the United Nations will require a great variety of statistical data in the exercise of their respective functions. These data will have to be collected, regularly or on *ad hoc* bases, either directly from Member governments or from specialised agencies.

##### (e) Statistical Publications

6. Periodical publications of officially recognised international statistics will be a normal and useful consequence of the collection process mentioned in the preceding item.

##### (f) Collection of Statistics for Affiliated International Organisations

7. Certain data (e.g. on population and on estimated national income) will be required not only by the United Nations itself but in addition by all or a number of its affiliated agencies. It is essential in such instances, first, that the same basic figures be used by all concerned ; second, that Member governments be spared the costs and annoyance of supplying the same information to a plural number of international offices. In such cases the Secretariat should perform a central statistical collecting function for affiliated agencies. As its statistical facilities are developed, the Secretariat can be expected increasingly to serve as a statistical servicing instrument for such agencies.

## (g) External Statistical Co-ordination.

8. Agreements will have to be negotiated among the affiliated agencies concerning their respective areas of statistical activity. It might, for example, be agreed that all international data respecting agricultural production should be collected by the F.A.O.

## (h) Recommendation of Uniform Standards.

9. The statistical data required for any international purposes will be unavailable in many of the United Nations. It should be a function of the Statistical Commission established by the Economic and Social Council to formulate certain common standards as to kinds of data to be collected by member Governments and as to the methods of their collection. Only by the formulation and acceptance of such common standards concerning statistical methods, concepts, definitions, reporting periods, etc., will the data of the several member Governments become sufficiently comparable for international purposes. It should be a function of the Secretariat to assist the Statistical Commission in the formulation of such standards and in the effectuation of such of them as may be adopted.

## (i) Statistical Consultation and Advice.

10. The functions outlined above will require a statistical staff of the highest order of competence. To the extent that its other duties permit, such a staff should be available for consultation and advice with respect to statistical inquiries or analyses proposed or contemplated by any part of the Organisation, its affiliated agencies and, in some cases, Member governments. Its performance of consultative and advisory functions will, in turn, further and facilitate its successful performance of all its other functions.

## (j) Clearing house for International Statistics.

11. If the preceding functions are successfully undertaken, the central statistical staff of the Secretariat will become a repository of international information. It should seek to attain such a status by the development of all possible library and filing devices which would serve that end. In this connection it is recommended that all agreements perfected by the Economic and Social Council with other agencies for their affiliation with United Nations should include a provision that all important statistical data in their possession should be made available to the Secretariat of the United Nations, and, when feasible, that duplicates of original statistical data be filed with the Secretariat of the United Nations.

*Location of Statistical Functions within Secretariat*

12. The appropriate location of the statistical functions of the Organisation will depend upon decisions concerning the major sub-divisions of the Secretariat, and in particular concerning the arrangement of the *economic and social units* of the Secretariat. If, as a *first alternative*, the latter are organised as separate, co-equal departments, each responsible directly to the Secretary-General, a distribution of statistical activities between them is inevitable. If, as a *second alternative*, the economic and social units were to be combined, for example, in a single *Office* of Economic and Social Affairs, headed by an Assistant Secretary-General and sub-divided into Departments of Economic Affairs and Social Affairs respectively, all statistical functions might successfully be lodged within this *Office*.

13. The *first alternative* would necessitate a division of each of functions (d), (e) and (f), and possibly also a division to some extent of functions (g), (h) (i) and (j), between the Economic and Social Departments. Under such a "decentralised" form of organisation of statistical activity it would be essential that functions (a), (b) and (c) be placed at a higher level, presumably in the office of the Secretary-General. In addition, if so determined, functions (g), (h) and (i), or parts thereof, might be included in this central staff, in preference to the division of each of them between the Economic and Social Departments.

14. Under the *second alternative* all statistical functions might be placed in a staff unit directly responsible to the Assistant Secretary-General in charge of the Office of Economic and Social Affairs. The precise manner in which these functions should be organised within the Office could not be determined until the general organisational pattern has become clearer. The statistical unit would serve not only the extensive and inter-related statistical needs of both of the departments within such an Office, but also the statistical needs of the Secretary-General, the Assistant Secretary-General, and other offices, departments and organs of the United Nations.

15. There are numerous precedents in national experience for both types of statistical organisation suggested above. In the present case, however, it would appear that the statistical activities of the Organisation could be most effectively developed within the framework provided by the *second alternative*.

## APPENDIX D

**Joint Sub-Committee of the Committees on the Secretariat and on Financial Arrangements : Discussion of the Proposals of the Delegation of the United States of America for an Executive Office of the Secretary-General**

1. The United States Delegation proposed the reconsideration of the tentative recommendation by the Committee on the General Assembly that the budget responsibility be placed in the Treasurer. In lieu of this recommendation it was proposed that the Secretary-General be authorised to organise an Executive Office to assist him in his role as chief administrative officer, and that the budget and administrative planning functions should be located in the Secretary-General's office. A draft report of the Committee on the Secretariat dealing with the functions of the Secretary-General was cited in support of the proposal. The report stresses the role of the Secretary-General as the chief administrative officer of the United Nations, and his direct responsibility for personnel administration, for budget administration and for the operation of a central secretariat.

2. In view of the responsibilities placed upon the Secretary-General it was urged that he should be provided with adequate staff management facilities under his immediate direction. The budget, it was pointed out, is the most positive instrument available for the positive and dynamic management of an organisation. Governmental and industrial experience was cited as increasingly indicating the desirability of attaching the budget staff directly to the chief administrative officer. This concept of the budget as a progressive and effective administrative aid to the chief executive was contrasted to the older, narrower concept of the budget as a fiscal device to be used solely for enforcing economy as an end in itself. This latter concept, it was noted, was the almost inevitable result of placing the budget function in the Treasury.

3. The use of the budget as an aid to administrative planning and co-ordination was also noted, as was the contribution such an office could make to the easing of the administrative burden of the principal programme officers of the Secretariat.

4. The opinion of the majority was against the proposals. It was argued that an international organisation should be so constructed as not to need the organisational forms suggested which might be suitable for co-ordinating a loosely connected series of agencies. While there was a general agreement upon the importance of the budgetary function and the spirit in which it should be exercised, it was considered that these requisites could be equally well achieved under the system proposed by the Committee on the Secretariat. The Treasurer would be a high official directly responsible to the Secretary-General, and budgetary policy would be forged by discussion between the heads of Departments, the Chief Administrative Officer and the Treasurer, under the general control of the Secretary-General, and in the light of the policies approved by the Assembly and Councils. The heads of Departments are very intimately connected with staffing and administrative matters, and doubts were expressed as to the advisability of giving wide powers to a small body outside the departmental organisation and in a special relationship with the Secretary-General. The proper exercise of the budgetary functions of the Treasurer was not considered to be incompatible with his control of the departments dealing with revenue and the management of funds, and it was considered desirable that one high official occupying a regular place in the departmental structure should bring together expenditure and revenue considerations, particularly in view of the special importance in international organisations of having the confidence of Member States and obtaining their willing co-operation in meeting their share of expenditure.

5. It was agreed that the Delegation of the United States of America should submit a paper as an alternative proposal to that of the Committee on the Secretariat for consideration at the Preparatory Commission stage.

### Section 3. Draft Provisional Staff Regulations

#### I DUTIES AND OBLIGATIONS OF THE SECRETARIAT

##### *Regulation 1*

The Secretary-General and all members of the staff of the Organisation are international officials, and their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations alone in view. In the performance of their duties they shall not seek nor receive instructions from any Government or from any other authority external to the Organisation. All members of the staff are subject to the authority of the Secretary-General, and are responsible to him in the exercise of their functions.

*Regulation 2*

Upon assuming their duties, all officials shall subscribe in writing to the following oath or declaration :

" I solemnly swear (undertake) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an official of the Organisation, to discharge those functions and regulate my conduct with the interests of the United Nations alone in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organisation."

*Regulation 3*

This oath or declaration shall also be made orally by the Secretary-General and each member of Grades I and II at a public meeting of the General Assembly, and by other officials in public before the Secretary-General or his authorised deputy.

*Regulation 4*

The immunities and privileges attaching to officials of the United Nations in virtue of Article 105 of the Charter are conferred upon them in the interest of the Organisation. They furnish no excuse to the officials who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. Officials of the Secretariat invoking these privileges and immunities must report to the Secretary-General, with whom it rests to decide whether they shall be waived.

*Regulation 5*

Officials shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation. They are required to exercise the utmost discretion in regard to matters of official business. Except in the course of his official duties or by authorisation of the Secretary-General, no official may, during the term of his appointment or service, publish, cause to be published, or assist in the publication of any book, pamphlet, article, letter, or other document relating to the policies or activities of the Organisation or to any national political question ; deliver any speech, lecture, or radio broadcast, or grant any press interview on such policies, activities or questions ; or communicate to any person any unpublished information known to him by reason of his official position.

*Regulation 6*

All officials holding contracts for two years or more shall, upon confirmation of their appointments, resign from any position they may hold in public or private employment. Other officials whose contracts have been extended beyond a two-year period shall take the same action. No official may, during the period of his appointment, engage in any occupation or profession which, in the opinion of the Secretary-General, is incompatible with the proper performance of his official duties.

*Regulation 7*

Any official who wishes to become a candidate for any public office of a political character shall resign from the Secretariat.

*Regulation 8*

No official may accept any honour, decoration, favour, gift or bonus from any Government, or from any other authority external to the Organisation, for services rendered during the period of his appointment or service.

## II CLASSIFICATION AND CATEGORIES OF STAFF PERSONNEL

*Regulation 9*

The permanent officials of the Organisation shall be full-time appointees for periods of five years, holding renewable contracts. They shall be classified by grades according to the nature of their duties and responsibilities as follows :—

- I Assistant Secretary-General.
- II Director.
- III Assistant Director.
- IV Counsellor.
- V Principal Secretary.
- VI Assistant Principal Secretary.
- VII Secretary.
- VIII Head Assistant.
- IX Senior Assistant.
- X Junior Assistant.

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Other officials may be appointed for such periods as the Secretary-General may determine and, at his discretion, may or may not be assigned to the above grades.

*Regulation 10*

The age limit for all permanent officials shall be sixty years, unless extended in individual cases by decision of the Secretary-General, confirmed by the General Assembly.

III APPOINTMENT AND PROMOTION

*Regulation 11*

Men and women shall be equally eligible for all positions on the Secretariat in accordance with Article 8 of the Charter.

*Regulation 12*

Officials are assigned their duties by the Secretary-General or by the heads of their respective services acting by his authority. Subject to the terms of his appointment, an official may be required to work in any service of the Secretariat, but in appointing an official to any service or duty, his technical qualifications shall receive consideration.

*Regulation 13\**

The following committees shall be established to assist the Secretary-General in regard to the appointment of officials, their promotion and discharge :

(a) The Committee on Appointments and Promotion, consisting of officials nominated by the Secretary-General, who shall not be of lower rank than that of Director and shall be of different nationalities, and also of one or more officials chosen by the staff to represent them. This body shall advise on all posts of Grade VII and upwards.

(b) The Sub-Committee on Appointments and Promotion, consisting of officials nominated by the Secretary-General, who may be of lower rank than that of Director and shall be of different nationalities, and also of one or more officials chosen by the staff to represent them. This body shall advise on all posts of grades lower than Grade VII. It shall present its report either directly to the Secretary-General or to the Committee on Appointments and Promotion as the Secretary-General may decide.

*Regulation 14*

Subject to the necessity of maintaining a staff recruited on as wide a geographical basis as possible, and subject to the requirements of the Secretariat, vacancies shall be filled by promotion of officials of the Secretariat, and, if arrangements for reciprocal treatment are concluded, of officials of specialised agencies brought into relation with the United Nations, in preference to appointments from outside.

*Regulation 15*

Upon appointment, every official shall receive a letter of appointment signed by the Secretary-General or his authorised deputy. The letter of appointment shall state the grade classification if any, the initial salary rate per annum or other basis of remuneration, the tenure of the appointment, and any special conditions which may be applicable to the appointment. It shall further state that the appointment is subject to the Staff Regulations of the United Nations, a copy of which shall be attached, and to all supplements and amendments which may be made thereto. The appointee shall accept his appointment by signing and returning to the Secretary-General or his authorised deputy a letter of acceptance, a form for which shall be enclosed with the letter of appointment. The letter of appointment and the letter of acceptance shall constitute the contract of employment.

*Regulation 16*

For the purpose of these Regulations, the period of each full-time appointment to the Secretariat shall be counted from the date on which the appointee actually enters upon his duties, and his salary shall be payable from such date.

*Regulation 17*

So far as practicable, the method of competition or examination shall be used in selecting candidates for posts on the Secretariat. Appointments will, however, not necessarily be made solely on the basis of the results of such competition or examination.

*Regulation 18*

A register shall be kept of those applications for employment in the Secretariat which appear to merit consideration, and the claims of persons entered therein who possess suitable qualifications shall be examined whenever it is proposed to make a new appointment to the Secretariat.

\* This Regulation may require modification if an international civil service commission is established.

## IV PROBATION

*Regulation 19*

All permanent officials and other officials appointed for a period of three years or longer shall be on probation during an initial period of service, which in Grades I to IV shall be six months, and in other grades, twelve months. The Secretary-General may, at his discretion, prolong the above periods for further periods of six and twelve months respectively, and may also after six months' service confirm the appointment of any official giving unquestionable satisfaction. Officials appointed for less than three years shall be on probation for the period specified in their contracts.

*Regulation 20*

An official on probation may be discharged at one month's notice if he fails satisfactorily to perform his duties.

*Regulation 21*

At least two months before the end of the probationary period, the responsible chief of any official on probation shall submit a considered report on his work and official conduct.

*Regulation 22*

Before recommending the discharge of an official on probation, or the non-confirmation of an appointment, the Committee (or Sub-Committee) on Appointments and Promotion shall give the official an opportunity to state his case.

*Regulation 23*

No appointment shall be confirmed until the Secretary-General has been satisfied by a certificate from the medical staff of the Organisation that the official concerned is in good health and free from any defect or disease likely to interfere with the proper discharge of his duties.

## V SALARIES

*Regulation 24*

The salaries of officials shall be payable in accordance with the standard scale\*. They shall, in the absence of a decision of the Secretary-General to the contrary, be payable at the end of each calendar month in respect of the past month.

*Regulation 25*

In the event of the death of an official, a grant equal to one month's salary shall be paid to his widow or such other dependent member of his family as the Secretary-General may determine.

*Regulation 26*

Annual increments of salary, in accordance with the standard scale\*, shall be granted to an official only on a certificate from his responsible Chief that he has given satisfaction during the past year.

## VI HOURS OF WORK

*Regulation 27*

The normal work week for the Secretariat shall be 40 hours. All officials of Grade X upwards shall be entitled to compensatory leave for overtime work. Officials below Grade X shall be entitled to compensation in the form of overtime pay.

*Regulation 28*

Except in an emergency, attendance at the office of the Organisation shall not be required on Sunday or on such public holidays as the Secretary-General may decide.

## VII SICK LEAVE AND MATERNITY LEAVE

*Regulation 29*

Officials who are on probation or hold contracts of one year or less shall be entitled to sick leave at the rate of two and one-half working days per month on full pay and two and one-half days per month on half pay. The period of probation may be extended by the amount of sick leave allowed if such leave exceeds four weeks.

*Regulation 30*

Other officials shall be entitled to sick leave up to an aggregate of twelve months in any four consecutive years, of which the first six months shall be on full pay and the remainder on half pay; provided that, after four months' continuous leave on full pay has been granted, sick leave for the remainder of the same illness shall ordinarily be on half pay.

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\* Yet to be determined.

*Regulation 31*

An official who is entitled to sick leave and who is absent on account of illness or accident for more than three consecutive working days must, unless circumstances prevent, file not later than the fifth day a certificate from a duly qualified physician stating the nature and probable duration of the illness, and indicating that the official is unable to perform his duties. Officials who are on sick leave may be visited by a medical officer designated by the Secretary-General. At the expiration of the period for which sick leave is granted, additional sick leave may be allowed only on the production of a certificate from a medical officer designated by the Secretary-General.

*Regulation 32*

If the number of working days during which an official entitled to sick leave is absent in any period of twelve consecutive months without producing a medical certificate exceeds twelve in the aggregate, the number in excess of twelve shall be deducted from his annual leave.

*Regulation 33*

On the exhaustion of the sick leave allowable under this Chapter, the Secretary-General may, at his discretion, grant additional sick leave without pay, or terminate the appointment on grounds of ill health.

*Regulation 34*

The termination of an appointment shall, as from the date on which the appointment ends, cancel any claim which the official may have to sick leave.

*Regulation 35*

In maternity cases, permanent officials shall be allowed special leave, which shall not count as sick leave, for a period not exceeding six weeks before and six weeks after confinement. The special maternity leave allowable to other officials shall be determined by the Secretary-General.

## VIII ANNUAL AND SPECIAL LEAVE

*Regulation 36*

Annual leave on full pay shall be granted in accordance with the following provisions:

(a) to officials who are *not recruited locally* and who are appointed for periods of one year or longer, at the rate of three working days per each completed month of service.

(b) to officials who *are recruited locally* and who are appointed for periods of one year or longer, at the rate of two and one-half working days per each completed month of service; and

(c) to officials who are appointed for periods of less than one year, at the rate of two working days per each completed month of service, provided that no part of such leave may be taken until at least three months' service has been completed.

*Regulation 37*

Officials must take at least half of their annual leave in the course of the year in respect of which the leave is due. The remainder of the leave due for the year may be carried forward and added to the leave which they take in a subsequent year, provided always that the total amount of accumulated annual leave may not exceed three months.

*Regulation 38*

An official who spends all or part of his annual leave at the place recognised as his home at the time of initial appointment may add to his leave the time required to make the journey there and back by an approved route and type of transportation. This privilege may be exercised only once in every year, or in every two years, according to the distance between such place and the headquarters of the United Nations.

*Regulation 39*

On leaving the service of the United Nations for any reason except discharge or dismissal for misconduct, every official shall, so far as he has not received the annual leave to which he is entitled under Regulation 36, be granted a number of days' leave on full pay up to but not exceeding two years' accumulation of such leave, or an equivalent sum of money in lieu thereof.

*Regulation 40*

Special leave, with or without pay, may, at the request of any official, be granted by the Secretary-General for advanced study or research in the interest of the United Nations or for other exceptional or urgent reasons.

*Regulation 41*

All arrangements for annual or special leave shall be subject to the exigencies of the service, due consideration being given to the personal circumstances and preferences of the official.

## IX. TERMINATION OF APPOINTMENTS AND RESIGNATIONS

*Regulation 42*

The appointment of any permanent official may be terminated by the Secretary-General on six months' notice if the necessities of the service require the abolition of his post or a reduction of the staff.

*Regulation 43*

Any permanent official whose appointment is terminated under the conditions provided in Regulation 42 after at least one year of service, shall be paid an indemnity equivalent to one month's salary for each year of service, fractions of a year to be pro-rated in determining the amount, provided that such indemnity shall not be less than the equivalent of three months' salary or more than the equivalent of twelve months' salary. This indemnity shall be in addition to any sum due to the official from the Temporary Staff Provident Fund.

*Regulation 44*

Any permanent official may resign his position on giving three months' notice in writing to the Secretary-General. Resignations on shorter notice may be accepted. The period of notice to be given by other officials shall be fixed in their contracts in accordance with the length of their contract.

*Regulation 45*

Any official who so requests shall, on leaving the service of the United Nations, be given a certificate relating to the nature of his duties, the length of his service, the quality of his work and his official conduct.

## X. STAFF SANCTIONS

*Regulation 46*

Subject to the provisions of these Regulations, the tenure of every appointment shall be conditional upon the good conduct of the official concerned and the efficient discharge of his duties.

*Regulation 47*

Sanctions may be imposed upon any official in the event of misconduct or unsatisfactory work. In order of severity, such sanctions may include oral warning, the withholding of a salary increment or increments, written reprimand or censure, transfer to an inferior position, reduction of salary, suspension with or without pay, discharge or summary dismissal. If a charge of grave misconduct is made against an official, and the Secretary-General considers that the charge is *prima facie* well founded and that the official's continuance in office pending investigation of the charge would prejudice the service, the Secretary-General may suspend the official from his functions pending investigation, such suspension to be without prejudice to the rights of the official.

*Regulation 48*

The sanction of discharge may be applied only if the services of an official persistently fail to give satisfaction. Only the Secretary-General or his authorised deputy may order the discharge of an official, who shall be given reasonable notice thereof and an opportunity to state his case in writing.

*Regulation 49*

Any official, whatever the terms of his appointment, may be summarily dismissed by the Secretary-General for flagrant misconduct.

## XI. JUDICIAL COMMITTEE

*Regulation 50*

A Judicial Committee shall be established, consisting of two members nominated by the Secretary-General, two members elected by the staff of the Secretariat, and a fifth member elected by the other four.

*Regulation 51*

The following sanctions set forth in Regulation 47 shall not be imposed upon an official until the Secretary-General has referred the matter for enquiry to the Judicial Committee, and has received and considered the Committee's report: transfer to an inferior position, reduction of salary, suspension without pay, discharge, summary dismissal.

## XII. ADMINISTRATIVE COMMITTEE

*Regulation 52*

For the purpose of advising the Secretary-General in the application of these Regulations in regard to all matters not placed within the competence of the Committees established by Regulation 13, or the Judicial Committee established by Regulation 50, there shall be created an Administrative Committee. This Committee shall consist of one member appointed by the Secretary-General, three members elected by the staff and a fifth member elected by the other four members. The Treasurer shall attend meetings in an advisory capacity.

## XIII STAFF COMMITTEE

*Regulation 53*

A Committee appointed by the staff, to be known as the Staff Committee, shall be established for the purpose of ensuring continuous contact between the staff and the Secretary-General. The Committee shall be entitled to make proposals for improvements in the conditions of work of officials and their general conditions of life.

## XIV TRAVEL EXPENSES AND ALLOWANCES

*Regulation 54*

The travel expenses incurred by officials in respect of authorised journeys on the business of the Organisation shall be defrayed by the United Nations.

*Regulation 55*

Officials travelling on the business of the Organisation, or assigned to temporary duty at a distance from their ordinary place of residence, shall be entitled during such displacement to receive a *per diem* subsistence allowance sufficient to cover the extra personal expenditure occasioned by the displacement.

*Regulation 56*

The travel expenses, including the cost of transport of baggage and trunks containing personal effects, of each official appointed to the Secretariat, shall be defrayed by the Organisation from the place at which he was residing at the time of his appointment to the place at which he is required to report for duty. The official shall further be entitled during the journey to receive a subsistence allowance as defined in Regulation 55.

*Regulation 57*

An official who spends all or part of his annual leave at the place recognised as his home at the time of initial appointment, shall be entitled to be paid every two years in respect of himself, his wife and his children under the age of twenty-one years the cost of one journey by an approved route and type of transportation to and from such place.

*Regulation 58*

The obligations of the Organisation under Regulation 57 may be met by allowing an official who is sent to his home country on official business at the expense of the United Nations to take his leave there before, or on the conclusion of, his mission and by paying the cost of his return journey.

*Regulation 59*

A married official appointed for a period of not less than one year shall be entitled, upon confirmation of his appointment (unless the Secretary-General deems it desirable to accord the privilege at an earlier date) to the payment of travel expenses including the cost of transport of baggage and trunks containing personal effects for his wife and children under the age of twenty-one years, from the place where he was ordinarily resident at the time of his appointment to the place at which he is assigned to duty. During the period of travel, a *per diem* subsistence allowance as defined in Regulation 55 shall also be paid in respect of his wife and children under the age of twenty-one.

*Regulation 60*

An official appointed for a period of not less than three years shall be entitled, upon confirmation of appointment, to payment of the cost of removal of his furniture and personal effects up to a determined volume and weight from the place where he was normally resident at the time of his appointment to the place at which he is assigned to duty.

*Regulation 61*

An official who is obliged to change his residence as a consequence of being transferred permanently or for a substantial period to another office of the Secretariat, shall be entitled to be paid the travelling expenses of his wife and children under twenty-one years of age, and the cost of removal of his furniture and effects up to a determined volume and weight.

*Regulation 62*

On leaving the service of the Organisation, every official shall be entitled to be paid his travelling expenses, including the transport costs of baggage and trunks containing his personal effects, from the place at which he is stationed to any place he may indicate, provided that these expenses do not exceed those that would be payable if he returned to the place where he was ordinarily resident at the time of his appointment. He shall further be entitled to a *per diem* subsistence allowance as defined in Regulation 55 for the number of days for which travelling expenses are payable by the Organisation. After one year's service, a married official upon leaving shall be entitled to the

reimbursement of such expenses and costs for his wife and children under twenty-one years of age. He shall further be entitled to a *per diem* subsistence allowance for himself, his wife and children under twenty-one years of age under the conditions indicated above. After three years' service, an official upon leaving shall be entitled, in addition, to the reimbursement of the cost of removal of his furniture up to a determined volume and weight.

## XV TEMPORARY STAFF PROVIDENT FUND

### *Regulation 63*

Pending the establishment of a permanent staff pensions system, a deduction of seven and one-half per cent. shall be made from the monthly salaries of all full-time officials and paid into a Staff Provident Fund, to which the Organisation shall contribute an additional ten per cent.

### *Regulation 64*

An official whose appointment is terminated, except under the provisions of Regulation 48 or Regulation 49, or who resigns in accordance with the provisions of Regulation 42, shall be entitled to receive from the Staff Provident Fund the accumulated capital sum represented by the monthly deduction of seven and one-half per cent. from his salary, and a sum equivalent to the total percentage contribution made by the Organisation, plus accrued interest.

### *Regulation 65*

An official who is discharged or summarily dismissed under the provisions of Regulation 48 or Regulation 49, shall be entitled to receive from the Staff Provident Fund the accumulated capital sum represented by the monthly deductions of seven and one-half per cent. from his salary, plus accrued interest.

### *Regulation 66*

Rules governing the administration of the Staff Provident Fund and the rights and privileges of all officials belonging thereto shall be promulgated by the Secretary-General, subject to the approval of the General Assembly.

### *Regulation 67*

Upon the establishment of a permanent staff pensions system, the balances to the account of all members of the Staff Provident Fund who are eligible to become members of the system shall be transferred to it.

## XVI SPECIAL INDEMNITIES

### *Regulation 68*

An official receiving a physical injury or incurring disease in the course of and in consequence of his employment by the United Nations shall be allowed a reasonable indemnity. Should the official's death result from the injury or disease, reasonable compensation shall be paid to his widow or such dependent member or members of his family as the Secretary-General may determine. Claims for such indemnity or benefit must be submitted within a reasonable time after the date on which the accident or illness is alleged to have occurred.

### *Regulation 69*

If an appointment is terminated under Regulation 33 and the causes of the ill health are not imputable to the service, no payments may be made to the official beyond the payments to which he is entitled from the Staff Provident Fund.

## XVII AMENDMENT OF STAFF REGULATIONS

### *Regulation 70*

The provisions of these Regulations and of any Annex thereto may be supplemented or amended by the General Assembly.

## **CHAPTER VII : BUDGETARY AND FINANCIAL ARRANGEMENTS**

### **Section 1 : Recommendation Concerning Budgetary and Financial Arrangements of the United Nations**

*The Executive Committee,*

*Considering* that the permanent budgetary and financial arrangements of the United Nations should be so designed as to promote efficient and economical administration and command the confidence of Members ; and

*Considering* that an orderly budgetary procedure is essential and that there must be rules which ensure that proposals involving expenditure are properly prepared and thoroughly examined before being approved ;

*Recommends:*

1. that arrangements be made on the basis of the general principles set out in Section 2, for budgetary procedures, the collection and custody of funds, the control of disbursements, and the auditing of accounts ;
2. that the Budget of the United Nations be on an annual basis and that the beginning of the financial year should coincide with the quarter of the calendar year next after the opening of the regular annual session of the General Assembly ;
3. that the Secretary-General, as chief administrative officer, formulate and present to the General Assembly the Budget of the United Nations ;
4. that the Secretary-General be assisted by a budgetary staff, the Head of which should have direct access to the Secretary-General, and have a status in relation to the other officials of the Secretariat which will enable him to carry out his duties effectively ;
5. that the General Assembly appoint a Supervisory Committee for Administrative and Budgetary Questions of seven members, at least two of whom should be financial experts of recognised standing, described in paragraphs 8 to 10, Section 2, with the following functions:
  - (a) to examine and report on the Budget submitted by the Secretary-General to the General Assembly and to advise the Assembly concerning administrative and budgetary matters ;
  - (b) to examine on behalf of the General Assembly the administrative budgets of specialised agencies and proposals for financial and budgetary arrangements with such agencies ;
  - (c) to consider and report to the Assembly on the auditors' reports of the United Nations and of the specialised agencies ; and
  - (d) to perform such other duties as may be assigned to it by the financial and administrative regulations of the United Nations ;
6. that the General Assembly appoint during the first part of the First Session a standing expert Committee on Contributions, of seven members, with instructions to prepare a detailed scale of apportionment of expenses, based on the principles set out in paragraphs 14 to 17, Section 2, for consideration at the second part of the First Session ;
7. that Members' contributions be assessed and paid in the currency of the country in which the United Nations has its headquarters.

ii

*The Executive Committee,*

*Considering* that administrative and budgetary planning for the Organisation should be integrated ;

*Recommends:*

8. that the Preparatory Commission appoint an Administrative and Budgetary Committee as one of its Committees ;
9. that the Executive Secretary of the Preparatory Commission appoint a small advisory group of experts, referred to in paragraphs 29 to 36, Section 2, to assist him and the Administrative and Budgetary Committee.

iii

*The Executive Committee,*

*Considering* that until the first annual Budget of the United Nations has been adopted, means will have to be found of meeting and controlling the interim expenditure of the Organisation ;

*Recommends:*

10. that the Executive Secretary of the Preparatory Commission, assisted by the advisory group of experts referred to above, prepare for submission to the Administrative and Budgetary Committee of the Preparatory Commission an estimate of the amount likely to be required to cover interim expenditure for the approval of the General Assembly at the first part of the First Session ;
11. that the General Assembly, at the first part of the First Session, approve the interim budget, the provisional financial regulations and the establishment of an Emergency Working Capital Fund in the manner described in paragraphs 22 to 25, Section 2 ;
12. that the General Assembly, at the first part of the First Session, advise the Secretary-General to appoint an advisory group similar to that referred to in 9 above, with the functions described in paragraphs 29 to 36, Section 2, maintaining as far as is desirable continuity in the composition of the group.

*The Executive Committee,*

Considering that the conduct of the budgetary affairs of the United Nations should be placed on a regular basis as early as possible ;

*Recommends :*

13. that the General Assembly, at the second part of the first session, examine and approve :

- (a) the first annual Budget of the United Nations ;
- (b) the scale of apportionment proposed by the Committee on Contributions (referred to in Recommendation 6 above) ;
- (c) the draft financial regulations submitted by the Secretary-General ; and
- (d) the financial report of the Secretary-General on the interim period ;

14. that the General Assembly at the second part of the first session appoint the Supervisory Committee (referred to in Recommendation 5 above).

## Section 2. Report on Budgetary and Financial Arrangements

### A. PERMANENT ARRANGEMENTS.

*General Principles*

1. The permanent financial system of the United Nations should be so constructed as to promote efficient and economical administration and command the confidence of Members. For the collection and custody of funds, the control of disbursements and the audit of expenditure, it must provide adequate arrangements adapted to the needs of the Organisation, and comparable to those followed by national governments. The problem is most important in regard to the control of expenditure. An orderly budgetary procedure is essential, and there must be rules which ensure that proposals involving expenditure are properly prepared and thoroughly examined from that angle before being approved. On the other hand, rules should be so devised as to allow for this examination to take place without undue delay and for the prompt execution of policies after they have been duly approved.

2. Financial considerations should be given full weight in the formulation of policy, but financial controls ought not to be used to frustrate or hinder the execution of policies duly agreed. These controls are intended to assist in the orderly and economical conduct of the affairs of the United Nations, and should not be regarded as negative in character. A due balance needs to be reached and whatever the system adopted much will depend on the spirit in which it is operated. The desire of the Members to make the United Nations a success should ensure that the financial controls are used for their proper ends.

*Financial Year*

3. It is recommended that the Budget of the United Nations be on an annual basis and that the beginning of the financial year shall coincide with the beginning of the quarter of the calendar year next after the opening of the annual session of the General Assembly.

4. The experience of the League of Nations has shown that it is important from the point of view of realistic budgetary estimating and the prompt execution of approved policies to reduce as far as possible the gap between the formulation of the budget and the date upon which it comes into operation. If the Assembly meets in September, its procedure should, if possible, be so arranged as to enable the budget to be passed by October 1, or if this is impracticable, it would be desirable to examine the feasibility of commencing the financial year before the budget is actually voted, as is done with many national budgets. Otherwise the financial year of the United Nations could not begin until January 1. It is recommended that this question be examined by the advisory group of experts referred to below in paragraphs 29 to 36. That committee ought also to examine arrangements to enable emergency expenditure to be met, particularly on the security side.

*Formulation, Presentation and Execution of the Budget*

5. It follows from Article 97 of the Charter that the Secretary-General as chief administrative officer should formulate and present the annual budget of the Organisation to the General Assembly. In this task he will be guided by the policies already approved or under consideration by the Councils and Assembly. To aid him in these functions the Secretary-General will need the assistance of a budgetary staff. The different units of the Secretariat will consult with the budgetary staff in preparing their estimates, and the head of the budgetary staff will advise the Secretary-General upon them. It will be important that the head of the budgetary staff should have direct access to the Secretary-General, and a status in relation to other members of the Secretariat which will enable him to carry out these duties properly.

6. The Committee has not been able to reach final agreement on the location of the budgetary and administrative planning functions within the Secretariat. A majority of the Committee support a proposal for the assignment of the budgetary responsibility to the Treasurer of the Organisation.

7. A proposal to locate the budgetary functions in an executive office of the Secretary-General was introduced by the Delegation of the United States of America. A summary of the discussion of this proposal is set forth in Part III, Chapter VI, Section 2, Appendix D. It was agreed that the Delegation of the U.S.A. should submit a paper on its alternative proposal, for consideration at the Preparatory Commission stage.

#### *The Supervisory Committee for Administrative and Budgetary Questions*

8. Before the budget is submitted to the General Assembly, it should be examined on their behalf by a small expert body. A large body like the Assembly, or the Administrative and Budgetary Committee of the Assembly, would find it difficult to deal adequately with the budget, and related administrative matters unless the issues upon which its attention should be particularly directed had already been analysed and reported upon. This task will of course be performed to a considerable extent by the Secretariat. In the preparation of the budget the budgetary staff should be satisfied that proposed expenditures are necessary for carrying out approved policies and that the proposed administrative arrangements are appropriate. The Secretary-General will then be able to put forward a coherent case for the proposed expenditures. But it is desirable that the Assembly should be helped by the advice of a body of independent experts, especially since a large proportion of normal expenditure will be on the Secretariat. Such a body, after gaining experience and working in an atmosphere of mutual confidence, would assist the Assembly in its supervision of expenditure and help the Secretary-General in presenting administrative and budgetary proposals to the Assembly. For this reason, the members should be selected on a personal basis, should have wide experience in the field of public affairs and should serve for relatively long terms.

9. It is therefore recommended that the Assembly appoint a Supervisory Committee for Administrative and Budgetary Questions whose functions would be :

(a) to examine and report on the budget submitted by the Secretary-General to the General Assembly and advise the Assembly concerning administrative and budgetary matters ;

(b) to examine on behalf of the General Assembly the administrative budgets of specialised agencies and proposals for budgetary arrangements with such agencies ;

(c) to consider and report to the Assembly on the auditor's reports of the United Nations and of specialised agencies ;

(d) to perform such other duties as may be assigned to it by the financial and administrative regulations of the Organisation.

10. The Committee should be composed of seven members, at least two of whom should be financial experts of recognised standing ; no two members should be citizens of the same State. The term of office of this Committee should normally be three years, corresponding to three financial years of the Organisation. Members should be eligible for re-election and should retire in rotation. The two financial experts should not retire at the same time. In the first instance, two members might be elected for one year, two for two years and three for three years.

11. It is recommended that the Supervisory Committee for Administrative and Budgetary Questions be elected by the Assembly during the second part of the first session. Pending its election its functions during the interim period would be undertaken, as far as is practicable, by the advisory group of experts referred to below in paragraphs 29 to 36.

#### *The Collection and Management of Funds*

12. The Committee considers that it would be desirable to study the question of establishing common services for the United Nations and the specialised agencies in regard to the collection and management of funds and whether such development would be in the interest both of the Organisation and the specialised agencies.

#### *The Currency of Account*

13. The greater part of the expenditure of the United Nations will be incurred in the country in which the Organisation has its headquarters, and therefore in the currency of that country. If a special internationalised enclave were established, similar considerations would still apply, since there would be an existing currency in which the normal business of the area chosen was

# PREPARATORY COMMISSION OF THE UNITED NATIONS

## ERRATUM

In the Report by the Executive Committee to the Preparatory Commission of the United Nations (PC/EX/113/Rev.1) please correct the last sentence of paragraph 8, Section II, Chapter 7, Part III (Page 98) to read as follows:

The members should be selected on the basis of broad geographical representation, personal qualification and experience and should serve for relatively long terms.

transacted. Considerable parts of the budget and accounts of the Organisation would therefore have to be kept in local currency, and it would be desirable for this to apply to the budget and accounts as a whole. Members' contributions should be assessed and paid in this currency. It should, of course, be made clear that requirements of the Organisation for other currencies would only be obtained after consultation with the currency authorities of the Governments concerned.

#### *The apportionment of expenses*

14. The General Assembly has under Article 17(2) of the Charter, the duty of apportioning the expenses of the Organisation among Members. It is recommended that after agreeing on certain broad principles, the Assembly should set up during the first part of the first session a standing expert Committee on Contributions of seven members, with instructions to have a detailed scheme ready for consideration by the Assembly during the second part of the First Session. The members should be selected on the basis of broad geographical representation and experience, and should serve for relatively long terms. No two members of the Committee should be citizens of the same state. The expenses of the Organisation should be apportioned broadly according to capacity to pay. It is, however, difficult to measure such capacity merely by statistical means, and impossible to arrive at any definite formula. Comparative estimates of national income would appear prima facie to be the fairest guide. The comparative income per head of population should however also be taken into account in order to prevent anomalous assessments, e.g. in the case of very populous countries with low average incomes per head. Two opposite tendencies should also be guarded against: some Members may desire unduly to minimise their contribution, whereas others may desire to increase them unduly for reasons of prestige. If a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contribution and its capacity to pay. Temporary dislocation of national economies arising out of the war and the ability of Members to secure foreign currency should also be taken into account.

15. The Committee should be given discretion to consider all data relevant to capacity to pay and all other pertinent factors in arriving at its recommendations.

16. Once a scale has been fixed by the Assembly it should not be subjected to a general revision for at least three years or unless it is clear that there have been substantial changes in relative capacities to pay.

17. Other functions of the Committee would be:

(a) to make recommendations to the Assembly on the contributions to be paid by new Members;

(b) to consider and report to the Assembly on appeals by Members for a change of assessment and

(c) to consider and report to the Assembly on the action to be taken if Members fall into default with their contributions. In connection with the latter, the Committee should advise the Assembly in regard to the application of Article 19 of the Charter.

#### *Travelling expenses of Delegations*

18. The Committee are agreed in principle that the actual travelling expenses of Delegations to and from meetings of the Assembly should be borne by the United Nations budget, provided that an equitable scheme can be evolved for limiting the number of Delegates whose expenses will be paid to five per Member. The maximum paid should be the direct first class return fare for rail, water or air passage by an approved route from the capital of a Member state to the seat of the United Nations. The Committee do not recommend that subsistence allowances of Delegates while attending meetings of the Assembly should be borne by the Organisation. The Committee recommends that this question be considered by the advisory group referred to below in paragraphs 29 to 36.

### B. INTERIM ARRANGEMENTS

#### *Interim Budget estimates*

19. It is recommended that the first annual budget be voted by the General Assembly at the second part of the first session.

20. Pending the voting of the first annual budget of the United Nations by the General Assembly means will have to be found of meeting and controlling the interim expenditures of the Organisation. Most, if not all, of the expenditure in that period will be on the salaries and expenses of the Secretariat and on such items as rent of buildings, stationery, office equipment and the like. It will be difficult to estimate with accuracy how much will be needed in the period, since much will depend on the speed with which the Secretary-General is able to recruit his staff. Some rough estimate, however, of the total amount likely to be required should be made and approved by the Assembly during the first part of the First Session. A Secretary-General is not likely to be appointed early enough during the first part of the First Session of the Assembly to prepare the estimate in time for its approval during the first part of the First Session. It is therefore desirable that the Preparatory Commission should take steps to enable such an estimate to be submitted to the Assembly.

21. The task should be entrusted to the Executive Secretary of the Preparatory Commission assisted by the expert advisers referred to below in paragraphs 29 to 36. The estimate should cover the amount likely to be required in the interim period under suitable broad heads; such as the following:

- Salaries of Secretariat,
- Wages of any temporary lower grade staff,
- Travelling expenses of Secretariat,
- Other incidental expenses (e.g. telephone, telegraph, postage, stationery, etc.),
- Rent of buildings, etc,
- Office equipment, library, etc,
- Contingencies.

When the interim budget has been approved by the Assembly the Secretary-General should be given authority to incur expenditure, without regard to the limitations laid down in the categories mentioned above, up to the total approved under the budget under interim financial regulations approved by the Assembly.

*Emergency working capital fund*

22. It is recommended that the necessary funds be provided out of an emergency working capital fund.

23. The emergency working capital fund should be fixed at a figure sufficient to cover the expenditures likely to be incurred until contributions for the first annual budget are assessed and received; i.e. the figure should provide a working margin over the interim budget. It should consist of advances which would stand to the credit of Members and eventually be set off against the assessed contributions. All Members should agree to make a small basic advance of \$5,000 (U.S.A.). Additional advances up to the total of the fund should be provided from time to time, as funds are required, in instalments from certain Members in agreed proportions.

24. It is suggested that for this purpose the scale agreed for the Food and Agriculture Organisation should be taken and those Members assessed in that scale at over 3 per cent. should contribute in the proportions laid down, reduced to the nearest whole number. It should be stressed that the use of the F.A.O. scale is merely a matter of convenience and is in no sense a precedent for any assessment of contributions.

25. There will be a short period before the working capital fund can be established which will have to be financed by some other means. It was agreed at San Francisco that the expenses incurred by the Preparatory Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances shall be deductible from their first contribution to the United Nations. It is recommended that the gap should be covered by some similar arrangements.

*Administrative and Budgetary Committee*

26. It is recommended that the Preparatory Commission appoint a single Administrative and Budgetary Committee to constitute one of the Committees of the Preparatory Commission.

27. The Administrative and Budgetary Committee should establish the following sub-committees:

- (a) Budget and Administrative Planning,
- (b) Personnel,
- (c) Financial Regulations.

The sub-committees should have a limited number of members, and it might be advisable, in order to co-ordinate the work of the sub-committees, that certain persons should sit on two or three of them.

28. The Executive Committee directed the Executive Secretary to draw the attention of governments, with a view to the composition of their Delegations, to the importance of the administrative, budgetary and personnel matters which will have to be discussed by the Preparatory Commission.

*Advisory Group on Administrative, Personnel and Budgetary Matters*

29. The Executive Committee directed the Executive Secretary to take the necessary steps to appoint as soon as possible a small group of experts on administrative, personnel and budgetary matters to advise and assist him as well as the Administrative and Budgetary Committee of the Preparatory Commission.

30. In particular, the advisory group should assist the Secretary-General and the Administrative and Budgetary Committee of the Preparatory Commission in the preparation of the interim budget estimate and provisional financial regulations to be submitted to the Assembly at the first part of the first session.

31. It is suggested that the Preparatory Commission should recommend that the General Assembly advise the Secretary-General immediately after his appointment that he should appoint an advisory group maintaining, as far as is desirable, continuity in personnel with the experts mentioned above. The advisory group would assist the Secretary-General in elaborating :

- (a) budgetary and administrative plans ;
- (b) personnel plans ;
- (c) financial regulations.

32. Further, it should assist him in the preparation of the first annual budget of the United Nations. It should also make a report on interim administrative and budgetary and personnel arrangements, including a report on expenditure during the interim period, which would be attached to the Secretary-General's Report to the second part of the First Session of the General Assembly.

33. Members of the advisory group should normally be available for advice and assistance to the Secretary-General at the headquarters of the United Nations.

34. The advisory group would cease to function at the time of the appointment of the Supervisory Committee for Administrative and Budgetary Questions during the second part of the First Session of the General Assembly.

35. In both cases, expert advisers would be selected on the basis of broad geographical representation, personal qualifications and experience, as well as special knowledge of budgetary, administrative or personnel problems. It is understood that the Executive Secretary and the Secretary-General when selecting the experts would consult the governments concerned. No two expert advisers shall be citizens of the same state. It may be expected that governments would be prepared to continue payment of the salaries of the expert advisers during the interim period in so far as these persons are in government employment. Their travelling expenses and subsistence should be borne by the Organisation.

36. The foregoing proposals have two principal advantages ; they would ease the transition from the Preparatory Commission stage to the First Assembly stage by providing the Commission with a committee similar to that proposed for the General Assembly, and by providing a number of expert advisers at both stages ; they would also provide the Secretary-General with expert advisers to assist him during the difficult early organisational period of the United Nations.

*Financial planning by the Secretary-General during the Interim period*

37. It is recommended that the Secretary-General after consultation with the advisory group referred to above, should be prepared to recommend necessary action to the Assembly on administrative and budgetary questions, including the following :

- (a) the form of the budget ;
- (b) procedure for the examination of the budget by the Supervisory Committee and for submission of the Committee's report to the Assembly ;
- (c) machinery for the control of expenditure ;
- (d) means of meeting extraordinary expenditure ;
- (e) provision of working capital ;
- (f) character and scope of special funds ; and
- (g) scope and method of audit of accounts and the procedure for submission of auditors' report to the Supervisory Committee and the Assembly.

## **CHAPTER VIII : RELATIONSHIPS WITH SPECIALISED AGENCIES**

### **Section 1 : Recommendation to Transmit, without Approval or Disapproval, Observations on Relationships with Specialised Agencies**

*The Executive Committee,*

*Considering* that developments concerning specialised agencies are in a very fluid state, and that it is impracticable at this time to examine in detail the various degrees of relationship which might be proposed for each of the specialised agencies ; and

*Considering* that the Interim Arrangements establishing the Preparatory Commission do not require the Commission to make recommendations concerning the relationship of the specialised agencies to the United Nations ;

*Recommends :*

that the Observations on Relationships with Specialised Agencies (Section 2) be eventually transmitted by the Preparatory Commission to the General Assembly for its consideration.

## Section 2 : Observations on Relationships with Specialised Agencies

### *Introduction*

1. The objectives of the United Nations in the realm of economic and social co-operation and the effective functioning of the specialised agencies will be more fully realised if a close relationship and co-ordination is established between them. The agreements to be concluded between the United Nations and the specialised agencies should furnish a basic arrangement which will facilitate the realisation of these objectives and enable the United Nations and each of the specialised agencies to discharge their responsibilities in their respective fields. With these considerations in mind, the Committee on Relationships with Specialised Agencies has devoted its attention to the development of certain general principles which could be applied by the Economic and Social Council in bringing the various specialised agencies into relationship with the United Nations.

### *Interpretation of Article 57 of the Charter*

2. It is considered that Article 57 of the Charter makes it mandatory upon the Organisation and upon Members of the United Nations to undertake to bring into relationship with it the various specialised agencies established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields. This consideration applies not only to existing agencies of this character but also to those which may hereafter be established. The report of the Rapporteur of Committee II/3 at the San Francisco Conference indicates that this article should not be regarded as precluding the Economic and Social Council from "negotiating at its discretion, subject to the approval of the General Assembly, agreements bringing other types of inter-governmental agencies into relationship with the Organisation". Accordingly, in addition to negotiating agreements with the specialised agencies which have wide international responsibilities, the Economic and Social Council may, at its discretion, negotiate agreements with such other inter-governmental agencies, including those of a regional character, as are not considered as being within the definition of Article 57, but which it is desirable to bring into relationship.\*

### *Agencies to be Brought into Relationship*

3. It is considered that the various existing specialised agencies should be brought into relationship with the United Nations at the earliest practicable moment, and that other agencies whose establishment is contemplated should be brought into relationship immediately upon their establishment. No reference, however, has been made to the specific agencies which might be brought into relationship.

### *Alternative Arrangements for Certain Bureaux or Agencies*

4. There were a large number of independent bureaux and agencies functioning before the war, and it is thought that more suitable organisational arrangements could be made for the exercise of the functions hitherto entrusted to many of them. It may be desirable for some to continue to function and to be brought into relationship with the United Nations. In a few cases, the process of merging pre-war agencies with newly established agencies is already taking place. The total number of older agencies should, however, be reduced and brought into a more rational and unified organisational structure. The following alternatives might be followed in achieving this end:

(a) liquidation of the bureau or agency with a transfer of some or all of its functions to a specialised agency;

(b) liquidation of the agency and arrangements made for the exercise of its functions under appropriate commissions or committees within the United Nations;

(c) merger with another inter-governmental agency.

### *Functions not Entrusted to Existing Agencies*

5. There are certain fields in which international co-operation and organisation are not fully developed and which do not come within the jurisdiction of any specialised agency. The following alternatives are available to the United Nations for handling matters in these fields:

(a) the initiation of negotiations among the states concerned for the creation of a new specialised agency, in accordance with Article 59 of the Charter;

(b) the establishment of a commission or committee by the Economic and Social Council;

(c) the creation of a subsidiary organ by the General Assembly, in accordance with Article 22 of the Charter;

(d) a recommendation by the Economic and Social Council to an existing specialised or other inter-governmental agency to undertake additional functions.

\* Note.—The term "inter-governmental agency" is used in its widest sense to include all agencies established by inter-governmental agreement whether they are to be brought into relationship or not. The term specialised agency is used to designate the particular type of inter-governmental agency coming within the definition of Article 57, that is, having wide international responsibilities as defined in its basic instrument.

*Recommendations to Members of the United Nations on Relationships*

6. There might well be an interval between the establishment of the United Nations and the conclusion of agreements with the specialised agencies to be brought into relationship with it. The Economic and Social Council may wish to make recommendations during that period to Members of the United Nations concerning the agreements to be concluded with specialised agencies, or with regard to other matters pertaining to their relationship. Recommendations on these and other matters can be made by the Economic and Social Council under the general powers conferred on it in Articles 62 and 66 of the Charter.

*Nature of Relationships*

7. The items set forth in the following paragraphs comprise subjects which are deemed appropriate either for inclusion in the agreements or for suitable action by the General Assembly or the Economic and Social Council. Some of these items are derived from the provisions of the Charter, namely: reciprocal representation (Article 70); exchange of information and documents (Article 64); co-ordination commission of the Economic and Social Council (Articles 63 and 68); recommendations to the specialised agencies (Articles 58, 62 and 63); reports (Article 64); decisions of the Security Council (Article 48); assistance to the Trusteeship Council (Article 91); requests for advisory opinions (Article 96); requests for information by the Court (Article 34 of the Statute of the Court); budgetary and financial relationships (Article 17). There are other subjects, which, though not emanating directly from the Charter, are considered important in the general plan of relationships with the specialised agencies. These comprise subjects listed under the following headings: liaison, proposal of agenda items, rules of procedure, common fiscal services, personnel arrangements, privileges and immunities, administrative tribunal, technical services, central statistical, service and location of headquarters. All or most of the items enumerated in both categories should figure in the agreements with those specialised agencies whose range of functions with regard to economic, social or related matters is extensive, but all should not necessarily figure in the agreements with specialised agencies whose range of functions is less extensive.

*Reciprocal Representation*

8. The principle of reciprocal representation as provided for in Article 70 of the Charter is one of the effective means of securing close relationships between the specialised agencies and the United Nations and of furthering the co-ordination of their activities. The Economic and Social Council is empowered by this Article to arrange for representatives of the specialised agencies to participate, without vote, in its deliberations and in those of its commissions, and for its representatives to participate in the deliberations of the specialised agencies. The exact nature of these arrangements will vary according to the nature of the specialised agency and the character of its relationship to the United Nations. Those of relatively limited scope might normally participate only in meetings of the appropriate commissions and attend the Council only when specially invited. Arrangements with other agencies of more general scope might provide that they be represented in the Council when certain classes of questions are being examined. It may also be desirable to provide that a few of the most important agencies whose range of interest is wide should be represented regularly at Council meetings. Provision should also be made in the agreements for representatives of the Economic and Social Council to participate in the meetings of the policy-making and executive bodies or conferences of the specialised agencies.

9. In view of the powers of recommendation which are conferred on the General Assembly in the field of economic and social co-operation and the functions which it is to exercise with respect to the budgets of specialised agencies, there may be occasions when the General Assembly will consider it desirable to invite representatives of some of the specialised agencies to participate, without vote, in its deliberations. Representation on the Committees of the General Assembly will clearly be desirable when matters of direct concern to the agencies are being discussed. The silence of the Charter with respect to such participation does not appear to preclude the General Assembly from making provision in its rules of procedure for representation of this character, nor from authorising the Economic and Social Council to include an appropriate provision in the agreements with certain of the specialised agencies.

*Exchange of Information and Documents*

10. A full exchange of information and documents on all relevant questions is an essential condition of co-operation and co-ordination, and an appropriate provision should be inserted in the agreements with all specialised agencies.

*Liaison*

11. Although most specialised agencies will have their headquarters at the seat of the United Nations, some may not. If any of the more important agencies are located elsewhere it would be desirable for them to maintain permanent liaison officers at the headquarters of the United Nations. Similarly, the Economic and Social Council might find it useful to maintain liaison officers at the headquarters of such agencies.

*Participation of the Specialised Agencies in the Activities of a Co-ordination Commission of the Economic and Social Council.*

12. Certain matters of organisation of interest to both the specialised agencies and the United Nations could be effectively dealt with by a co-ordination commission of the Economic and Social Council which would include in its membership the chief executives of the specialised agencies, or their deputies, under the chairmanship of the Secretary-General or his deputy. It is suggested that the functions of this proposed commission should include, in particular, such matters as those referred to in paragraphs 13 and 14 below:

13. The large number of periodic conferences and meetings of governing boards and commissions of specialised agencies, together with the regular meetings of the principal organs and subsidiary bodies of the United Nations, will require careful scheduling in order to permit full and adequate representation in all of them. The preparation of a schedule which should, so far as possible, group the periodic meetings of related bodies and take account of any special conferences or *ad hoc* meetings would be of considerable practical value to member governments in planning their representation, and to the bodies concerned in planning their work.

14. It is recognised that arrangements for inter-agency co-operation will be developed, as envisaged in the constitutions of several of the specialised agencies. Such arrangements might usefully be reviewed, in the first instance, by the proposed co-ordination commission to enable that body to advise the Economic and Social Council whether such arrangements adequately take into account the interests of any other specialised agencies which may not be parties to them. The specialised agencies should undertake to inform the Economic and Social Council of the nature and scope of any inter-agency arrangements to which they may be parties.

*Proposal of Agenda Items*

15. Arrangements for the inclusion on the Agenda of the conferences and executive bodies of the specialised agencies of items proposed by the Economic and Social Council would facilitate the consideration of recommendations made by the Council and the General Assembly. The specialised agencies on their part should be granted the privilege of proposing items for the Agenda of the Economic and Social Council. A provision embodying such arrangements might be included in the agreements.

*Rules of Procedure*

16. In view of the advantages to be gained by the establishment of a common code of rules of procedure for all international meetings, it is hoped that when such a code is adopted by the United Nations, the various specialised agencies will adopt it for their meetings in so far as it is applicable.

*Recommendations of the General Assembly and the Economic and Social Council*

17. Articles, 58, 62 and 63 of the Charter emphasise the power of the General Assembly and of the Economic and Social Council to make recommendations to the specialised agencies both with regard to the co-ordination of their policies and activities and with respect to "international economic, social, cultural, educational, health, and related matters". With a view to assuring appropriate consideration of these recommendations, the agreements with all agencies should include an undertaking on their part:

- (a) to place any recommendations made to them by the General Assembly or the Economic and Social Council before their governing bodies or other appropriate organs as soon as possible;
- (b) to arrange for any necessary consultations on matters pertaining to such recommendations;
- (c) to report in due course on the steps taken to give effect to such recommendations (Article 64);
- (d) in general, to co-operate with the United Nations for the achievement of the purposes set forth in Article 55.

*Reports*

18. In addition to the special reports referred to in paragraph 17 above, the agreements with all specialised agencies should include an undertaking by them to furnish regular reports as envisaged in Article 64 of the Charter. The frequency and character of such reports should be set forth in the agreement with each agency.

*Decisions of the Security Council*

19. Under the terms of paragraph 2 of Article 48 of the Charter, Members of the United Nations undertake to carry out decisions of the Security Council for the maintenance of peace and security "through their action in the appropriate international agencies of which they are members". It is considered that this Article should be implemented by the insertion of a suitable provision in the agreements with the specialised agencies in which they would undertake to assist the Security Council, upon its request, in the application of measures envisaged in Article 41 of the Charter.

*Assistance to the Trusteeship Council*

20. Article 91 of the Charter provides that "the Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialised agencies in regard to matters with which they are respectively concerned". In view of the broad economic and social objectives of the trusteeship system, laid down in Article 76, a suitable provision should be made in the agreements with the agencies concerned in which they would undertake to render assistance when so requested. Such a provision might include arrangements for the representation of such specialised agencies on appropriate occasions.

*Requests for Advisory Opinions*

21. Paragraph 2 of Article 96 of the Charter provides that "... specialised agencies, which may at any time be so authorised by the General Assembly may also request advisory opinions of the Court on legal questions arising within the scope of their activities", and the Report of the Rapporteur of Committee IV/1 of the San Francisco Conference contains the following statement:

"The First Committee desired also that at least a restricted competence to make requests should be conferred on public international organisations. A general proposal to this effect was not adopted by the First Committee, but in line with a decision taken by the Second Committee of the Second Commission, it is proposed that the Charter should enable the General Assembly to authorise any organ of the Organisation and any specialised agency brought into relationship with it to request an opinion on legal questions arising within the scope of its activities."

22. In the light of these provisions, it will be for the General Assembly to decide whether a general authorisation, if requested, should be given to any of the specialised agencies to enable them to make requests for advisory opinions directly to the Court without recourse to the General Assembly in each instance. The General Assembly should also consider whether a provision relating to a general authorisation should be included in the initial or subsidiary agreements with the agencies concerned. It is assumed that the General Assembly could at any time revoke a general authorisation.

23. The Economic and Social Council should be immediately informed whenever a request is made for an advisory opinion by any specialised agency acting under a general authorisation and a provision to that effect should be included in the agreements with the agencies concerned.

24. It will also be for the General Assembly to determine, in granting a general authorisation, whether it wishes to attach any conditions, e.g. a condition as to the duration of the authorisation or as to obtaining the prior approval of the Economic and Social Council in each case.

*Requests for Information by the Court*

25. Article 34 of the Statute of the Court empowers the Court to request of public international organisations information relevant to cases before it. A suitable article in the agreements with all specialised agencies should include an undertaking by them to furnish the information requested under the terms of the Statute.

*Budgetary and Financial Relationships*

26. Paragraph 3 of Article 17 of the Charter confers on the General Assembly two functions: first, to "consider and approve any financial and budgetary arrangements with specialised agencies referred to in Article 57"; and second, to "examine the administrative budgets of such specialised agencies with a view to making recommendations to the agencies concerned". The general intention and object of both parts of this paragraph have been examined. It is not considered that there was any intention to confer on the General Assembly a financial power which could be used by it to control the policies of the specialised agencies. Relationships between the specialised agencies and the General Assembly on policy matters are dealt with in other articles of the Charter. The primary object of paragraph 3 of Article 17 is to encourage and develop a large measure of fiscal and administrative co-ordination in the interest of greater operating efficiency and economy for the entire structure of the Organisation and the specialised agencies related to it. Each

specialised agency would benefit from a close scrutiny by the General Assembly of the administrative budgets of all such agencies. Member governments required to share the increasing costs of international organisation would be assured that precautions had been taken against avoidable duplication of effort and expense.

27. The first part of paragraph 3 of Article 17 envisages varying degrees of relationship, from complete financial integration downwards, and the second part is conceived as the minimum degree of relationship on the budgetary and financial side which should be included in the agreements with the specialised agencies. It may be convenient, therefore, to consider the second part, which is mandatory, first.

28. The meaning of the term "administrative budget" has given rise to some discussion. It was suggested that the use of the term might have been intended to underline the point made in paragraph 26 above, that it was the intention that the budgets should be examined from the angle of good administration and not of policy. It was also pointed out that there is clearly an area of possible expenditure—such as the relief operations of U.N.R.R.A. and the technical operations of the Bank and the Fund—which would not be suitable for this kind of examination. Even in such cases, however, the administrative costs of salary, office expenses and general expenditure of a recurring character, are comparable to those of other agencies, and their examination may lead to fruitful comparisons and contrasts. It is considered that the term ought not to be given a restrictive interpretation.

29. It follows that all agreements with specialised agencies should include a provision referring to the power of the General Assembly to examine and make recommendations concerning their administrative budgets and set forth a procedure for its implementation. The Supervisory Committee for Administrative and Budgetary Questions would be the natural body to make the initial examination on behalf of the General Assembly. (See Chapter VII, Section 2, paragraph 4.) The representatives of specialised agencies should have a right to attend the meetings of the Supervisory Committee whenever their respective budgets are under consideration. Where possible, the recommendations of the General Assembly should be made before, rather than after, the budget has been finally adopted by the constitutional organ of a specialised agency.

30. The first part of paragraph 3 of Article 17, however, contemplates the possibility of a much closer integration, and it is assumed that under it agreements might be concluded with some of the specialised agencies which would confer on the General Assembly the responsibility for voting their budgets. In this context the expression "a consolidated budget" has often been used. Such a system would have advantages, since it would enable the Members of the United Nations to consider and vote, at one time and in one place, the budget of the Organisation and of the agencies within the consolidated system. It would also simplify the complicated process of the examination of the budgets prepared by the agencies and reduce the number of operations necessary before a budget is finally adopted. Under such a system the budget estimates would naturally be initially prepared by each agency and the same arrangements for examination, e.g. by the Supervisory Committee of the General Assembly, would be made as for the budget of the United Nations itself, except that the examination would be made in consultation with representatives of the specialised agencies concerned. It will be noted that the League of Nations and the International Labour Organisation had a similar financial arrangement which worked satisfactorily.

31. There are, however, certain difficulties in realising the advantages of a consolidated budget. In the first place, the constitutions of most, if not all, of the specialised agencies would need to be amended in order to enable provision to be made in the agreements empowering the General Assembly to vote their budgets. It would be clearly undesirable to delay the conclusion of the agreements pending the amendment of the constitutions. It follows from this that the desired provision would have to be omitted in the initial agreements with those specialised agencies which would need to submit amendments on this subject to Member governments for approval. Alternatively, it could be provided that the relevant clause in the initial agreements would become operative only upon the entry into force of the constitutional amendment.

32. In the second place, the membership of the specialised agencies and of the United Nations is not identical. This difference in membership might be taken care of through the establishment of a procedure whereby the section of the budget relating to each specialised agency would be initially voted only by the States which are members of that agency. Thus, when the Administrative and Budgetary Committee of the General Assembly was dealing with the budgets of the specialised agencies, Members of the United Nations who are not members of a particular specialised agency would not participate in the consideration of the budget of that agency. On the other hand, arrangements would need to be effected to enable states which are not members of the

United Nations to participate in the consideration of the budgets of the specialised agencies to which they belong. Arrangements of this kind have been made in the past, for example, in the case of the I.L.O., and have proved to be satisfactory. Following such initial action on the budget of each agency, the consolidated budget of the United Nations and the agencies included therein could then be finally approved by the General Assembly in plenary session.

33. While the establishment of a consolidated system to cover as many as possible of the specialised agencies is to be regarded as a desirable objective, it is recognised that a system embracing all agencies may not be practicable. The agreement with an agency cannot include as an essential condition the provision that its budget be made a part of the consolidated system. Members of the United Nations should, however, consider the possibility of framing the constitutions of any new agencies which may be created in such a way as to enable those agencies to come within the consolidated system.

34. As indicated in paragraph 27 above, there are other types of financial arrangements which may be made. For example, paragraph 3 of Article 17 would permit the voting of special grants or subventions to a specialised agency when, in the judgment of the General Assembly, such a specialised agency is best qualified to carry out a new programme of international co-operation for the United Nations.

#### *Common Fiscal Services*

35. There would be many advantages in providing for common fiscal services to be performed by the Secretariat of the United Nations for the Organisation and the specialised agencies. One such service might be the collection of contributions due from Members of the United Nations for all those agencies in which they participate. Although the budget of some of these agencies might be voted by their respective constitutional organs, the United Nations would be responsible for notifying each Member of its share of the expenses of all agencies in which it participates, and for receiving payments from them. In addition to this, the United Nations could perform other fiscal services for the related agencies, such as the administration of balances and special funds, auditing, etc. It is proposed that this subject be studied by a group of experts appointed by the United Nations. This group might also prepare a draft of the financial regulations suitable for a fiscal system of the kind proposed. The provisions to be included in the agreements with the specialised agencies should be based on the result of this study.

#### *Personnel Arrangements*

36. With a view to promoting close and harmonious working relationships among the several specialised agencies and the United Nations, certain common standards with regard to recruitment, conditions of service, classification, pensions and like matters should be agreed upon, and arrangements should be made to permit interchanges of staff. The desirability of establishing common personnel standards and providing for interchanges of staff has already been foreseen by certain intergovernmental agencies whose constitutions authorise the conclusion of agreements with other public international organisations on this subject.

37. While it is agreed that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, the initial negotiations with the specialised agencies should be limited to seeking agreement on common standards, and arrangements for interchanges of staff. This in itself will be a difficult task, and will require careful study by experts drawn from both the Organisation and the specialised agencies concerned. The initial objective might be the development of a set of staff regulations which could be adopted by the specialised agencies, subject to such variations as might be necessary to take account of special situations.

#### *Privileges and Immunities*

38. Harmonious relationships between the specialised agencies and the United Nations will be facilitated if the arrangements for the grant of privileges and immunities are such as to avoid inequitable differentiation in the treatment of personnel. In this connection, it may not be necessary for the specialised agencies to enjoy in every respect the same privileges and immunities accorded to the United Nations. There are, however, certain matters relating particularly to the treatment and conditions of service of the personnel of international organisations in which differentiation between officials of similar status engaged on similar work would be likely to give rise to difficulties. Attention is directed to the following examples:

(a) *Taxation*.—It appears necessary to consider the position which arises where nationals of certain states are subject to taxation by their respective governments while nationals of other states are exempt. A wide variation between the effective salaries of persons on identical salary scales would, amongst other things, clearly limit the possibilities of interchanges of staff.

(b) *International Passport*.—The institution of an international passport available to officials of the United Nations and related agencies is proposed in the Appendix to Chapter V. Such a passport would enable governments to afford like treatment to officials of similar status.

#### *Administrative Tribunal*

39. An administrative tribunal, not unlike that established by the League of Nations in 1927, will probably be set up to hear complaints and settle disputes concerning the terms of employment of officials. In conformity with the views expressed in paragraphs 36 and 37, it is clearly desirable that there should be only one such tribunal for the United Nations and for the specialised agencies and that agreements to this effect should be made with the agencies.

#### *Technical Services*

40. In so far as the headquarters of the United Nations and those of the specialised agencies are located in a single centre, a large number of technical secretarial services could be unified. These technical services might include editorial services, printing, translation and interpretation, information and news services, and specially-trained staffs for the organisation of conferences. It is clear that the centralisation of these services would result in a reduction of overhead costs and increase the operating efficiency of the various agencies.

#### *Central Statistical Service*

41. While it is recognised that in many cases the specialised agencies will wish to maintain their own statistical services, the establishment of a central statistical service in the Secretariat of the United Nations would be of great value, not only to the United Nations, but also to the specialised agencies themselves and to Member Governments. A careful study would need to be made concerning the organisation and operation of such a service in order that it might supplement the services and meet the requirements of all interested bodies. The establishment of such a service would tend to reduce requests to governments by specialised agencies and organs of the United Nations for identical information and at the same time would result in the development of a comprehensive collection of statistical information in the economic and social fields.

#### *Location of Headquarters*

42. The Economic and Social Council, in its negotiations with the specialised agencies, should make the location of the headquarters of these agencies a point of major importance, with a view to securing the advantages which flow from centralisation. However, the undoubted advantages following from centralisation must be weighed against the factors which, in certain instances, may operate in favour of locating the headquarters of an agency in a place which is particularly suited to the discharge of its functions. The possibility of making exceptions to the general principle of centralisation has been recognised. (See Chapter X, Section 2, paragraph 10.)

## CHAPTER IX : THE LEAGUE OF NATIONS

### Section 1 : Recommendation Concerning the Transfer of certain Functions, Activities and Assets of the League of Nations

#### *The Executive Committee,*

*Having considered* the possibility of transferring certain functions, activities and assets of the League of Nations which it may be considered desirable for the United Nations to take over ; and

*Considering,* after it had received the report, contained in Section 3, of a committee which had examined this problem, that it would be useful for the United Nations to state certain terms for this transfer ;

#### *Recommends :*

1. that the functions, activities and assets of the League of Nations be transferred to the United Nations with such exceptions and qualifications as are made in the report referred to above,\* and without prejudice to such action as the United Nations may subsequently take with the understanding that the contemplated transfer does not include the political functions of the League, which have in fact already ceased, but solely the technical and non-political functions ;

\* The Committee recommends that no political questions should be included in the transfer. It makes no recommendation to transfer the activities concerning refugees, mandates or international bureaux. The contemplated transfer will not include transfer of personnel. Transfer of assets and liabilities should imply neither profit nor loss for the United Nations. The problem of separating the finances of the International Labour Organisation from those of the League is left for later consideration.

The transfer of economic activities is limited to such work in this field as the United Nations might wish to continue ; that of the health activities will be subject to any decisions made in the future regarding a new health organisation ; and that of the social activities would take place with the understanding that the question as a whole will have to be referred to the competent organ of the United Nations. The transfer of functions arising from treaties is contemplated only as far as is possible and desirable.

2. that the resolution (Part III, Chapter IX, Section 2) on the taking over of functions and powers entrusted to the League of Nations under certain international and other agreements be submitted to the General Assembly of the United Nations ;

3. that continuity be maintained in the work done by the League of Nations on such technical and non-political questions, more especially Economic\* and Health questions and those relating to the control of the Drug Traffic, as, under the Charter, are to be dealt with by the United Nations or by a specialised agency brought into relationship with it ;

4. that the United Nations effectively assume at the earliest possible moment the powers and functions attributed to the League of Nations under international conventions concerning the control of the Drug Traffic ;

5. that the Library and all the archives of the League of Nations be taken over by the United Nations ;

6. that the League of Nations, prior to the transfer, settle the question of contributions to be paid to the League of Nations by members in arrears, the question of the payment to the judges of the Permanent Court of International Justice of arrears in salaries and other claims.

*The Executive Committee,*

*Suggests*

that the Preparatory Commission should appoint a small Committee to discuss with the Supervisory Commission of the League of Nations the parallel measures that should be adopted by the League of Nations and the United Nations. This Committee might, where necessary, consult with representatives of the International Labour Office on all matters regarding the liquidation of the League of Nations which are of interest to the International Labour Office and which it was impossible to settle directly with the League.

## **Section 2. Draft Resolution Concerning the Assumption by the United Nations of the Functions of the League of Nations under International Agreements**

*The General Assembly of the United Nations,*

*Considering* that under various treaties and international conventions, agreements and other instruments the League of Nations and its organs exercise, or may be requested to exercise, numerous functions or powers for whose continuance after the dissolution of the League it is, or may be, desirable that provision should be made by the United Nations ; and

*Having been informed* by certain Members of the United Nations, which are parties to some of the instruments in question and are members of the League of Nations, that it is their intention to move at the forthcoming session of the Assembly of the League a resolution whereby the members of the League would, so far as this is necessary, assent and give effect to the procedures contemplated in the present resolution ;

*Reserves* the right to decide, after due examination, not to take over any particular function or power and to determine by which organ of the United Nations or by which specialised agency brought into relationship with the United Nations each particular function or power taken over should be exercised ;

*Records* that those Members of the United Nations which are parties to the instruments in question give their assent by the present Resolution to the procedures contemplated below and express their resolve to use their good offices to secure the co-operation of the other parties to the instruments so far as this may be necessary ; and

*Declares* that, in principle and subject to the provisions of this Resolution and of the Charter of the United Nations, it is willing to take over the exercise of functions and powers previously entrusted to the League of Nations, and adopts the following decisions :

### **A. SECRETARIAT FUNCTIONS**

*Considering* that, under certain of the instruments mentioned at the beginning of the present Resolution, the League of Nations, for the general convenience of the parties, has undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions of a secretariat character not affecting the operation of the instruments and not relating to the substantive rights and obligations of the parties, including : receipt of additional signatures and of instruments of ratification, accession and denunciation, receipt of notice of extension of the instrument to colonies or possessions of a party or to protectorates or territories for which it holds a mandate, notification of such acts to other parties and other interested states, issue of certified copies, and circulation of information or documents which the parties have undertaken to communicate to each other,

\* At the request of the Emergency Economic Committee for Europe the Executive Committee especially recommends that continuity be maintained in the preparation and publication of statistics.

*Considering* that it would be contrary to the interests of all the parties for the performance of these functions to be interrupted, and that it would be convenient for the United Nations to have the custody of the instruments in question many of which are connected with activities of the League of Nations which the United Nations is likely to continue,

*The General Assembly* of the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing, for the parties, the secretariat functions formerly entrusted to the League of Nations.

#### B. FUNCTIONS AND POWERS OF A TECHNICAL AND NON-POLITICAL CHARACTER

*Considering* that, among the instruments mentioned at the beginning of the present Resolution, there are some of a technical and non-political character which contain provisions, relating to the substance of the instruments, whose due execution is dependent on the exercise, by the League of Nations or particular organs of the League, of functions or powers conferred by the instruments, and seeing that certain of these instruments are intimately connected with activities which the United Nations will or may continue ;

*Considering*, however, there should be careful examination of the question of which organs of the United Nations or of the specialised agencies brought into relationship with the United Nations should, in the future, exercise the functions and powers in question, insofar as they are maintained ;

*The General Assembly of the United Nations* decides that, subject to these reservations, it is willing to take the necessary measures to ensure the continued exercise of the functions and powers mentioned in this part of the present Resolution.

#### C. TREATIES AND INTERNATIONAL CONVENTIONS, AGREEMENTS AND OTHER INSTRUMENTS HAVING A POLITICAL CHARACTER

The General Assembly of the United Nations decides that it will itself examine or will submit to the appropriate organ of the United Nations any request from the parties that the United Nations should take over the exercise of functions or powers entrusted to the League of Nations by treaties and international conventions, agreements or other instruments having a political character.

### Section 3. Report on the transfer of certain Functions, Activities and Assets of the League of Nations

1. The Committee recommends, with such exceptions and qualifications as are made below and without prejudice to such action as the United Nations may subsequently take, the transfer of the functions, activities and assets of the League of Nations.

#### A. TRANSFER OF FUNCTIONS AND ACTIVITIES

##### *General Observations*

2. The contemplated transfer does not concern the political functions of the League of Nations, which have already ceased, but solely the technical and non-political activities and functions.

3. The League's activities and the functions attributed to the League by international conventions, treaties and other instruments are so closely connected that, despite the differences in the method of transfer, they cannot be treated separately.

4. The technical and non-political activities of the League are essentially the same as those mentioned in the Charter of the United Nations. To ensure continuity the transfer to the United Nations of these technical activities and of all that is connected with them would, therefore, be desirable. The Committee has not thought it advisable to put forward a recommendation in respect of the activities concerning refugees.

5. Since the questions arising from the winding up of the Mandate system are dealt with in Part III, Chapter IV, no recommendation on this subject is included here.

6. The League created a number of advisory organs to enable it to perform its duties. Most of these committees, commissions, etc., will cease to exist with the dissolution of the League. There will remain, however, bodies whose status or functions are fixed by conventions. Here a transfer of functions will be necessary.

*Transfer of Functions Arising from Treaties*

7. A great number of Treaties confer functions and powers on the League. A method must be found, therefore, which will allow the United Nations to take over only those functions and powers it may desire to take over while, at the same time, ensuring that the rights of the parties to the Treaties will be respected. The need for designation of the organs of the United Nations to be entrusted with the discharging of the functions and powers formerly vested in the League must also be considered. For these reasons it will be necessary to divide the functions attributed to the League, transfer of which is contemplated, into two groups: the secretariat functions; the functions and powers of a technical and non-political character.

8. The Committee recommends the passing of a resolution by which the United Nations should express their willingness to exercise functions and powers previously entrusted to the League of Nations, reserving the right to decide, after due examination, not to take over any particular function or power, and also reserving the right to determine by what organ of the United Nations or specialised agency brought into relationship with the United Nations each particular function or power which it takes over should be exercised. The resolution should have the following effect:

(a) Under certain international agreements the League, for the general convenience of the parties, has undertaken to act as custodian of the original signed texts of the agreements, and to perform certain functions of a secretariat character not affecting the operation of the agreements and not relating to the substantive rights and obligations of the parties. The Secretariat of the United Nations would be entrusted with the custody of the instruments and with the performance, for the parties of the secretariat functions entrusted to the League of Nations under the provisions of these agreements.

(b) Some international agreements contain provisions whose execution is dependent on the exercise by the League of Nations of functions or powers conferred by these instruments. The object of certain of these agreements is intimately connected with the activities which the United Nations will, or may, continue, but the question as to which organs of the United Nations or specialised agencies brought into relationship with the United Nations should in future exercise the functions and powers should be carefully considered. The necessary measures should be taken to ensure, as far as is possible and desirable, the continued exercise of the functions and powers mentioned.

*Functions and Powers connected with Public Loans issued with the assistance of the League of Nations*

9. Many of the functions and powers in question had already been exhausted, relinquished or reduced in scope or importance before 1939. One of the remaining functions which is still important is the appointment of trustees, since the trustees still have responsibilities towards the bondholders. These functions are of a technical character and would involve no financial liability on the part of the United Nations. The position of the parties to the loan-contracts should not be allowed to be altered by the disappearance of the legal means of exercising the functions in question. It is, therefore, recommended that in order that the functions and powers in question may continue to be exercised so far as is possible and desirable, they should be taken over by the United Nations.

*Treaties, Conventions, Agreements or Instruments having a Political Character*

10. The transfer to the United Nations of functions or powers entrusted to the League of Nations by treaties, conventions, agreements or instruments having a political character, would if the parties to these instruments desire, be separately considered in each case.

*Transfer of Activities**(a) Economic Activities*

11. When the League is dissolved its advisory committees, such as the Financial, Economic, Fiscal and Demographic Committees, and the Delegation on Economic Depressions, will cease to exist. Work in this field which the United Nations wishes to continue could be carried on under the auspices of the Economic and Social Council. The sole exception is the Committee of Statistical Experts which was set up in virtue of an international convention. Continuity in the work that has hitherto been done by the Economic, Financial and Transit Department of the League, especially the research work, is important.

12. The Advisory Committee for Communications and Transit and the special sub-committees in this field will cease to exist when the League is dissolved. The extent to which the work of the Transit Organisation should be continued is a matter for decision. It should be noted that the Transit Organisation has fairly numerous duties attributed to it by international conventions.

*(b) Health Organisation*

13. The League Health Organisation will also cease to exist when the League is dissolved. A plan for the establishment of an entirely new International Health Organisation received strong support at San Francisco. The importance of preserving continuity in the work in this field should be emphasised, however, with special reference to the importance of the work of the Epidemiological Intelligence Service. The continuation of the League's health activities, subject to any decisions made in the future regarding a new international health organisation, is, therefore, recommended.

*(c) Control of Drug Traffic*

14. It should be noted that this part of the League's work is to a large extent governed by international conventions and that the League has been particularly successful in this field. In view of the seriousness of the problems which have increased as a result of the war, continuity in this work is important and complete transfer is, therefore, recommended.

15. The Advisory Committee on Traffic in Opium and other Dangerous Drugs will disappear with the end of the League. If the opium conventions are to function satisfactorily, however, the supervision of their operation, on which the Opium Committee advised the Council of the League, is essential and new machinery for supervision will need to be established by the United Nations.

16. The Opium Convention of 1925 set up the Permanent Central Opium Board to keep constant watch on the movements of the International drug market. This Board will not cease to exist on the liquidation of the League, but it will not be able to function unless transfer of the powers attributed to the League of Nations by the opium convention is provided. The Board has its own Secretariat, but its expenses are covered as a special item on the League budget.

17. The Supervisory Body, which controls the manufacture of narcotic drugs, was set up under the Convention for limiting the manufacture and regulating the distribution of narcotic drugs of 1931. The Supervisory Body will continue to exist on the disappearance of the League, but its work will be hampered by the loss of the services provided by the League Secretariat, since no provision for expenses or for a secretariat was made by the convention itself. Furthermore, two of the bodies each of which was authorised to appoint one of the four members of the Supervisory Body will disappear.

18. It is recommended that the General Assembly, at the earliest possible date, act to remedy such consequences as the liquidation of the League of Nations might have with respect to the questions mentioned.

*(d) Social questions*

19. The Advisory Committee on Social Questions will cease to exist on the dissolution of the League. The question as a whole will have to be referred to the competent organ of the United Nations.

*(e) Intellectual Co-operation Organisation*

20. The International Committee on Intellectual Co-operation will cease to exist, while the future of the International Institute of Intellectual Co-operation in Paris, the existence of which is now based on a convention, will depend on the results of the Conference on Educational and Cultural Reconstruction. Under Article 55 of the Charter, the subject of intellectual co-operation is a matter of concern to the United Nations.

*(f) Suppression of Slavery*

21. The Advisory Committee on the suppression of slavery will cease to exist. The existence of conventions in this field should be noted.

*(g) Registration of Treaties*

22. This matter is dealt with in Part III, Chapter V. The necessity of providing continuity, however, is again emphasised.

*(h) Direction of International Bureaux*

23. The direction of international bureaux by the League of Nations will cease with the liquidation of the League. This direction was purely nominal. No recommendation is made on the subject.

**B TRANSFER OF ARCHIVES AND LIBRARY***Archives*

24. For ensuring continuity in the activities to be transferred, it will be necessary to take over the archives of the League. This is particularly true of the archives of the Economic and Financial and Transit-Department which contain much statistical and other information, and of the archives of the

Health Section and the Opium Section. The records and reports in other fields of activity also contain valuable data, and they should be kept as a whole. It is, therefore, recommended that all the archives of the League of Nations be transferred to the United Nations. If some activities of the League are, in future, to fall within the competence of a body other than the United Nations, the relevant parts of the archives could be re-transferred to that body.

#### *Library*

25. It is recommended that the League library should be transferred in its entirety and that it should be at the seat of the United Nations, subject to the arrangements mentioned subsequently in paragraph 34. It is further noted that, if the seat of the United Nations is not in Geneva, a new library building will have to be erected.

### C PERSONNEL

26. Transfer of League activities does not mean that the services of League personnel must be retained. It means that, as an unavoidable consequence of taking over the assets of the League, the United Nations will take over liability for the financial commitments of the League to its staff. These contracts provide for payment of compensation in case of discharge. The assets of the League include funds set aside by the League for meeting such obligations. There will, therefore, be no conflict with Article 101 of the Charter which precludes any interference with the Secretary-General's freedom of action in the choice of personnel.

27. It is recommended that, with a view to maintaining continuity in the technical activities that are being transferred, it would be desirable to retain the services of experienced personnel now employed by the League, particularly the personnel of the library and of the economic and financial, the transit, the hygiene and the opium sections\*.

### D ASSETS AND LIABILITIES.

#### *Balance Sheet of the League*

28. It is recommended that the assets and liabilities of the League be taken over *in toto*, an operation which should, in principle, imply neither profit nor loss for the United Nations. It is understood that the question of contributions to be paid to the League by members in arrears, the question of the claim put forward by judges of the Permanent Court of International Justice to payment of full salaries since 1940, and other claims, if any, should be settled by the League itself prior to the transfer. Every possible effort should be made to complete all payments in respect of the settlement before transfer occurs. This point of view has been communicated to the Acting Secretary-General of the League.

29. The League is believed to possess adequate liquid assets and investments to meet its liabilities. A statement of these assets and liabilities as of 31 December, 1944, may be found in Part III, Chapter IX, Appendix. The immediate value of use of land and buildings, furniture and equipment, and the Library Building will no doubt be much diminished by a decision to establish the seat of the United Nations outside Geneva, but this should not entail a deficit on liquidation.

#### *Relation to the International Labour Organisation*

30. Another difficulty arising in connection with the transfer of the aforesaid assets and liabilities is the financial relation between the League and the International Labour Office. The problem of relationships of specialised agencies, including the International Labour Organisation, to the United Nations, is considered in Part III, Chapter VIII. There are links of various kinds between the I.L.O. and the League of Nations. The budget of the I.L.O. forms part of the League budget and the buildings occupied are included in the League assets.

\* *Economic, Financial and Transit Department.*—Apart from the Director and the Assistant Director there are at present eight members, a Secretary and a number of Statisticians, Clerical Assistants and Typists working for the economic and financial section; the Transit Section consists of a Chief of Section and two Assistants.

*Health Department.*—At present, the Health Section consists of two members and the Chief of the Epidemiological Intelligence Service. They are assisted by six Clerks and Typists. In addition, two epidemiological experts have been seconded to the Health Division of U.N.N.R.A.

*Opium Section.*—All the work is done by one Chief of Section and two members, assisted by a Secretary and a Statistical Clerk.

*Library.*—The library personnel consists of a Deputy Librarian and seven Assistants.

*Relation to the Permanent Central Opium Board and the Supervisory Body*

31. The expenses of the Permanent Central Opium Board are covered as a special item on the League budget. This liability will have to be transferred to the United Nations. The cost is insignificant. The League Secretariat provided the secretariat services for the Supervisory Body. These expenses will also, in future, have to fall on the United Nations.

## E NECESSITY FOR CO-ORDINATION

*Co-ordination with the League of Nations*

32. Since steps taken by the League of Nations in dissolving might follow a different line from that anticipated by the United Nations in its decisions on the transfer of functions, activities, and assets, it would be useful to proceed to consultations on this subject. It will be important to ensure that parallel recommendations on liquidation procedure are made to the General Assembly of the United Nations and to the General Assembly of the League of Nations. With these considerations in mind, the question of the powers of the Secretary-General of the League and of its Supervisory Commission in regard to such consultations was raised and it was suggested that appropriate powers should be sought from the Members of the League. The Acting Secretary-General of the League provided full documentation on all subjects involved and sought the appropriate powers for consultation. No further steps have so far been taken. It is suggested that this report should be communicated for information to the Acting Secretary-General of the League of Nations.

33. It is further suggested that the Preparatory Commission should appoint a small Committee to enter into contact with the Supervisory Commission of the League of Nations to discuss with that Commission the parallel measures that should be adopted by the League of Nations and the United Nations. This small Committee might, where necessary, also get into touch with representatives of the International Labour Organisation on all matters regarding the liquidation of the League which are of interest to the I.L.O. and which it was not possible to settle directly with the League.

*Library*

34. It is noted that Mr. J. D. Rockefeller, Jr., gave an endowment for erecting the library building and for the upkeep of a library of international value. It will, therefore, be proper to consult Mr. Rockefeller on any arrangement for the transfer of the library.

## APPENDIX

Statement of Assets and Liabilities of the League of Nations,  
as on 31 December, 1944

<i>Assets</i>	<i>Gold Francs</i>	<i>Liabilities</i>	<i>Gold Francs</i>
Property at Geneva	45,002,165·30	<i>Debts</i> .. .. .	1,099,113·81
Secretariat and Assembly Hall, Library, Estate Account, International Labour Office.		<i>Special Funds not belonging to the League of Nations :</i>	
Furniture and equip- ment .. .. .	5.—	Working Capital Fund ..	4,622,693·26
Stocks of paper with printers .. .. .	25,717·42	<i>id.</i> States non-members ..	92,700·99
Libraries (books) ..	4.—	Extra Budgetary Accounts	136,892·91
Debtors :		Suspense Accounts ..	75,726·80
States Members ..	28,714,650·26	Library Endowment Fund	1,381,672·89
States non-members	1,581,097·91	Staff Pensions Fund ..	16,145,937·27
Other debtors	938,287·42	Staff Provident Fund ..	226,024·83
Investments (securities)	10,772,538·93	Pensions Fund, Court of Justice .. .. .	987,854·40
Gold .. .. .	8,074,341·01	<i>General Funds belonging to the League of Nations :</i>	
Banks and Postal Cheque Accounts .. .. .	11,107,526·08	Property, furniture and libraries .. .. .	45,002,174·30
Cash in hand .. .. .	7,630·53	Property Fund, Guarantee Fund, Wireless Fund, etc.	7,768,493·81
Advances .. .. .	2,435,213·71	Reserve Fund Sec. ..	123,142·07
including deficits for 1943 at gold francs 613,328·86.*		<i>id.</i> I.L.O. .. .. .	55,005·34
Extraordinary contributions	1,079,598·87	Arrears in contributions :	
		States Members .. .. .	28,714,650·26
		States non-members ..	1,539,094·56
		Cash surplus (ordinary) 1942	16,407·64
		Net cash surplus, 1944 ..	671,592·63
		<i>Extraordinary Contributions</i> ..	1,079,598·87
General Total .. .. .	109,738,776·44	General Total .. .. .	109,738,776·44

\* This deficit amounts to 867,133·04 Swiss francs. This, however, includes 13,709·13 Swiss francs repayable by non-Members of the League of Nations, Members of the International Labour Office to the latter organisation. This leaves a deficit of 853,423·91 Swiss francs repayable by States Members of the League.

*Note.*—£1 sterling = 12·24 gold francs = 17·30 Swiss francs approximately.

**CHAPTER X : THE PERMANENT HEADQUARTERS OF THE  
UNITED NATIONS**

**Section 1 : Recommendation Concerning the Location of the Headquarters,  
of the United Nations**

*The Executive Committee,*

*Having approved* the recommendations and considered the studies as to the requirements concerning the location of the permanent headquarters of the United Nations set forth in the report of the Committee concerned (Part III, Chapter X, Section 2) ;

*Having further considered* the views set forth in the Appendix to Part III, Chapter X, concerning the location of the permanent headquarters of the United Nations ; and

*Having decided* to recommend to the Preparatory Commission as a first step towards the preparation of the final recommendation on the subject that the permanent headquarters of the United Nations be located in the United States of America ;\*

*Recommends*

1. that the permanent headquarters of the United Nations be located in the United States of America ;\*

2. that the Preparatory Commission examine the foregoing recommendation and the report in Part III, Chapter X, Section 2 at an early date, and agree upon a recommendation to the first part of the First Session of the General Assembly as to the precise location of the permanent headquarters of the United Nations and the exact requirements to be embodied in an agreement to be concluded between the competent authorities of the host country and the United Nations in accordance with an eventual decision of the General Assembly ;

3. that the Preparatory Commission, immediately upon adopting the recommendations 1 and 2 above, authorise a committee to make such studies and undertake such consultations with the aforesaid authorities of the host country as may be necessary for the purpose of ascertaining their readiness to meet such requirements. This Committee should present its report to the Preparatory Commission in time for its consideration.

**Section 2 : Report on the Considerations affecting the Selection of the Permanent  
Headquarters of the United Nations**

Under its terms of reference, the Committee undertook to make studies and prepare recommendations concerning the location of the permanent headquarters of the United Nations, and now submits its findings to the Executive Committee.

*Agreement with host State*

1. Any agreement entered into by the United Nations with the host state should provide that the United Nations, its principal and subsidiary organs and the specialised agencies should enjoy all necessary guarantees and facilities provided by Articles 104 and 105 of the Charter for the free exercise, in all circumstances, of their functions, diplomatic immunities and privileges ; including inviolability of buildings and property owned or occupied by the United Nations or its organs ; satisfactory visa facilities ; exemption from immigration regulations for the members of the staff, experts and permanent and temporary foreign Delegations connected with the United Nations. (Agreements made with states on whose territory the headquarters of any of the principal and subsidiary organs of the United Nations or of specialised agencies are located should include similar provisions.)

2. In view of the great importance that timely and accurate news of the work of the United Nations has for the peoples of the world, proper facilities, in all circumstances, should be secured from the host State, in the matter of visas and exemption from immigration regulations, for press, broadcasting stations and newsreels representatives duly accredited to the United Nations. Privileges should also be secured for the establishment of couriers and the use of diplomatic pouches and codes by the United Nations and the foreign Delegations to it. Furthermore, the site should possess ample facilities for speedy, unrestricted and uncensored telegraph, telephone, radio and postal communications with the world at large, for use by the United Nations and the press.

\*Vote taken at the Meeting of the Executive Committee on 3 October, 1945 :

*In favour* : Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, Union of Soviet Socialist Republics, Yugoslavia.

*Against* : France, Netherlands, United Kingdom.

*Abstained* : Canada, United States of America.

*Internationalisation of the Seat*

3. The seat of the United Nations could be internationalised in several ways which may perhaps be reduced basically to two systems; an autonomous international zone, or an international zone situated on national territory (e.g. Tangiers). Between these two extremes there are many possible variants. On the one hand the zone contemplated in the first system might not be internationalised in every respect; on the other hand, under the second system, certain services might not be sought from the state on whose territory the seat is situated.

4. Whichever variant is considered, the underlying characteristics of each of the two systems are as follows:

(a) In the first, the international zone would in principle possess means of self-government. It follows that, along with the political and juridical arrangements of the Organisation, it would need to have some administrative arrangement, that is to say, it would require its own public services.

(b) In the second system, the international zone would in principle rely for its administrative machinery on the state in whose territory it functions. It follows that it would not necessarily require an administrative machine parallel to the political organisation.

5. These different characteristics lead to differences in the problems to be solved. In the first system, the problem is to determine how the international public services are to be organised, and to plan a complete administrative regime accordingly. In the second system, the problem is to ensure that the United Nations would be independent, in view of the fact that its public services would not be autonomous.

6. The solution of these problems likewise calls for different methods:

(a) In the first system, what is required is to operate public services, however restricted, for a given population, in a given territory. This means that a general statute would have to be drawn up governing the administration of the international zone. Previous technical agreements with states would not, however, be necessary. Once the United Nations begins to function it can obviously conclude any agreements it thinks fit with neighbouring states.

(b) In the second system, the technical procedure would fall into two categories:

(i) The drafting of a Statute determining the conditions under which state services to be used by the Organisation would operate.

(ii) The concluding of technical agreements (if possible preliminary agreements) between the United Nations and the state concerned, applying the provisions of the Statute and defining the juridical and financial conditions under which the national services are to be internationally used while at the same time determining how the free working of the Organisation is to be safeguarded.

7. An intermediary system could be envisaged consisting partly of international administration and partly of national services borrowed from the host country, the arrangements would include the drafting of a preliminary Statute and possibly the conclusion of preliminary agreements with further agreements to be contemplated thereafter.

*Criteria Governing the Choice of a Site*

8. The following are some of the criteria which should govern the choice of a site:

(a) Political conditions in the host state, and the general character of its press and public opinion should be in harmony with the spirit of the Preamble and of Article 1 of the Charter. The United Nations should be so situated as to be free from any attempt at improper political control or the exercise of undesirable local influences.

(b) The site should offer easy accessibility from and to the world at large, and it must, therefore, possess adequate and satisfactory means of travel to and communication with any area where immediate action might appear to be necessary. Location at a place too far removed from normal routes of world communication or with prevailing unfavourable atmospheric conditions would not be suitable.

(c) Unrestricted and uninterrupted contact between the United Nations and all countries in the world, particularly in cases of emergency, must be maintained. In order to guarantee this contact a radio station and airport are essential.

9. It is desirable that the site should enjoy such features as:

(a) Climatic conditions which would not entail hardships likely to affect the health or efficiency of permanent or temporary residents connected with the United Nations;

(b) General use by the local population of either of the working languages of the United Nations, together with favourable cultural conditions, suitable living accommodation, and educational, health and recreational facilities ;

(c) Sufficient facilities for the immediate establishment of the necessary offices, including specifically printing facilities, and the possibility of acquiring, on satisfactory terms, such land or buildings as the United Nations may need ; and

(d) The grant by the host state to private individuals, of reasonable facilities for travel to the seat of the United Nations.

#### *The Principle of Centralisation*

10. The principle of centralisation should be adopted according to which the permanent seat of the United Nations and of its principal and subsidiary organs, as well as of the specialised agencies should be concentrated in one place, with the exception of the International Court of Justice, the seat of which is laid down in Article 22 of the Statute. The adoption of this principle would not, however, exclude the possibility of any subsidiary organ or specialised agency having its permanent seat in another place if there were very strong reasons for making an exception ; of special meetings of any organ or agency away from its permanent seat ; the emergency establishment of any headquarters elsewhere ; or the establishment of branch offices for the better performance of the work of any organ or agency.

11. It is assumed that except as otherwise provided in the Charter, the choice of a permanent seat, other than that of the United Nations for any subsidiary organ of the United Nations would have to be previously approved by the General Assembly.

12. The Economic and Social Council, in its negotiations with specialised agencies, should be empowered to make the location of the headquarters of these agencies a point of major importance with a view to securing the advantages which flow from centralisation.

### **Section 3 : Recommendation Concerning the Establishment of a Planning Commission**

#### *The Executive Committee,*

*Having considered* a study by the Committee concerned on facilities required for the conduct of the General Assembly,\* and

*Considering* the desirability of placing the most modern and efficient facilities at the disposal of the principal organs of the United Nations ;

#### *Recommends :*

1. that the Preparatory Commission request the General Assembly to authorise the Secretary-General to make the necessary arrangements for holding the second part of the First Session of the General Assembly of the United Nations in consultation with a Planning Commission, whose duty would be to advise him on all matters connected with the adequate housing of the General Assembly, and the other principal organs, pending the construction, by the United Nations, of their own premises ;

2. that the Planning Commission be composed of architects and experts in office equipment, acoustics, construction, city planning and other related matters ;

3. that the members of the Planning Commission be nominated by the Secretary-General and approved by the General Assembly, the chairman being a high official of the Secretariat, appointed by the Secretary-General ;

4. that the Planning Commission present to the General Assembly, in 1947, at the latest, definite recommendations regarding buildings and facilities to be provided at the permanent headquarters of the United Nations.

### **Section 4 : Report on the Buildings and Facilities Required for the Headquarters of the United Nations**

It should be assumed that in the future, the United Nations will have an enlarged membership close to 60 nations, and that, therefore, we must plan the general requisites of buildings, and of internal distribution within them, on such a basis.

Bearing in mind the provisions of the Charter, and wherever may be the location of the headquarters, the main buildings should contain :

A. A large hall for plenary meetings of the General Assembly, built in such a manner that acoustics need not be sacrificed to decoration. On the floor, adequate seating arrangements with individual small desks should be provided for no less than six hundred Delegates, alternates and principal members of their staffs. This suggestion is advanced in view of the fact

\* See Section 4, this page.

that Committee 1 of the Executive Committee of the Preparatory Commission has recommended that each Delegation be composed of five Delegates and five alternates besides staff. Additional seating accommodation should be provided (i) at the rear of the Hall of Sessions for other members of Delegations and (ii) close to the Chairman and Secretary-General for the staff of the Secretariat needed at the meeting. The Hall should have a raised platform for the Chairman and the Secretary-General and other officers of the General Assembly as well as a rostrum for speakers, near which stenographers must be accommodated.

B. Ample corridors and halls should surround this Assembly Room, with several doors leading into it, for use by Delegations and members of the Secretariat General.

C. It is desirable that a document room be located in direct communication with that of the Assembly.

D. A large gallery, with separate accesses, should be arranged in the Assembly Room for the accommodation of accredited journalists, representatives of organisations connected with the United Nations, and the general public.

E. The Committee Rooms should be able to accommodate an average of two members of each Delegation, plus the Secretariat staff necessary, that is, about one hundred and thirty people. Also a small gallery for the press and the public should be provided. At least four such rooms should be available.

F. It seems desirable to have a special room for the meetings of the Security Council, which may have to hold secret sessions of a most delicate character. It should be close to the offices of the Department for the Maintenance of Peace of the Secretariat.

G. Sub-committee rooms should be provided in close proximity to committee rooms and both, in so far as possible, must have easy access to and from the Secretariat-General's Departmental offices of the corresponding organs: Economic and Social Council, Trusteeship Council, etc.

H. Easy access to assist Delegates at committee meetings should be arranged for experts of Delegations and of the Secretariat-General.

I. The press should be granted every reasonable priority over the general public for the use of galleries. Only when meetings are held behind closed doors or decide to proceed in private session, could the press be entirely excluded.

J. There should be ample accommodation for the press to do their work outside the General Assembly and Committee Rooms. A large press room and ample radio, cable, telegraph and telephone facilities should also be provided. The Department of Information of the Secretariat-General should have its press liaison office close by, with adequate staff and documents available to the journalists.

K. There should be appropriate service arrangements concerning messengers, and attendants, at the disposal of the General Assembly, the committees and the press, as well as adequate writing room, restaurant and other accommodations.

L. Ample room, under maximum conditions of comfort, should be provided for the offices of the Secretariat-General as near as possible to the General Assembly and Council and committee rooms.

M. It would seem desirable that provision be made to furnish, within one of the buildings of the United Nations, rooms for the permanent offices and secretariats of the governments Members of the Organisation, and which would be used as their headquarters for distribution of documents and notices as to meetings thus facilitating the task of the Secretariat in such an important matter.

N. It is suggested that use be made, in future United Nations buildings, particularly such as may house the rooms for meetings of the General Assembly and of its committees, of certain devices for speech transmission and recordings, and for simultaneous translation of speeches into the five official languages, plus others to expedite distribution of documents, etc.

## APPENDIX

### Extract from the Verbatim Record of the Twenty-First Meeting of the Executive Committee, 3 October, 1945

*Delegate of China* [Dr. Victor Chi-tsai Hoo]: Mr. Chairman, since you hint that you expect this side to begin first, and since nobody wants to begin, may I say a few words, if only for alphabetical reasons?

Until now, we have not suggested any definite place as regards the seat of the new Organisation. At the last meeting we examined the paper establishing the conditions which the seat should have, and I think we came more or less to an agreement. But there are many places which would comply with those

conditions, so the paper which we adopted, or which we discussed, at our last meeting, does not solve the question, and I think there must be someone to begin here to discuss and suggest names. Otherwise, we will never come to a decision. As the representative of China, I would express the views of my country on this subject. I think we have something to say in this matter as we had the experience of the former seat of the world organisation which was at Geneva, and we are, therefore, acquainted with the needs of the next seat.

I think all of you know what kind of experience we have had with Geneva—and although the failure of the League cannot be considered as due to its seat—we believe that the memory of the seat where all the attempts to maintain peace have failed, would influence the whole atmosphere of the Organisation if the new Organisation were to be seated in Geneva. I don't want to say anything against Geneva itself, or the country in which it is situated, but the fact is that what was called "the spirit of Geneva" has changed its meaning during the last ten years of the League. As you remember, in 1927-28, the "spirit of Geneva" meant something new and constructive from the point of view of co-operation among the nations. But later, it was allowed to change its meaning and the "spirit of Geneva" became almost similar to the expression "spirit of Munich." I am afraid that if the new Organisation were to be established in Geneva, something of that spirit, the memories of that spirit anyway, would weigh upon the discussions and would influence more or less the work of the new Organisation.

So the Chinese Government would favour another seat, and in another part of the world. We are trying an experiment which is not quite new, but we think experiment should begin on a new basis, and one of the bases is location. So the Chinese Government would favour as the seat of the new Organisation, the New World, so that a new spirit might imbue the whole Organisation. For us, it is not for egotistical, selfish reasons, that we have this preference, because the New World is just as distant from China as the Old World, or Europe. So from that point of view, we don't mind having the seat either in the New or Old World, because the distance would be the same for China.

And speaking of the New World, we have in mind, of course, the country which has done so much in this war to help the United Nations to win this war, and in which the Conference which has established the Charter has been held—I mean the United States of America.

So the Chinese Government would be in favour of having the seat in the United States of America; and as regards the place name, I think all those who have been in San Francisco appreciate its climate, which allows one to work much more than in any other place. It really corresponds to all the conditions about the climate which were stated in the paper I have mentioned.

The Chinese Government would favour the United States of America, with San Francisco as the seat of the new Organisation.

*Chairman* : I recognise the representative for France.

*Delegate of France* [H.E. M. René Massigli] (speaking in French: English version as delivered by interpreter follows): Unlike my friend, Dr. Victor Hoo, I am not of the opinion that our discussion at the last meeting didn't take us any further; on the contrary, because from that discussion and from the agreement which emerged from that discussion of a general nature, there are already certain conclusions we are bound to arrive at. The first of these is that every precaution must be taken that the United Nations shall be able to hold its meetings in full independence and in full freedom in all circumstances. If that is the case, I would infer from that that it is impossible to place the seat of the United Nations on the territory of any state whose government has been given, under the Charter, special rights and prerogatives, which some have thought excessive, because independence doesn't mean merely the fact of having communications galore, being able to use codes, and having a diplomatic pouch. It is also that the seat shall be so placed that the meetings can be held in an atmosphere of real freedom and independence. And I doubt whether it is expedient to place the seat of the Organisation in the territory of any country—and here I am sure that my colleagues will understand the spirit in which I speak. It is realised I am sure all around that toward the particularly privileged countries under the Charter, we have nothing but feelings of friendship and affection. But I wonder whether it would be a skilful thing to do to place the seat in the territory of a country which, if it did become a party to a conflict, is entitled, in dealing with that conflict, under the terms of the Charter, to special rights and privileges.

Suppose you had the seat placed in the territory of a large state which had these privileges and it became involved in a conflict. Do you think that in the present state of political methods and journalistic habits it could be said that it could really operate in freedom if it had to carry out its discussions under the eye of the journalists of that particular country who, I would point out, would be more numerous than the others, and if it had to debate in such surroundings, in an atmosphere of over-excited passion where there would be floods of false news of all sorts, and rumours?

It, therefore, seems to me we are bound to reply in the negative to that, which means to say, I don't think we can contemplate placing the seat of the Organisation in the territory of a permanent member of the Security Council. If that is the case, if I am right in this inference, having eliminated five countries, we now have to consider where else this seat could be placed. Now the Chinese Delegate was suggesting that the seat should be placed in the New World. Now I should like to plead and to say why I wish to plead the cause of Europe.

It is certain that if we take a look around Europe and contemplate the possibility of placing the seat there, the spectacle that Europe presents at the moment is not an encouraging one. There are ruins everywhere, and even where there are no ruins, there are terrible problems. We know that Europe is cast down and in the grip of a terrible crisis. But it is also true to say that Europe will rise again out of that crisis, and that it must be raised out of that crisis, and that it is in the interests of all to raise it out of its present condition. And, therefore, there is a very great case here. It is very important that Europe should be set on its feet again and that its morale should be re-established, including its faith in an international order, because the nations of Europe in their day believed in the League, had faith in it, and they were cruelly disappointed. And, therefore, we must re-acustom the European nations to viewing things from the world, and from the wider point of view—both their life and their problems in the wider setting of the world life and world problems. We must endeavour to link the countries in such a way that they can disrupt themselves from the constant preoccupation with purely national problems, with problems that are day by day problems, and get them to rise to the level where they can contemplate problems on a European and on a world plane. And, therefore, and again, if we wish to restore better conditions in world trade and generally restore the economic position of the world, there, again, these problems must be viewed on a world basis, and we must get these countries of Europe out of the habit of looking at their own problems, their own pressing problems from the purely narrow point of view of their own imports, their own unemployment, and get them back again into the habit of contemplating all these problems on a wider basis.

Now if that is the case, it follows that it would be a great thing if the seat of the Organisation could be placed in Europe. Europe, of course, consists of poor countries. And that is another point of view I would like to bring out. And when I say poor countries I mean these countries are poor alike in men and poor in money. And if you placed the seat of the Organisation in a far distant country it would be impossible for the European nations to send there Delegations adequate in numbers or adequate in quality, or to keep them there. And not only that, it would be also impossible for the European press to be adequately represented at the meetings.

Many of my colleagues here were in London at the time of the San Francisco Conference. We are well aware that the English press is the richest press of all press in Europe. It has its foreign correspondents, it is able to subscribe to the news services. Now I would like to ask you what place did news of San Francisco occupy in English newspapers? What opportunity was there to glean from English newspapers a clear account of what was going on in San Francisco? And if we come to continental papers, French or Belgian papers, with even less resources, the situation is still worse. It was quite impossible to follow the debates intelligently from these papers. And you are not going to revive the faith of European nations in an international European and international world order unless you keep them informed of the problems which arise and keep them clearly informed of the manner in which they are being treated.

Therefore, the conclusion I draw is that public opinion in Europe must be placed in the position to follow what is going on in the world organisation and, more than that, private organisations must equally be in a position to send their delegates there to follow and study the work which is going on. And the problem of money and the problem of transport must not constantly obtrude itself between these delegates and the conferences they wish to attend.

There is another reason I would like to mention why I would prefer this, which also has its importance. We have, as I said, to re-create world consciousness. Europe must have contacts in the world and to do that the best place in which it can do it is in the United Nations.

Now in Europe, possibly as a consequence of history, it has been alleged, wrongly alleged, that there is an opposition between the east and west. And it seems to me that although that is untrue, it would be still less true the better opportunities there are for the east of Europe to meet the west of Europe, and it is a very different thing if you have Europeans from the east and west meeting in Europe rather than that they should meet in some far distant point of the world. In the interest of a rapprochement in Europe, it would be well to have the seat in Europe, and that would be of benefit to the world as a whole. I think you will all agree to that.

I said before, the spectacle of Europe at the moment is not a very engaging one, and I can understand people saying: "Let's have the Organisation in the New World." At the same time, I would like to point this out: I don't think it is possible for the New World to develop on the ruins of the Old World. It will serve the greatness of the New World best if it develops in association with the reconstruction and rehabilitation of the Old World. It is, therefore, I think, to the interest of the New World itself to see that reconstruction and rehabilitation processes go forward. And in any case, it seems to me that in present circumstances the argument that Europe may be in ruins is no longer an argument and must not be allowed to be an argument.

Now I am coming to the question of where we might place the seat, and it is because of a certain idea I had in mind that I was reluctant to agree on the last occasion to the idea that the country of the seat must necessarily be a country which speaks one of the working languages of the United Nations. There are various solutions. I think as regards accessibility, there are certainly points in Europe readily accessible. One can even say that it is easier to travel from some parts of North America to certain spots in Europe than it is to travel to certain others of that same North American Continent. There can also be no doubt that from South America some countries in Europe are more accessible than are some parts of North America.

As regards which town should be chosen—as far as Geneva is concerned, there are many pros and cons. If it is felt that there is an absolute objection to Geneva, I should be the last to insist for one moment on Geneva, but if we are going, as I said, to find an adequate point of contact between the east and the west of Europe, I wonder whether Denmark could not afford us such a place, or Austria! Either might afford us a solution. And I wonder whether there wouldn't be great political advantage in placing the seat in Austria. But, of course, there may be other solutions, but it seems to me before we go into the question of the actual place, we should, first of all, settle the question whether the seat is to be in Europe or outside of Europe. And I would point out, if the choice was made in Europe, it would, to my mind, follow as a necessary consequence that the Secretary-General should in that case be a non-European.

*Chairman* : I recognise the representative for Australia, Dr. Evatt.

*Delegate of Australia* [The Rt. Hon. H. V. Evatt] : Mr. President, I think that what we are called upon to do is recommend a seat for the permanent headquarters of the Organisation. And in my opinion nothing could be worse than to start off by deciding that it is to be in Europe or not in Europe, and then to choose by way of compensation or compromise a Secretary-General from the continent or zone which is not selected for the seat of the Organisation. In my view the Secretary-General question must be kept absolutely distinct from the question of the seat. Clearly the Secretary-General should be elected upon personal qualifications.

What we are required to do is ask what place is most suitable for the seat of the United Nations. Our view is in favour of San Francisco—not because it is part of the United States or because it is not in Europe—but because, after considering all the available evidence, San Francisco is the most suitable site.

I think it is obvious that the peoples of the world expect a fresh start to be made in world organisation; we consider that that can best be done by choosing a new site. That view tells strongly against Geneva, but the case for San Francisco is not a negative case but a positive case. San Francisco has all the facilities. So far as the argument of distance is concerned, modern transport has greatly reduced its importance, and the facilities for transport to and from San Francisco are excellent.

It has been claimed that it is essential that the Organisation should operate in complete freedom from local or governmental pressure. I agree with that. But it does not follow that the seat should not be situated in the territory of a great power. There is nothing in the Charter that suggests that the site should not be in the territory of any power. Why should the fact that the United States is a permanent Member of the Organisation debar a site otherwise suitable from being selected as the permanent seat of the Organisation? If that fact was thought to be disqualifying, it would have been expressed in the Charter. There is no such disqualification.

San Francisco is a city which breathes the very spirit of freedom. Freedom of expression is guaranteed in the country to which San Francisco belongs, freedom of expression is enforced by the courts, nowhere in the world is freedom more secure. It is a city of progress, it looks with courage and confidence to the future. That is the atmosphere which is required for the success of the new Organisation. In drawing up the Charter at the Conference in San Francisco we all recognised with gratitude and admiration the debt we owed to the city of San Francisco and its people. In fact, the Charter was worked out in the spirit of San Francisco—the spirit of progress and freedom and tolerance.

I realise that the question cannot be dealt with finally to-day, but I am convinced that the claims of San Francisco are pre-eminent and are already proved by the great success of the San Francisco Conference which produced the Charter under which the new Organisation will have its being.

*Delegate of the United Kingdom* [The Rt. Hon. P. J. Noel-Baker]: Mr. Chairman, I am about to demonstrate one of the glories of the British Commonwealth of Nations: I am going to differ from my friend and colleague, Dr. Evatt.

I am going to start, if I may, with Dr. Victor Hoo, whose speech I enjoyed as we all always enjoy his speeches. He started by the assertion that Document 54, to which we devoted three hours of debate on Saturday morning, did not help us; in other words, that our work had been lost and, throwing every line of Document 54 to the winds, he proposed San Francisco with, I venture to submit, a very thin fabric of argument to support what he said. He said at one moment that we ought perhaps to put it in San Francisco because the United States of America had rendered us all such immense services in winning the war. No one could have greater cause that the people of my country to recognise the immense debt of gratitude we all owe to the United States, both before and after she became a belligerent in the war. But, Sir, such an argument, if pressed, might lead to different conclusions. He said that San Francisco would be very suitable because it was the place where the Conference had been held. Well, that would have led us last time to put the League of Nations in Paris—and a very unfortunate decision that would have been. In reality, Dr. Victor Hoo brought us only one argument. He said that the memories of the League of Nations would so overshadow all that was done by the new organisation that, if it were in Geneva, it would be brought to failure; and he assumed that there was nowhere else except Geneva where the United Nations was likely to be placed. Well, Sir, I am going to add a word about that. But let me answer what he said about Geneva. On his basis, is it true that the ‘spirit of Geneva’ came to mean the ‘spirit of Munich’? Not, in my belief. The ‘spirit of Munich’ meant the ‘spirit of Munich’. The policies of Munich were conducted not in Geneva but elsewhere. We all said in 1938 (it was a common phrase in the mouths of everybody in the streets in London) that if Mr. Chamberlain had flown to Geneva instead of to Berchtesgaden we should not have had the war. Mr. Churchill made a campaign of speeches round the country in 1938 to say that we ought to stand by the League of Nations in order to stop the coming war. It was in Geneva that the representative of the Soviet Union made his repeated stands for collective security—we have not forgotten it, and we believe that if the lead of the Soviet Union in Geneva in 1938 had been followed, we should not have had the war.

Sir, because you have failed in a place, do you not go there again? That, to my mind, is very like saying that because the British Parliament was obliged, in defence of parliamentary rights, to cut off the head of King Charles I and thereafter to suffer a dictatorship for a considerable number of years, we ought to have moved from Westminster Hall when we restarted parliamentary government in 1660. But we went back to Westminster Hall and we restarted a Parliament far stronger than it was before we cut off King Charles’s head.

Now let us look at this theory that if you have a seat which looks out on the Pacific, you will be making a fresh start. Dr. Victor Hoo, this conflict began in Manchuria in 1931 and we have all said, on all our platforms around the world, that the New World and the Pacific countries, with the nine-power treaty at their disposal, did nothing to try to stop it. Now I do not want to press the argument about memories. I do not want to say anything that would be—what word shall I use; *désobligeant* is the only one that comes into my mind—about the memories of the past. But my profound conviction is that this argument about memories is quite falsely conceived. The people will not think in those terms about the seat of the United Nations in Europe, even if that seat be in Geneva. The peoples recognise the difference between the machine and way in which governments use it. If they do not recognise it already, our vital, fundamentally important task is to make them recognise it, and to make them see that it was not the defects of the machinery last time that brought us to disaster; it was the fact that the governments did not carry out the pledges they had made. And we have to make them understand now that this new machinery in itself is not their salvation: it is the way it is used. And, Sir, I believe that that can best be done in the place where the first experiment was made and where the mistakes of the past can be wiped out.

I turn to the positive side of the argument that I want to make. I believe, with M. Massigli, that Document 54 does help us. I believe he is right when he says that the institutions of the United Nations must debate in an atmosphere of independence. I believe that his interpretation of the first paragraph of Document 54 is a right one—that, however generous and however liberal the government and people of a great power may be (and none could be so liberal and so generous as that of the United States; we fully recognise it, of course), the independence of the institutions in a small country where the politics are not significant, where the politics will never cut across the international field of action, must be greater than they can be in any great power, whichever it may be—and I would say that of my own country quite as much as of any other.

Now let us come to another section of Document 54—I mean 3 (b), which deals with the accessibility of the site to other nations. I have here a table of the number of capitals of other countries which are within certain distances of San Francisco and of the centre of Europe. Within 500 miles radius of San Francisco there are no capitals of other countries. There are 8 that are within 500 miles of the centre of Europe. Within a distance of 1,000 miles of San Francisco there are no capitals, and there are 20 from the centre of Europe. Within a distance of 2,000 miles of San Francisco there are no capitals, and there are 28 from the centre of Europe. Within a radius of 2,500 miles there are three from San Francisco and 30 from the centre of Europe. With regard to accessibility, geographical proximity, convenience for busy members of governments to get to the international centre, I think that table is really very difficult to answer. But it corresponds to another reality. Europe is in fact the centre of the most heavily populated area in the world. There are 403 million people in Europe plus 90 million people in European Russia, and with the populations of parts of Asia and of Africa, anything up to another 600 million or 700 million—a very great deal nearer to the centre of Europe than they are to San Francisco. But all that corresponds to yet another reality which, although we have had Nazism in Europe, has not ceased to be true, namely, that Europe has been the mother of the civilisations of the New World, that Europe has been the cradle and exporter of democratic government through parliamentary institutions. And Europe, in my profound conviction, having liberated itself from the forces which clamped down the true development of democracy, parliamentary and social, will ultimately have a power for leadership which Europe has never had before. I think those are powerful arguments. I think there are, in addition, all the arguments used by the French spokesman in his admirable speech, which I only do not repeat because I have already spoken so long and I do not want to weary the Committee.

But I end by saying this, that even if you were to determine that the long-term seat must be far from here, I believe it would be necessary to have a short-term seat—a provisional preliminary seat—somewhere in Europe. There are a number of factors of very great importance. The peace treaties, in spite of all the excitements of the last days, will some day be made, and they will be made in Europe: no one doubts it. The men responsible for making them will not always be able constantly to make long journeys to a distant continent. In other words, either the seat must be somewhere near here, or the United Nations may be at times deprived of the services of those who control the governments of the world when they are most needed. In the second place, the factor of movement and expense is going to be one of very great importance, both for the members of the United Nations, the governments, and for the press, upon whom in the long run the success of our efforts will depend, because unless public opinion finds out what this is all about, we shall never make it succeed.

Now, in the old League of Nations, we all know what a trouble it was to collect contributions. It remains to this day one of the reproaches against the League of Nations that there are still some debtor states. How many countries are going to be able to pay their contributions in dollars without difficulty in the first few years after the war? That is not an argument against a long-term decision in favour of the New World, but it is an argument of very great force for the first two or three years, and indeed I think it is true not only that we might have budgetary difficulties—I would be prepared to face those if the other arguments were all right—but I believe the effect of it would be enormously to hamper the actual work that was done because governments would send far smaller delegations than they ought to, the press would not send proper people and in many other ways the thing would be limited.

I want to end by making one more observation. Much of my argument has turned on the word "Geneva". But I reserve my position entirely on that and the position of my Government, which in fact is very clear. I say this, that I am in the fullest possible agreement with M. Massigli when he says that the first decision we want is in favour of Europe and then we will discuss the place that can be chosen.

Mr. Chairman, I have spoken with the utmost candour, because it is no good conducting a discussion like this unless you say the things that are really in your mind. I hope I have not said anything that anybody would think *désobligeant*.

*Delegate of the Netherlands* [H.E. M. J. H. Van Roijen]: Mr. Chairman, having listened this afternoon to the two very able and eloquent speeches which were made in favour of having the seat of the new international organisation in Europe, I can be very brief.

The Netherlands Delegation also is in favour of having the seat in Europe—mostly, Mr. Chairman, for the reasons which have already been mentioned, and in particular for the reason which M. Massigli spoke of when he said that it was of the utmost importance that the countries of Europe should again get into the habit of collaborating towards international ideas. Besides this reason, which for us is the principal reason, there is also the extremely practical

reason of distance. The delegate of the United Kingdom has shown us by his statistical data how extremely difficult it is to reach San Francisco in the same short time as it is to reach a point in the centre of Europe. I myself have had that experience when leaving San Francisco and being in a hurry to get back to my country; it took me, although I admit that there was a certain delay, 7 days. I think, if there had not been the undue and unaccustomed delay, it certainly would have taken 5 days. So that I cannot entirely agree with Dr. Evatt that the question of transportation in this day and age hardly plays a part in this matter.

Mr. Chairman, we have heard from the Delegate from China and also from the Delegate from Australia that there are certain psychological reasons which seem to militate against Geneva. I cannot say that we do not feel the force of these arguments. We certainly do. But, personally, I do not think that in our country we would be haunted by these ghosts of evil memories of the past. However, although being able to state now that the Netherlands Delegation would be in favour of Geneva, I should like to reserve our final point of view on this matter in case the Delegates from other countries are able to convince us that a large part of the public opinion of the world would indeed be haunted by these memories, and for that reason be opposed to Geneva.

Mr. Chairman, I can end now by summing up what I have just said: We of the Netherlands Delegation would be in favour of having the seat in Europe, but not so much for the reason that we would in principle be opposed to having the seat in the territory of a country having a permanent seat on the Council, but for the more idealistic reason that we wish to promote the co-operation of the countries of Europe towards the ideal of international co-operation, and for the purely practical reason of the distance and the difficulty of travel in reaching a place like San Francisco.

*Chairman* [H.E. M. A. A. Gromyko]: As the representative for the Soviet Union, I wish to say that the Soviet Government has a definite negative attitude towards Geneva as a possible place for the United Nations Organisation. The Soviet Government considers that the United States would be the proper place for the United Nations Organisation. The United States is located conveniently between Asia and Europe. The old world has had it once, and it is time for the New World to have it. As to the particular place in the United States, for the time being I have no suggestions to make. This question may be considered and settled later. As to the idea of a temporary place—an idea which has been expressed by Mr. Noel-Baker—I personally do not favour such an idea. I think the question of the permanent seat for the international Organisation should be solved at once, at the beginning, and the Executive Committee, it seems to me, should make a recommendation not as to a temporary seat of the Organisation but as to the permanent seat of the Organisation, which is provided by the Interim Agreement on the establishment of the Preparatory Commission. I am not going to say anything about the past in connection with Geneva. It is well known to everybody. I am in agreement with what has been said by my colleagues from China and Australia on this subject. I am not going to add anything in connection with Geneva. That is all I have to say at this stage.

*Delegate of Yugoslavia* [Dr. Vladimir Rybar]: Mr. Chairman, as a representative of a smaller European State, and being myself a good European, the Yugoslav Delegation is nevertheless in favour of the seat being in the United States, and for the following reasons:

It was said that the seat should be in Europe because of European public opinion. I should like to reverse the picture and say that it would be a very good thing to have the seat in America, from the point of view of American public opinion, and to have it more or less in the centre of the world, because America is so situated that Asia and Europe are almost an equal distance. It is true what the representative of France and the representative of Great Britain said, that many of the European questions have been handled in Europe, or that they should be handled in the future in Europe, and therefore it would be suitable if the seat of the United Nations Organisation were in Europe. I do not think the past has shown to us that having the seat in Europe you got a rapprochement between the European peoples. There was discord in Europe amongst the European peoples, and the spirit of Geneva did not help to eliminate it. It is also said that the seat of the United Nations Organisation should not be situated in the country of a great Power but if possible in a smaller country. I am not of this opinion, and for the reason that to have the seat of the United Nations in a smaller country would in no way eliminate the dangers that you would have in a great Power country—just the opposite, because it has been shown that the smaller European countries have been invaded sometimes overnight and, the French representative will excuse me, just to cite as the future seat Denmark, with all respect and friendship to the valiant Danish people, is in my opinion not the best example. A less good example is Vienna, because especially we South European and Central European peoples have not the happiest memories of Vienna. I do not think it will encourage and fortify the peoples of those countries in their belief in the United Nations Organisation

if the seat of such an important international body should be situated there. The representative of Great Britain has pointed out how many capitals are nearer to the European centre and how far away they are from San Francisco. I would only point out that those countries which are nearer to the European centre are all situated in Europe.

*Delegate of the United Kingdom* : Not at all. Many of the South American countries are nearer to Europe than they are to San Francisco.

*Delegate of Yugoslavia* : I think with the planes of today it would be nearer to go, for example, to the United States than to Europe.

*Delegate of the United Kingdom* : No. The measure is the miles.

*Delegate of Yugoslavia* : Then with regard to the suggestion for a temporary seat, I am not in favour of having a temporary seat for a short time. We have been instructed, as was already pointed out by the Delegate from the Soviet Union, by the agreement establishing the Preparatory Commission, "to prepare recommendations concerning the location of the permanent headquarters of the organisation."

To end my speech, I should like to point out the following advantages in having the seat in the United States: America was populated more or less from European peoples. They, I would say, fled from Europe, very many for political and economic reasons, to establish there a new home, building up also a new spirit. This new spirit has developed in such a way that we have (and I speak from my own experience) in America a democracy and a freedom such as I do not think you will find in any country in the world. The Report we have from Committee 10 is so drawn up that all the points point just to America, where you have all the facilities, all the communication and all the freedom you need, and I am convinced that the American Government will give all the facilities and all the possibilities so that the United Nations can work in freedom and without restrictions.

I was listening one night while I was in Washington to the speech of the late President Roosevelt in which he said: "America should be the arsenal of democracy". I hope this idea of his was not confined only to wartime but that it would also apply in peacetime, and therefore I think that this "arsenal of democracy" which has given birth to the United Nations should work there also in peace.

For the reasons I have given, my Delegation is in favour of having the seat of the United Nations in the United States of America.

*Chairman* : We are sitting for two hours now. If the members of the Committee do not mind, we may have an intermission for fifteen minutes and have a cup of tea and then we shall begin again strengthened and refreshed. Return at ten to five.

(Intermission. The Committee reconvened at 5.00 p.m.)

*Chairman* : I recognise the representative for the United States, Mr. Stettinius.

*Delegate of United States* [H.E. The Hon. Edward R. Stettinius, Jr.] : Well, Mr. Chairman, during the last two hours, I felt very much like someone who was being elected to a club and was asked to sit with the membership committee while his character was being discussed.

I wish to make it very clear that the United States has nothing in mind in this connection other than the success of the United Nations Organisation. We must reach the right decision, no matter what that decision is. And I feel that it is a very important decision. I would hope that it would be possible during our deliberations this autumn to reach a definite decision, for a number of reasons. One of these is that the selection of the secretariat would be made much more difficult if the decision is not made. I doubt whether there are many in this room who would feel they could take position with the United Nations not knowing where they and their families were to live eventually, and with the prospect of moving perhaps from one temporary site to another.

I hope that it will be possible for us to reach a decision that will be acceptable to all in this matter. I think our frank discussion this afternoon has been extremely encouraging. Everyone has spoken exactly what was on his heart and mind on this subject. The last thing we would want is that it should ever be necessary for any considerable number of the United Nations to go to in a location with which they were not completely pleased.

Having said that, I wish to make clear the position of the United States. We are not seeking the site of the United Nations Organisation within the boundaries of the United States. If it is the will of the majority of the United Nations to come to the United States and have the headquarters of the Organisation within the United States, the United States Government stands ready to extend an invitation to the United Nations to come there.

The last point I wish to make, Mr. Chairman, is this: several delegates have spoken for and against San Francisco. We should all keep in mind that there are many possible sites within the United States.

That concludes my comment.

*Chairman* ; I recognise the representative for Mexico.

*Delegate of Mexico* [H.E. Señor Dr. Luis Padilla Nervo] : Mr. President : I wish to state that the opinion of my Government in this respect is that the permanent headquarters should be chosen with a view to the best possible success of the United Nations Organisation. That is the only concern of my Government. We believe that one of the most important factors to achieve that end is the suitable atmosphere prevailing there where the headquarters of the Organisation will be located. In deciding which is the most suitable atmosphere due account should be taken of the political as well as the social and moral aspects of it. It is important that the headquarters of the Organisation should be located in a place free, as far as possible, from fear of undue interference, enjoying a feeling of security and where the population at large of the host state may be open to lofty ideas from all over the world and able to consider on its own merits and without prejudice the standards that every member of the United Nations respects.

In other words, I believe that the population at large in the host state should not be local-minded but rather international-minded.

My Government believes that the United Nations Organisation ought to have the advantages of a fresh start in an atmosphere of faith and optimism, freedom and progress. And we believe that at the present moment most of those conditions do prevail in the American continent.

I dare to say that the arguments that have been expressed against a place in the American continent are not very important arguments. It has been said that there is a great distance in miles between capitals of European states and the American continent, but in modern times that is a question of relative importance which owe to be measured rather in function of the time needed for transportation than in terms of geographical distance. We have to keep always in mind the Charter of the United Nations and the functions and scope of the different organs. We know how the main decisions regarding the maintenance of peace and security will be taken that is a function of the Security Council but the argument that the Security Council should not have its seat far from Europe is based on the presumption that Europe will be again in the future the place where a new crisis might arise ; I believe that even in such an event the argument is answered by the fact that the Security Council may hold meetings at such places other than the seat of the organisation as in its judgment will best facilitate its work.

It has been said that we should not make it very difficult for important men of the governments concerned and for the heads of states to meet at the headquarters of the Organisation, as would be the case if the permanent seat of the United Nations is far away from the capitals of their respective states. I do not consider this a very strong argument either ; in the first place the chiefs of states are not required to meet at the permanent headquarters of the Organisation, and as far as they are concerned we have seen how in the past chiefs of governments did travel to distant places, under very difficult situations, when they considered it necessary. We know how many meetings President Roosevelt, Prime Minister Churchill and Marshal Stalin did hold at points far from the seat of their respective governments.

It has been pointed out also that a great part of the population of the world is in and around Europe and that the seat of the United Nations Organisation should be therefore near those millions of people. I agree that we should be therefore near those millions of people. I agree that we should endeavour to place the United Nations Organisation very near the peoples of the world, but that can only mean that we should endeavour to be near them in a moral sense so that they will be conscious of the purposes and principles of the United Nations Organisation. Those millions of people could not be said to be far or near the Organisation according to the number of miles that separates them from the physical place where the permanent headquarters are located. They can morally be near or far by other means ; regardless of the physical distance they can be approached through the press and broadcasting, through newsreels and educational films and through preaching of certain ideals.

Emphasis has been also placed on the cost of travelling to a far-distant place. This argument has two sides : a place near to some countries will be far from others ; besides, the expenses involved in reaching a given place, no matter how far it is from a given country, would be very small if they are compared with the cost of a flying fortress, a battleship, or one atomic bomb. I firmly believe that countries which have been able to spend huge amounts for war can certainly afford to spend much smaller amounts for peace. We must keep in mind in this connection that the sessions of the General Assembly will normally take place only once a year and these will be the occasions that require transportation of large numbers of delegates. Another point that we

should take into consideration as adding to the atmosphere to which I have referred, is the importance and attitude of the press in the host state. We need a press free, independent and important, of a circulation as wide as possible and able to reach of millions of reading people. We believe that in America, and I mean the American continent, the press is more concerned with everything that is happening in the world than the European press has generally been in the past of what was happening outside of Europe. I do not mean to say that the European press does not take into consideration what happens everywhere in the world, but the importance that it gives to many problems of countries outside of Europe does not compare with the attention given to all problems all over the world by the press in the American continent.

It has been said that it is necessary to have the people of Europe more internationally-minded. That is true, that is very necessary. But I doubt if that can be accomplished by the fact of having the seat of the Organisation in Europe. It did not happen when Geneva was the seat of the League of Nations. We do not have anything to say against Geneva, but if we are to make a choice between the American continent and the European continent, for the reasons I have expressed before, which in the opinion of my Government are very important, we prefer the American continent.

*Delegate of Czechoslovakia* [M. Ivan Kerno]: Mr. Chairman, I have listened with very keen interest to the discussion which has been going on on this very important matter. Practically, we have two proposals before us: Europe or the United States. I confess that both of these proposals can be supported by very, very important and strong reasons and arguments. For Europe, for instance, it is quite true, as has been pointed out, that Europe is sick, that Europe is near despair, that European countries have lost their habit of international co-operation, and that they have not much hope and not much faith in international collaboration. But all this could be remedied in a very large degree if the Organisation were situated somewhere here in Europe. This is an important argument. On the other hand, there is the argument of the local atmosphere and its influence, and, in the eyes of my Delegation, this is a very important argument. All of us who have been in the United States at the San Francisco Conference have seen this wonderful atmosphere of the United States. The new Organisation will need an atmosphere of optimism, of hope, and of absolute faith in its own success. We think that such an atmosphere can be best found in the United States. We would hope that a unanimous solution can be found, but if there is no possibility of a unanimous decision and if we are obliged to vote, then my Delegation will vote for the United States. There is now the question where in the United States and there I have been very much impressed by the statistics of Mr. Noel-Baker. It is quite true that for more than 2,000 miles around San Francisco there is no Capital. This is a very serious inconvenience, and perhaps this could be remedied if the seat were located not on the Western coast but on the Eastern coast of the United States or near it. Of course, the climate of San Francisco is ideal, but I think in the Eastern part of the United States there are certainly places where the climate would be suitable. I hope, if there is not a unanimous decision, we shall give preference to the United States, if possible to an Eastern city of the United States.

*Delegate of Chile* [H.E. Señor don Manuel Bianchi] (*speaking in French; English version as delivered by interpreter follows*): Mr. Chairman, very strong arguments have been adduced on both sides of this debate. The question is an important one—perhaps one of the most important ones with which we have to deal. I would like to say that we, for our part, have nothing against Geneva—far from it; but in view of the fact that some Delegations have raised strong and definite objections to Geneva we have to recognise that you cannot force matters. I think in the circumstances, therefore, this being so, we should turn with an open mind and willingly in a new direction. That is why we, for our part, would agree to having the seat in the United States. I would also say that this Committee should endeavour to lend to its decision that degree of unanimity which will make its decision sufficiently strong later on to carry the other Governments with it. In these circumstances, my suggestion is that such differences as have occurred among us should remain among us and that the final decision on this subject should be taken unanimously.

*Delegate of Brazil* [H.E. Senhor C. de Freitas-Valle]: Mr. Chairman, I do not want to give the impression that American Republics are more united than European countries. I shall tell you that between Geneva and San Francisco the vote of my Delegation would be, of course, for San Francisco. We have had a very interesting debate, and many things have been said which would give force to the proposal to have the seat of the Organisation in Europe. On the other hand, if I may say so, arguments have been put forward which apply both ways. Something has been said about the press. Some think it is better to have the American press and some think the European press. So it is a little bit difficult to find out where the truth is. Our very distinguished colleague from Chile asked us to try to arrive at a common solution. I think that is important, because our decision will not be the last decision, since we have to

face the Preparatory Commission, when fifty-one people may have different points of view to recommend to the Assembly. I would like to say that I am a little afraid of having the seat in San Francisco for one reason, and that is the question of accessibility. There might be, perhaps, some movement to have the seat in Philadelphia. I am impressed by the arguments of Mr. Noel-Baker on accessibility. San Francisco is very far away from any place, and it is a danger that if the seat is so far away the Security Council will meet not at the seat of the Organisation but in Europe, where three of the Permanent Members always are. Three out of the five members are from Europe. It might perhaps take away the importance of the Security Council if Delegates of not very high grade were the Permanent Members of the Security Council. I hope we shall be in favour of having the seat in the United States but on the Atlantic coast.

*Chairman* : Are there any other observations or suggestions ?

*Delegate of the United Kingdom* : If no other Delegate desires to speak, I feel it incumbent upon me to do so, because a number of our colleagues who said that they are not against Geneva, or, rather, a seat in Europe, but nevertheless would vote the other way, have appealed to us for unanimity.

I do not want to try to reply to all the speeches which have been made this afternoon against the thesis which, with the representatives of France and Holland, I have sustained. But I must make some observations about some of the arguments which have been used.

I ventured to say that it might be necessary to have a short-term decision for a temporary seat on the continent of Europe, and I gave, as I thought, powerful arguments, which have not at all been answered. Among those arguments I spoke of the trouble about dollars. No one can deny that it is real. Our Mexican colleague, in his very able, moderate and friendly speech, said that after all it was very little money and we ought to be able to spend some money for peace, as we have spent it for war. Well, we *have* spent it for war. Our continent has spent it for war. Our continent has paid a great part of the price of destroying Nazism, and the cost has been far greater because, for a long time, we were left alone. Of course, the general argument that "you must spend money as freely for peace as you do for war" is one which I not only support but use on every platform I ever go on. But Europe is in a catastrophic condition from the financial point of view and will be so for the next few years. That will not last. We have great capacity for production. We have immense genius for invention, organisation and development, and I believe that we are going to use it now not so much as we did in the past, for militarism and war, but for making a new Europe which will play a great part in leading the new world. But in the next short period, believe me, it is no good pretending that the thing will not hamper the activities of the United Nations ; if we have to pay for it all in dollars, it *will* ; and I am only stating a fact.

Now with regard to distance : I do not think we can cite the meetings of Mr. Churchill, Marshal Stalin and President Roosevelt to make decisions about the war. It is not that kind of meeting that we intend to have in future. Of course, if the argument is that important men can travel long distances—certainly, of course they can ; and they will have to do it sometimes. But the question is : How many important men ? Did our great leaders travel as frequently as they should ? There was every wartime facility at their command, and they could turn out their whole Air Forces to assist their journeys, but they did not travel very often, and sometimes vital questions were left altogether for long periods and there was no decision. And it is that I am afraid of. It is not that it will not sometimes happen, when it is overwhelmingly important, that the men will come, but not enough of them will come, and not often enough, when their help is really required.

Can we have a temporary seat ? The Agreement says that we must "make studies and prepare recommendations concerning the location of the Permanent Headquarters of the Organisation", but it is fully open to us to say that you cannot now decide, that you ought not now to decide, on a permanent seat, and that for a short time you ought to have a temporary seat and that you will make a decision in two years' time from now as to where the permanent seat will be. No one could argue on legal or any other grounds that the Agreement would not fully enable us to do that.

Now, it has been argued—and here we touch something more important—that the people did not become internationally-minded when the seat was in Geneva. Well, with great respect, they did, up till 1930 or 1931. Why was that move towards international-mindedness which began in Europe and spread from Europe around the world, arrested ? It was arrested by the world economic crisis which, among other things, brought Hitler to power, for without it I do not believe he would ever have been able to come to power—a world economic crisis for which Europe bore its share of responsibility, but which in fact began in the New World. And the effect of the world economic crisis was reinforced by the disaster over Manchuria, which was not European, and

as to the action of the New World with regard to it I have already spoken. I want to say this (and this is the last thing I am going to say), that my Government is a world Power; it is not a European Power. It is a world Power. I do not believe that it has ever had such moral strength as it has in the world today. But we might find it more difficult to play the part we have to play in Europe if, in fact, in these early years the seat were outside Europe. I think it is inevitable. What I am afraid of is that, in trying to do that, we might possibly compromise the tremendously important international reconstructive work of a very ambitious kind which I think the European governments may now be able to carry through. We might on the one hand compromise that, while on the other hand we should go some distance towards making the United Nations Organisation at San Francisco not the kind of thing we intended it to be, but much more a party of diplomatic *en poste*. Mr. Chairman, I am not going to argue the case further now, but I am going to say that we cannot accept this decision at this stage. I hope there will not be a vote today, but if there is it will not be a unanimous vote. The question, therefore, will be taken to public discussion in the Preparatory Commission.

*Chairman*: I recognise the representative for France.

*Delegate for France* (speaking in French; English version as delivered by interpreter follows): Mr. Chairman, I would put the whole matter on not quite as high a level as did Mr. Noel Baker, but as several members of the Committee have made a plea for unanimity I feel it my duty to explain why I cannot agree to the proposal which seems to have been so far the opinion of the Committee. My explanation will be the following: I am convinced that my American colleagues will not for a single moment believe that my position is one against the United States. The position I have taken is against the fact that the seat of the Organisation should be situated in the territory of one of the states which is a permanent member of the Security Council, and the reasons which I have spoken remain. So far as I can remember, no arguments of any real validity have been brought against them. We have in front of us our report, and we must say that the arguments which have been put in there have their strength, and I have not been convinced to the contrary by anything that has been said. We have listened to speakers talking of the atmosphere of San Francisco, but may I say that there is a very great difference between a case when the future peace of the world is being discussed and in a case where it is a matter of settling a threat to international peace. And if, as God forbid, we came to the case in which such an international conflict might arise, in which the United States itself might be concerned, I believe that if the American press would not exercise a certain pressure on public opinion I would then have to conclude that the American press is led by angels and by saints. Therefore, if the Committee expresses its opinion in favour of the seat of the Organisation being in the United States, and there I must recall there are already two tendencies—one for the Atlantic and one for the Pacific coast—I must here state that I have definite instructions from my Government to remain faithful to the arguments which I have brought before you today. The whole matter will come up before the Preparatory Commission, and I should feel it my duty, exactly as my British colleague to defend the case for Europe in front of the Preparatory Commission, however unreasonable this thesis might seem to some of my colleagues. And I also insist that the French position should be stated in the report on this matter.

*Delegate of Australia*: Mr. President, the situation is quite clear. We make a recommendation to the Preparatory Commission. In turn it makes a recommendation to the Assembly. Our recommendation might not be adopted by the Assembly. It is difficult at this stage of the investigation to secure unanimity. Therefore, I think the attempt to get it should not be pressed.

At the same time a stage will be reached in which a very distinct majority will express its view, and that is the stage at which the minority might reasonably be expected to yield. Today at any rate there is a substantial majority of this Committee against the headquarters being situated in Europe. I regret that the reaction of one or two of the delegates suggests asking them to go to San Francisco for meetings is almost like asking them to go into exile. In my opinion that approach is quite wrong. Indeed, it contributed to the first breakdown of the League which occurred in the Far East. If going to San Francisco leads to a greater interest in Pacific problems, that will be all to the good.

I also urge strongly that we should not recommend a temporary or provisional headquarters of the Organisation. The Charter and the constitution of the Preparatory Commission require us to make recommendations concerning a *permanent* headquarters of the United Nations. It is quite contrary to that requirement to select a temporary headquarters. In Australia, we had a temporary capital until Canberra was finally selected. But the temporary capital remained temporary for a quarter of a century. If we established a temporary headquarters vested interests would grow up tending to prevent any subsequent change while year by year the proceedings of the Assembly

would be convulsed by this contentious issue. Therefore let us abandon the idea of a provisional headquarters and proceed in an orderly way forward to the selection of a permanent site. That is what we are required to do by our Charter.

*Chairman* : Gentlemen, for four hours and a half we have discussed this important question, and all members of the Executive Committee have had the opportunity to express their opinion on this subject. Now I think the time has come to take a vote on this question. If we put aside certain modifications, we have two main proposals. The first one, to have the permanent seat of the United Nations in the United States. The other is to have the permanent seat of the United Nations in Europe. I would like, if those who mentioned particular places, particular cities either in the United States or Europe do not insist, to take a vote on this modified separate proposal. If those supporting such special places as San Francisco or Philadelphia will agree, we have only the two proposals, one for the United States and one for Europe.

If there is no objection, then I am going to ask the Executive Committee to take a vote in the following order : first to take a vote on the first proposal to have the seat in the United States. On this question, the Delegate of China spoke first. And then we will have to take a vote on the second proposal to have the permanent seat of the Organisation in Europe. If the suggestion is acceptable, if there is no objection, then we are going to follow this suggestion.

I wish to make myself clear. When I say it would not be desirable to take a vote now on the separate proposals such as San Francisco or Philadelphia, but to take a vote on the general proposal of the United States, I do not mean that we should not consider the particular place within the United States. But this is a separate question. We may decide this separately. I would like to know whether my suggestion regarding the two main proposals as I formulated them and the order of the vote is accepted or not.

I recognise the Delegate for Canada ;

*Delegate for Canada* [H.E. The Hon. W. F. A. Turgeon] : Mr. Chairman, if it is still in order, and not too late, I would propose that no vote be taken now. The reason for it is this : I have been listening with the greatest benefit to myself, I am sure, to all that has been said here this afternoon by speakers on both sides of this question. Now by the count I have taken, there is no doubt that the majority, in fact at least nine of the Delegations here are in favour of the permanent seat of the Organisation of being located on the American continent. Would it not be sufficient, would it not be better simply to report that ? That the majority of this Executive Committee makes that recommendation ? And then you can go on to the other recommendations which you yourself have proposed. Mr. Chairman, rather than taking a vote and compelling the Committee to line up so many one on one side and so many on the other.

Now, if we make that simple report that the majority is in favour of such a course, we could still go on and give satisfaction to the wishes expressed for instance by the French representative that the decision of his country be made known in that report. There is no objection to that being done. But I would strongly urge that no vote be taken now on general grounds. But there is a more particular reason in my case because of this : it is quite evident from all the speeches I have heard here that every speaker has been able to speak for his own Government, that is to say, that while this is a question which in the last resort must and can only be decided probably by the Assembly, which will be composed of fifty nations, there are some Governments which have already made up their minds now as to what course they intend to take. They are prepared to take it here ; they are prepared to carry it on into the Preparatory Commission, and again into the General Assembly. Well, my Government is not in that position yet, and therefore, if a vote is taken—one of the speakers said he hoped a vote would not be taken—but if it is, he said it would not be unanimous. My decision must be that if a vote is forced now, we shall have to abstain on the part of Canada. I would far rather, and I think, too, it would have a better effect, if we simply made the general report which I have outlined that the majority of the Committee, the undoubted majority, is in favour of of a certain course.

*Chairman* : My opinion is that the taking of a vote is a form of determining the opinion of members of a body, and to take a vote in the Executive Committee means determining how many members of the Executive Committee are in favour of a certain proposal and how many are not in favour of a certain proposal. If we agreed with the suggestion of the delegate for Canada, would that affect the substance of the matter ? It is a question of form. As far as form is concerned in this case, I think it would be better to follow exactly the provision of the Interim Agreement which says that the Preparatory Commission should " make studies and prepare recommendations concerning the location of the permanent headquarters of the Organisation ". If we do not take a vote, we shall not be able to answer the question : how many governments represented in the Executive Committee are in favour of the proposal

and how many are not in favour of the proposal? So I think it is quite natural to take a vote on this question, as well as on any question when there is a divergence of view on the Executive Committee. It is absolutely necessary. If there is no objection to my proposals, then we may consider it as accepted. There are no objections. Then we are going to take a vote.

*Delegate of the United Kingdom* : The representative of Canada, if I understood him, has made objection.

*Chairman* : Since the representative for Canada has made objection, then I, as Chairman, am obliged to ask the Executive Committee to take a vote on the question whether or not we should take a vote.

*Delegate of Iran* [H.E. M. Nasrullah Entezam] : (Speaking in French ; English version as delivered by interpreter follows) : Mr. Chairman, I would like to make it entirely clear. If I understand the situation rightly, what you wish to do now is to decide by a vote on which continent the seat will be, and in the very near future we shall have occasion to discuss the exact location.

*Delegate of the Netherlands* : Mr. Chairman, I wish in the first place to support the suggestion made by the representative of Canada. In the second place I should like to make the point that, whether or no the proposition of the representative of Canada is adopted, I would propose that a minority report be submitted to the Preparatory Commission.

*Chairman* : In the records of the Executive Committee. That is absolutely right. I think there is not the slightest doubt about that.

*Delegate of the Netherlands* : A minority report setting forth the arguments which were used by those who were in favour of Europe as the seat for the Organisation.

*Chairman* : I would agree.

*Secretary* : I think the best thing would be to arrive at an agreed record of this meeting, setting forth fully the views of either side and for that record to be made public.

*Delegate of the United Kingdom* : It is a great pity we did not have the press present.

*Delegate of Australia* : The question of a minority report depends upon a vote being taken. The question is now as to whether a vote should be taken and on that I would like to point out that it is our duty to make a recommendation. The Delegate of Canada did not object to your proposal, but suggested a course of procedure which would permit of a recommendation, or rather of a report of the majority without apparently a specific recommendation. We are the Executive Committee responsible to the Preparatory Commission. We can only make our recommendations by a resolution. We can only deal with the resolution by a vote. It is open to any delegate to abstain from voting. Does not that meet the case? Surely the Preparatory Commission will want to know what countries supported this proposal and that proposal, and I think they are entitled to know because we are trustees for them.

*Chairman* : I would like to know whether the representative for Canada considers that his suggestion still stands, in which case I am going to ask the Committee to take a vote on the question of procedure.

*Delegate of Canada* : Yes, I think I would ask for that vote to be taken.

*Chairman* : Then I would like to take a vote on my suggestion as to whether we should take a vote or should not take a vote on the question of substance, and I would like to ask the members of the Executive Committee to signify their approval of such a suggestion by saying " Yes ".

*Delegate of China* : Mr. Chairman, I did not speak for a second time because I thought a vote would be taken and everything would be finished. I now understand that after the vote is taken there will be a minority report containing the arguments against the majority report. If there are to be such reports, I beg to ask permission to bring forward two new arguments which I discovered after hearing other representatives, to reinforce the majority report.

*Delegate of Australia* : There are a lot more which were never used.

*Chairman* : As I understand it, the Preparatory Commission will have at its disposal the full records of the Executive Committee. When the representative for the Netherlands asks that the report of the minority should be submitted, as I understand it the submission of such a report would mean the submission of records, of statements made here at the Executive Committee by those who supported this proposal, but not a special document, or otherwise the opposite side of the Executive Committee would have the same right to prepare a special report on their proposal.

*Delegate of the United Kingdom* : I do not at all object to the publication of the records. Certainly I greatly regret that the press was not here today, and I think nothing can be so undesirable as having a debate in private and then publishing the record afterwards. It frequently happens, but it is a very bad plan. It is much better to have the press there.

*Chairman* : I think what has been said by Mr. Noel-Baker does not affect the substance of my proposal of a procedural character, and I ask the members of the Executive Committee to shorten the discussion on this procedural matter if there are no other really important questions in this connection. I ask those members of the Executive Committee who are going to approve of my suggestion on procedure to say "Yes" after Mr. Jebb reads out the names of the country; that is on my suggestion to take a vote at this meeting on the question of substance.

*Vote taken.* *Those in favour,* Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, Union of Soviet Socialist Republics, Yugoslavia.

*Those against,* Canada, France, Netherlands, United Kingdom.

*Abstention,* United States of America.

*Secretary* : It is carried by 9 to 4, with one abstention, and as the simple majority applies to questions of procedure, it is carried.

*Chairman* : Then the two suggestions remain. The order I have proposed already. The first proposal is that the permanent seat of the Organisation should be in the United States and I ask Mr. Jebb to read out in alphabetical order the names of countries, and those who approve I ask to say "Yes".

*Secretary* : The question put is : Should the permanent headquarters of the United Nations be situated in the United States of America ?

*Delegate of Australia* : You propose to put another question subsequently about Europe, do you ?

*Chairman* : Yes. If those who made such a proposal do not withdraw the proposal, I shall be obliged to take a vote.

*Delegate of Australia* : Yes, I think you will.

*Chairman* : The votes do not necessarily coincide.

*Delegate of Australia* : That is right. Somebody might vote against both.

*Vote taken.* *Those in favour,* Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, Union of Soviet Socialist Republics, Yugoslavia.

*Those against.* France, Netherlands, United Kingdom.  
Abstentions, Canada and United States of America.

*Secretary* : The voting is 9 to 3, with two abstentions. It is carried. It is carried by a two-thirds majority.

*Chairman* : The second proposal is to have the permanent headquarters of the United Nations Organisation in Europe.

*Secretary* : The question is, should the permanent headquarters of the United Nations be situated in Europe ?

*Vote taken.* *Those in favour,* France, Netherlands, United Kingdom.

*Those against.* Australia, Brazil, Chile, China, Czechoslovakia, Union of Soviet Socialist Republics, Yugoslavia.

Abstentions, Canada, Iran, Mexico, United States of America.

*Secretary* : That is 7 votes to 3. It is rejected by 7 votes out of 10 voting—a two-thirds majority of those present and voting.

*Chairman* : It is more than two-thirds.

*Secretary* : Anyhow, it is rejected by 7 votes to 3.

*Chairman* : It seems to me that now it would be better to adjourn and consider later the question of a particular place in the United States. When I spoke on this matter to-day, I said that I did not have in my mind any concrete suggestion on the subject. I personally would like to study this question, to exchange opinions with other Delegations, and if my opinion coincides with the opinion of the majority of the Executive Committee, then we shall continue discussion on this subject some time later.

## PART IV

## TERMS OF REFERENCE OF THE COMMITTEES OF THE EXECUTIVE COMMITTEE

*Committee 1—General Assembly*

This Committee should be concerned with the preparation of the provisional Agenda and appropriate documents for the first sessions of the General Assembly.

It should, in addition, prepare recommendations for the necessary measures which the General Assembly will have to take in order to establish itself and fulfil its initial obligations under the Charter, and notably the methods whereby it can fulfil its obligations with regard to the other organs of the United Nations. More particularly, it should prepare recommendations concerning the immediate tasks of the General Assembly, its committee structure, its procedure, its standard forms and other official documents. Its recommendations on the staff of this organ should be submitted to Committee 6 for consideration.

The responsibility of the General Assembly to establish regulations on the Secretariat should be examined by Committee 6.

The financial responsibilities of the General Assembly should be examined by Committee 7.

*Committee 2—Security Council*

This Committee should be concerned with the preparation of the provisional Agenda and appropriate documents for the first session of the Security Council.

It should prepare recommendations on those procedural and other matters on which decisions of the Security Council would be needed in order to establish and organise itself initially. Recommendations concerning the staff of this organ should be transmitted to Committee 6 for its consideration.

*Committee 3—Economic and Social Council*

This Committee should be concerned with the preparation of the Agenda and the appropriate documents for the first session of the Economic and Social Council.

It should prepare recommendations concerning the organisation of the work of the Council, its staff, its procedure, its standard forms and other official documents. In addition, it should examine and make recommendations in regard to the problems connected with the establishment and operation of the various Commissions referred to in the Charter. Recommendations on the staff of the Economic and Social Council should be transmitted to Committee 6 for its consideration.

This Committee should also consider what action is necessary, under the provisions of the Charter, to deal with urgent problems in economic, social, cultural, educational, health and related fields, and what priority might be given to these problems.

The relations between the Economic and Social Council and the specialised agencies should be dealt with by Committee 8.

*Committee 4—Trusteeship Council*

This Committee should be concerned with the preparation of the Agenda and appropriate documents for the first session of the Trusteeship Council. It should make recommendations defining the role of the General Assembly and of the Security Council in trusteeship matters and of their respective relations with the Trusteeship Council. It should further prepare recommendations concerning the organisation of the work of the Trusteeship Council, its staff, its procedure, its standard forms and other official documents, and its relations with the Economic and Social Council and the various specialised agencies. Recommendations concerning the staff of this organ should be transmitted to Committee 6 for its consideration.

The Committee should prepare recommendations for procedures which might be followed for approving trusteeship agreements, for examining annual reports, for receiving and examining petitions, for arranging periodic visits to territories and for establishing a questionnaire as a basis for annual reports. It should study the questions arising if the Mandates System were to be wound up and examine the feasibility of providing for such interim arrangements as may be possible, pending the establishment of the Trusteeship Council.

*Committee 5—Court and Legal Problems*

This Committee should be concerned with the preparation of the provisional Agenda and appropriate documents for the first session of the Court, with issuing invitations for the nomination of candidates for the Court and with related problems involved in ensuring the prompt convening and organisation of the Court.

It should prepare studies and make recommendations on the privileges and immunities of the United Nations, its officials, the representatives of Members and international officials who may be appointed in an expert capacity by the organs of the United Nations.

It should prepare recommendations for procedures which might be followed on the registration and publication of treaties and international agreements.

This Committee should also keep informed of the arrangements being made for winding up the Permanent Court of International Justice.

It should assist the other Committees and the Executive Committee on legal problems referred to it by those Committees or by the Executive Committee.

#### *Committee 6—Arrangements for the Secretariat*

This Committee should prepare a detailed draft scheme for the recruitment and organisation of the Secretariat, and draft regulations governing the terms and conditions of employment of staff. It should prepare proposals regarding the Office of the Secretary-General and other higher officials of the Secretariat.

It should also study the possibility and the best method of applying the Civil Service principle to the selection of officials and the necessity of securing the highest standards of efficiency, competence and integrity. Under its guidance the Executive Secretary should open a register of applications for employment in the service of the United Nations (including the International Court of Justice).

#### *Committee 7—Financial Arrangements*

This Committee should prepare a draft scheme of the financial organisation of the United Nations, including the form of budget to be adopted, and the method of assessing and collecting contributions from Members.

This Committee should also consider methods of equitably meeting the travelling expenses of Delegations to the meetings of the various organs of the United Nations.

#### *Committee 8—Relations with Specialised Agencies*

This Committee should examine the problems involved in the establishment of relationships between specialised inter-Governmental organisations and agencies and the United Nations.

It is of special importance that this Committee should work in close co-operation with Committee 3 when that Committee is considering what specialised international agencies should be set up.

#### *Committee 9—League of Nations*

This Committee should formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the United Nations to take over on terms to be arranged.

This Committee should also keep in contact with the arrangements being made for winding up the League of Nations.

#### *Committee 10—General*

This Committee should be responsible for maintaining continuity with the work of the San Francisco Conference and, having regard for the work of Committee 1, for making recommendations concerning the arrangements which should be made by the Executive Secretary for the First Session of the General Assembly.\*

This Committee should also be responsible for making studies and preparing recommendations concerning the location of the permanent headquarters of the United Nations.

All questions not otherwise allocated should also be dealt with by the General Committee.

LONDON, 27 October, 1945.

\* The Committee considered the matter and only dealt with the second part of the First Session in a Recommendation and Report (Part III, Chapter X, Sections 3 and 4), because it deemed that the Executive Secretary had sufficient authority, under the "Provisional Agreements" to make arrangements for the first part of the First Session with the Government of the United Kingdom. In connection with the forthcoming meetings of the Preparatory Commission, and of the first part of the First Session, the Committee advised the Executive Secretary on the establishment of an interim Information Service. The corresponding Recommendation, adopted by the Executive Committee, is not included in this Final Report, since it did not require further action by the Preparatory Commission.

**ANNEX****Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organisation**

The Governments represented at the United Nations Conference on International Organisation in the city of San Francisco,

Having determined that an international organisation to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

Agree as follows :

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall :

(a) convoke the General Assembly in its first session ;

(b) prepare the provisional agenda for the first sessions of the principal organs of the Organisation, and prepare documents and recommendations relating to all matters on these agenda ;

(c) formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organisation to take over on terms to be arranged ;

(d) examine the problems involved in the establishment of the relationship between specialised intergovernmental organisations and agencies and the Organisation ;

(e) issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court ;

(f) prepare recommendations concerning arrangements for the Secretariat of the Organisation ; and

(g) make studies and prepare recommendations concerning the location of the permanent headquarters of the Organisation.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organisation.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organisation. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organisation comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organisation, at which time its property and records shall be transferred to the Organisation.

8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

In faith whereof, the undersigned representatives having been duly authorised for that purpose, sign this document in the English, French, Chinese, Russian, and Spanish languages, all texts being of equal authenticity.

Done at the city of San Francisco this twenty-sixth day of June, one thousand nine hundred and forty-five.

## INDEX

- Advisory Committee on Traffic in Opium and other Dangerous Drugs, 112
- Advisory group on administrative, personnel and budgetary matters, 13, 14, 96, 100-101
- Assistant Secretaries-General, 11, 12, 72, 79, 80, 82, 83, 89
- Australia,  
member of Temporary Trusteeship Committee, 56
- Australia Delegation,  
and location of permanent seat, 121, 129-130, votes, 15n., 115n., 132  
reservations on Security Council, 46
- Austria, as site of permanent seat, 121, 124
- Balance of Payments Committee, *see* Economic and Social Council
- Belgium,  
member of Temporary Trusteeship Committee, 56
- Brazil Delegation,  
on location permanent seat, 127-128, votes, 15n., 115n., 132
- Budget and finances,  
committee report on, 97-101  
Executive Committee recommendations on, 13-14, 95-97  
permanent arrangements,  
annual budget, 13-14, 20, 21-22, 27, 30, 31, 36, 96-99, 101, 134  
arrangements with specialised agencies, 13, 21, 30, 75, 77, 96, 98, 105-107  
assessment and contributions of Members, 13, 14, 18, 30, 75, 77, 96-97, 99, 123, 128, 134  
audit of accounts, 13, 96, 97, 98  
currency of account, 13, 96, 98-99, 123, 128  
financial year, 13, 96, 97  
Supervisory Committee for Administrative and Budgetary Questions, 13, 14, 21-22,  
28, 31, 35, 36-37, 40, 96, 97, 98, 101, 106  
travel expenses of delegations, 99, 134  
temporary arrangements,  
Administrative and Budgetary Committee (of Preparatory Commission), 13-14, 96, 100  
advisory group on administrative, personnel and budgetary matters, 13-14, 96, 98, 99,  
100-101  
emergency working capital fund, 14, 96, 100  
interim budget estimates, 14, 96, 97, 99-100
- Canada Delegation,  
on location of permanent seat, 15n., 115n., 130, 131, 132  
paper on single transferable vote system, 39n  
reservations on Security Council, 46
- Charter,  
citations : *Art. 4*, 40 ; *Art. 7*, 66, 74, 77n. ; *Art. 8*, 82, 90 ; *Art. 10*, 35 ; *Art. 11*, 35 ;  
*Art. 12*, 75 ; *Art. 14*, 35 ; *Art. 16*, 30 ; *Art. 17*, 99, 103, 105, 106, 107 ; *Art. 18*, 76 ;  
*Art. 19*, 99 ; *Art. 20*, 75 ; *Art. 22*, 7, 55, 102 ; *Art. 23*, 39, 55, 56 ; *Art. 24*, 6, 40, 41 ;  
*Art. 27*, 76 ; *Art. 28*, 41 ; *Art. 35*, 38 ; *Art. 41*, 47, 105 ; *Art. 43*, 41 ; *Art. 47*, 41 ;  
*Art. 48*, 46, 103, 105 ; *Art. 50*, 45 ; *Art. 55*, 52, 104, 112 ; *Art. 57*, 18, 30, 46, 102,  
105 ; *Art. 58*, 103, 104 ; *Art. 59*, 102 ; *Art. 62*, 51, 103, 104 ; *Art. 63*, 46, 103, 104 ;  
*Art. 64*, 103, 104 ; *Art. 66*, 103 ; *Art. 68*, 50, 103 ; *Art. 70*, 103 ; *Art. 73*, 66 ;  
*Art. 74*, 66 ; *Art. 75*, 55, 56 ; *Art. 76*, 63, 64, 65, 66, 105 ; *Art. 77*, 55, 56, 64 ;  
*Art. 79*, 56, 64 ; *Art. 80*, 64 ; *Art. 81*, 56, 64 ; *Art. 82*, 64, 65 ; *Art. 83*, 39, 55, 56,  
61, 64, 65 ; *Art. 85*, 39, 55, 65 ; *Art. 86*, 7, 24, 39, 55, 56, 63 ; *Art. 87*, 65 ;  
*Art. 90*, 63 ; *Art. 91*, 63, 64, 103, 105 ; *Art. 92*, 9, 67 ; *Art. 96*, 103, 105 ; *Art. 97*,  
41, 75, 97 ; *Art. 98*, 75 ; *Art. 99*, 38, 75 ; *Art. 100*, 74, 75 ; *Art. 101*, 12, 41, 64,  
74, 75, 76, 77n., 81, 113 ; *Art. 102*, 10, 68, 77 ; *Art. 104*, 69, 115 ; *Art. 105*, 10, 69,  
71, 74, 77, 89, 115 ; *Chap. XI*, 30, 77 ; *CHAP. XII*, 30, 56, 61, 62, 65, 77 ;  
*Chap. XIII*, 30, 56, 61, 62, 65, 77 ; *Chap. XV*, 64.  
deposit of instruments of adherence, 27  
General Assembly rules of procedure and, 37-40
- Chile Delegation,  
on location of permanent seat, 127, votes, 15n., 115n., 132
- China,  
member of Temporary Trusteeship Committee, 56
- China Delegation,  
on location of permanent seat, 118-119, 131, votes, 15n., 115n., 132  
views on General Committee of General Assembly, 31n.
- Civil service commission, international, 12, 73, 81, 90n., 107
- Commission on Human Rights, *see* Economic and Social Council
- Committee on Contributions, *see* General Assembly
- Committee of Statistical Experts, 111
- Co-ordination Commission, *see* Economic and Social Council
- Czechoslovakia Delegation,  
objection to Temporary Trusteeship Commission, 7n., 55n.  
on location of permanent seat, 127, votes, 15n., 115n., 132
- Demographic Commission, *see* Economic and Social Council
- Denmark, as site of permanent seat, 121, 124
- Drugs, traffic in dangerous, 15, 53, 85, 109

Economic and Employment Commission, *see* Economic and Social Council

Economic and Social Council,

agenda, 7, 46, 47, 48, 104

commissions and subordinate committees,

establishment and composition, 7, 46, 49-54, 102

fields for activity, 50-51, 102

languages, 49

and League of Nations functions and activities, 7, 46, 51, 53, 54, 111

records, 49

and specialised agencies, 7, 46, 50-54

staff, 48

terms of reference, 50, 51-54

Commission on Human Rights, 7, 46, 51-52

Co-ordination Commission, 53-54, 104

Demographic Commission, 7, 46, 51, 53

Economic and Employment Commission, 7, 46, 51, 52

Balance of Payments Committee, 52

Economic Development Committee, 52

Employment Committee, 52

Fiscal Commission, 54

Statistical Commission, 7, 46, 51, 53

Temporary Social Commission, 7, 46, 51, 52-53

Temporary Transport and Communications Commission, 7, 46, 51, 53

Executive Committee recommendations on, 7, 46

and General Assembly, 18, 35, 38, 47, 48, 52

election of members by, 17, 25-26, 29, 39, 40

headquarters, 48, 118

languages, 49

and League of Nations functions and activities, 7, 46, 51, 111

members,

elections and terms, 17, 25-26, 29, 39, 40

Enemy States,

and dissolution of Permanent Court of International Justice, 8, 9, 67

trust territories detached from, 56

Europe,

as site of permanent seat, 119-129, vote, 132

European Central Inland Transport Organisation, 70

Executive Committee, *see* Preparatory Commission

Executive Secretary, *see* Preparatory Commission

Financial arrangements, *see* Budget and finance

Fiscal Commission, *see* Economic and Social Council

Food and Agricultural Organisation, 70

France,

member of Temporary Trusteeship Committee, 56

France Delegation,

on location of permanent seat, 119-121, 129, votes, 15n., 115n., 132

reservation on Security Council, 46

General Assembly,

and admission of new Members, 17, 24, 25, 27, 30, 40, 44

agenda, 19-20, 21, 38

agenda (session 1, part 1), 5, 6, 17-18, 28, 32-34, 40

Committee I on, 118, 133

summary of discussion, 32-40

Committee 10 on, 134

committee structure, 6, 17, 19, 21-22, 26-27, 28, 33, 34-37, 39

*ad hoc* committees, 29, 31, 34, 35, 37

main committees, 19, 21, 23, 26-27, 29-30, 31, 33, 34-35, 36, 37

Administrative and Budgetary Committee, 21, 27, 29, 30, 31, 34, 98, 106

Economic and Financial Committee, 29, 30, 34-35

Economic and Social Committee, proposal for, 29n., 35

Legal Committee, 29, 30, 34

Political and Security Committee, 29, 30, 34, 35

Social, Humanitarian, and Cultural Committee, 29, 30, 34, 35-36

Trusteeship Committee, 29, 30, 34, 35

procedural committees, 29, 30-31, 34-35, 36

Credentials Committee, 17, 19, 21, 30, 31, 33, 35, 36

General Committee, 21, 30, 31, 33, 35, 36

Nominations Committee, 19, 30, 31, 34, 36

standing committees, 29, 31, 34, 35, 36

Committee on Contributions (session 1), 13, 14, 96, 97, 99

Standing Committee on Peace and Security, proposal for, 36n.

Supervisory Committee on Administrative and Budgetary Questions, 13, 14, 21-22,

28, 31, 35, 36-37, 40, 96, 97, 98, 101

conduct of business, 24, 39

convocation, 18, 28, 33, 38, 137

delegations, 19, 20, 28, 38, 39, 118

documents and records, 22, 23, 39

and economic and Social Council, 17, 18, 20, 25, 26, 29, 30, 35, 38, 47, 48, 52

election of members of Councils, 17, 24, 25-26, 29, 36, 39, 40

election of Secretary-General, 11, 17, 33, 45, 72

Executive Committee recommendations on, 6, 17

and financial regulations of United Nations, 13-14, 18, 20-22, 24, 28, 31, 34, 36-37, 40,

75, 95-101, 105-106

and International Court of Justice, 20, 30, 71

election of judges, 8, 9, 18, 26, 39, 41, 66, 67, 68

languages, 23, 38, 118

officers,

president, 17, 19, 20-25, 28, 31, 33, 36, 38

temporary president, 17, 20, 33, 38

vice-presidents, 17, 20-21, 31, 33, 36, 38

and permanent seat, 16, 18, 34, 115, 117-118

and Preparatory Commission, 16, 17, 28, 32-34

## PREPARATORY COMMISSION OF THE UNITED NATIONS

### Erratum

Please insert the following entries on page 138 of the Report by the Executive Committee to the Preparatory Commission of the United Nations between line 22, "elections and terms, 17, 25-26, 29, 39, 40" and line 23, "Enemy States," the following entries :—

officers :  
  president, 47, 48, 50  
  vice-president, 47, 48  
and Preparatory Commission report, 47  
publicity of meetings, 49  
quorum and voting, 49  
records, 49  
rules of procedure, 7, 46, 47-50  
and Secretary-General, 48, 49, 50, 75, 104  
and Security Council, 7, 45, 46, 47, 48, 52, 54  
sessions, 47  
and specialised agencies, 7, 38, 46, 47, 48, 54, 102-103, 117  
staff, 47, 48  
supplementary rules of procedure, 50  
and Temporary Trusteeship Committee, 7, 46, 54  
and Trusteeship Council, 7, 46, 47, 48, 52, 54, 60, 63-64  
and urgent problems, 7, 46, 47, 51, 52  
Economic Development Committee, *see* Economic and Social Council  
Emergency Economic Committee for Europe, 15n., 109n.  
Emergency working capital fund, 14, 96, 100  
Employment Committee, *see* Economic and Social Council

(73388) Wt. .... / .... 10,000 11/45 Hw. G.344.

General Assembly—*contd.*

- and privileges and immunities, 69, 71
- publicity of meetings, 23, 38–39
- rules of procedure, 6, 17, 18–27, 33, 37–40
- rules of procedure (supplemental), 6, 17, 28–29, 33, 37, 39, 40
- and Secretariat, 12, 17, 18, 22, 30, 33, 34, 38, 77, 83, 89, 95, 133
- and Secretary-General, 14, 19, 20–22, 33, 34, 38, 75, 76, 89, 90, 97, 101
- and Security Council, 17, 18, 20, 22, 25–26, 29, 33, 35, 41, 76
- sessions, 20, 38; first, 6, 13, 14, 17, 18, 32–34, 40, 134, 135
- and specialised agencies, 18, 20, 30, 34, 38, 75, 103, 104, 105–106
- staff, 22, 23, 29, 33, 117, 118
- and Temporary Trusteeship Committee, 18, 55, 56, 57, 58, 63, 65
- and transfer of League of Nations functions, 15, 18, 34, 109–110, 112
- and treaty registration and publication, 10, 68
- and Trusteeship Council, 8, 18, 20, 25, 26, 29, 35, 55–56, 60, 62, 63, 65
- and trusteeship system, 24, 30, 55, 62, 64–66
- and urgent world problems, 17, 34
- voting, 24–26, 39

## Geneva,

- as site of permanent seat, 119, 121–124, 127, 128

## Geographical distribution as factor in selection,

- 11, 12, 19, 20, 26, 31, 35, 38, 39, 71, 72, 74, 80, 81, 90, 98, 99, 101

Human Rights, Commission on, *see* Economic and Social Council

## Inter-governmental agency, definition of, 102n.

## Interim Arrangements,

- citations: *Item 1*, 5, 7, 46; *Item 2*, 5; *Item 4 (b)*, 5, 7, 44, 46; *Item 4 (e)*, 8, 66;
- Item 4 (g)*, 5
- text, 135–136

## International Bank for Reconstruction and Development, 69, 70, 106

## International Court of Justice,

- first session, 9, 67–68, 137

## judges,

- election, 8, 9, 18, 26, 39, 41, 45, 66, 67
- emoluments, 9, 68
- nomination of candidates, 8, 9, 66, 137
- privileges and immunities, 71

## Executive Committee recommendations on, 8–9, 66–68

## register of applications for, 134

## Registrar, 9, 68, 77

## and Security Council, 8, 41, 45, 66, 67

## seat at The Hague, 9, 67, 68, 117

## and specialised agencies, 105

## staff, 9, 68, 77

## and States not Members, 9, 67

## Statute,

- citations: *Art. 2*, 9, 67; *Art. 4*, 41; *Art. 5*, 8, 66, 75; *Art. 7*, 8, 41, 66; *Arts. 8–12*, 41, 41, 13, 75; *Art. 14*, 41; *Art. 19*, 71; *Art. 21*, 77n.; *Art. 22*, 9, 67, 117; *Art. 32*, 71; *Art. 34*, 103, 105; *Art. 42*, 71

## International Institute of Intellectual Co-operation, 112

## International Labour Organisation, 15, 63, 69, 70, 107, 108n., 109, 113, 114

## International Monetary Fund, 69, 70, 106

## International passport, 70, 108

## Iran Delegate,

- votes on location of permanent seat, 15n., 115n., 131, 132

Yugoslavia Delegation, *see* Yugoslavia Delegation

## League of Nations.

## administrative tribunal, 108

## Covenant

- citation: *Art. 7*, 69

## and dissolution of Permanent Court of International Justice, 8–9, 15, 67, 113.

## and International Labour Organisation, 15, 63, 69, 108n., 109, 113, 114

## privileges and immunities, 69

## staff regulations, 83

## transfer of functions, activities and assets

## archives, 15, 109, 112–113

## assets and liabilities, 15, 108n., 109, 113–114

## Committee 9 report on, 110–114, 134

## control of traffic in dangerous drugs, 15, 109, 112

## cultural activities, 112

## direction of international bureaux, 15n., 108n., 112

## draft resolution for General Assembly on, 15, 109–110, 111

## economic activities, 15n., 54, 108n., 109, 111, 112

## Executive Committee recommendations on, 14–15, 108–109

## functions arising from treaties, 15, 108n., 109, 110, 111

## health activities, 15, 108n., 112, 113n.

## library, 15, 109, 113, 114

## mandates, 15n., 56, 63, 108n., 110, 117

## personnel, 15n., 108n., 113

## political functions, 15, 108, 110, 111

## refugees, 15n., 108n., 110

## social activities, 15n., 108n., 112

## statistical services, 15n., 109n., 111

## Supervisory Commission

## discussions with Preparatory Commission, 15, 109, 114

## suppression of slavery, 112

## termination

## parallel action, 15, 109

## treaty registration and publication, 10, 68, 112

## vice-presidents, 33

- Members,
  - admission, 17, 27, 40, 44, 46
  - assessment of contributions, 13, 18, 30, 75, 77, 96, 97, 99, 134
  - delegations, 10, 19
  - and Economic and Social Council commissions, 49
  - expulsion, 24, 30, 45
  - maintenance of peace, 41, 45
  - requests for special sessions, 18, 41, 47
  - suggestion of agenda items, 20, 28, 38, 48, 58
  - suspension, 24, 30, 45
- Mexico Delegate,
  - on location of permanent seat, 126-127, votes, 15n., 115n., 132
- Military Staff Committee, *see* Security Council
- Netherlands,
  - and Permanent Court of International Justice, 71
  - recommended as member of Temporary Trusteeship Committee, 56
- Netherlands Delegation,
  - on location of permanent seat, 123-124, 131, votes, 15n., 115n., 132
  - on Standing Committee on Peace and Security for General Assembly, 36n.
- New Zealand,
  - member of Temporary Trusteeship Committee, 56
- Non-member States,
  - access to General Assembly, 38
  - access to International Court of Justice, 9, 67
  - applications to join, 27, 40, 44, 46
  - and budgets of specialised agencies, 106-107
- Norway,
  - memorandum on single transferable vote, 39n.
- Peace treaties, 8, 9, 67, 123
- Permanent Central Opium Board, 112, 113
- Permanent Court of International Justice,
  - claims of judges, 15, 109, 113
  - dissolution, 8-9, 67, 134
  - emoluments of judges, 9, 68
  - privileges and immunities, 71
- Permanent seat,
  - accessibility, 116, 123
  - agreement with host state, 115
  - buildings and facilities, 16, 18, 34, 115, 116, 117-118
  - centralisation, 47, 57, 58, 108, 117
  - Committee 10, reports, 115-118, 122, 123, 134
  - internationalisation, 116
  - location,
    - Executive Committee discussion of, 118-132
    - Executive Committee recommendation on, 15-16, 115, 117
    - Executive Committee votes on, 15n., 115n., 132
  - privileges and immunities, 69, 115
- Philadelphia,
  - as site of permanent seat, 128, 130
- Planning Commission, for permanent seat, 16, 117
- Preparatory Commission,
  - Administrative and Budgetary Committee, 13-14, 96, 100
  - committee to discuss with L.N. Supervisory Commission and I.L.O. representatives, 15, 109, 114
  - committee on permanent seat, 16, 115
  - and Economic and Social Council, 7, 47
  - end, 138
- Executive Committee,
  - Committee 1—General Assembly,
    - scope, 133, 134
    - summary of discussion, 32-40
  - Committee 2—Security Council,
    - observations on work, 44-46
    - scope, 133
  - Committee 3—Economic and Social Council,
    - on organisation of Secretariat, 76n., 85
    - scope, 133, 134
  - Committee 4—Trusteeship Council,
    - discussion of memorandum on trusteeship agreements, 65-66
    - on organisation of Secretariat, 76n.
    - scope, 133
  - Committee 5—Court and Legal Problems,
    - scope, 133-134
    - study of privileges and immunities, 69-71
  - Committee 6—Arrangements for the Secretariat,
    - report, 74-83
    - scope, 133, 134
    - sub-committee discussion of proposed Executive Office of Secretary-General, 88
  - Committee 7—Financial arrangements,
    - report, 97-101
    - scope, 133, 134
    - sub-committee discussion on proposed Executive Office of Secretary-General, 88
  - Committee 8—Relations with Specialised Agencies,
    - on creation of new agencies by Economic and Social Council, report, 101-108
    - scope, 134
  - Committee 9—League of Nations
    - report, 110-114
    - scope, 134

Preparatory Commission—*contd.*

## Committee 10—General

reports on permanent seat, 115-118, 122, 123, 125

scope, 134

final report, 5

functions and powers, 5, 135-136.

members, 5

recommendations concerning,

budget and finance, 13-14, 37n., 95-97, 101

Economic and Social Council, 7, 46

establishment of planning commission, 16, 117

General Assembly, 6, 17

International Court of Justice, 8, 9, 66, 67-68

International Labour Organisation, 15, 109

League of Nations, 14-15, 108-109

Permanent Court of International Relations, 8-9, 67

permanent headquarters, 15-16, 115, 117

privileges and immunities, 10, 69

Secretariat, 10-13, 71-73

Security Council, 6, 40

Specialised agencies, 30, 101

Treaties and international agreements, 10, 68

Trusteeship system, 7-8, 55

## Executive Secretary,

and administrative, budgetary and personnel matters:

advisory group of experts, 13-14, 96, 100, 101

reminder to Members concerning, 100

as acting Secretary-General, 17, 28, 29, 33

and convening of International Court of Justice, 9, 68

and nominations for International Court of Justice, 8, 66, 135

and part 1, First Session of General Assembly, 134

powers, 135

and provisional filing of treaties, 10, 68

and register for applications for employment, 134

reminder to Members on privileges and immunities, 10, 69

and General Assembly, 6, 14, 16, 17, 28, 32-33, 34, 96, 101, 117, 135

number of main committees in economic and social field, 29n., 35

and International Court of Justice, 8, 9, 10, 66, 68, 69

meetings, 135

members, 135

and Permanent Court of International Justice, 8-9, 67

and Secretariat, 12, 13, 73, 81, 88

and Security Council, 6, 40, 42n.

special advisory committee on organisation of Information Department in Secretariat,

11, 72, 77

and Temporary Trusteeship Committee, 8

terms of reference, 5, 6, 8, 40, 46, 66, 101, 135

verbatim record of discussion on location of permanent seat, 118-132

votes,

on co-ordination of Secretariat Economic and Social Departments by superior official,

11n., 72n.

on location of permanent seat, 15n., 115n., 132

on Nominations Committee in General Assembly, 19n., 31n., 36

on rules of procedure for Security Council, 42n.

on Trusteeship Committee of General Assembly, 30n.

## Privileges and immunities, 10, 69-71, 77

at permanent seat, 69, 115

Committee 5 study of, 69-71, 134

Executive Committee recommendation on, 10, 69

extent of application, 70

international passport, 70, 108

of International Court of Justice, 71

of specialised agencies, 69-70, 107

tax exemption, 71, 107

## Refugees, 15n., 51, 108n., 110

## Rockefeller, John D., Jr., 114

## San Francisco,

as site of permanent seat, 119-130

## Secretariat,

*ad hoc* selection board, 81

Administrative Committee, 93

administrative tribunal, 83, 108

age distribution, 12, 73, 79, 80

civil service principle, 12, 73, 80, 90n., 134

classification of personnel, 12, 72-73, 79, 89-90

Committee 6 report, 74-83, 134

Committee on Appointments and Promotions, 81, 90, 91

duties and obligations, 11, 71-72, 74, 88-89

Executive Committee recommendations on, 10-13, 71-73

facilities at permanent seat for, 118

functions

custody of treaties of League of Nations, 110, 111

distribution of documents, 22, 77, 118

interpreting and translating, 22, 23, 49, 77, 118

location of budgetary functions, 13, 77n., 88, 97

registration and publication of treaties, 10, 68, 77

staffs for Organs, 11, 22, 23, 41, 48, 59, 64, 72, 76

statistical services, 85, 86-87, 108

geographical distribution, 11, 12, 71, 72, 74, 80, 81, 90

hours of work, 91

Judicial Committee, 93

leave, 91-92

Secretariat—*contd.*

## organisation

- departments, sections, and services, 11, 72, 76
- functional basis, 11, 72, 76
- U.S.S.R. proposal on, 84
- Central Bureau, 77, 78
- Department for Maintenance of Interhational Peace and Security, 11, 76, 78, 118
- Department of Trusteeship and Information from Non-Self-governing Territories, 11, 72, 77, 78
- Economic and Communications Department, proposal for, 84, 85
- Economic and Social Department, proposal for, 85
- Economic Department, 11, 72, 76, 78
- Office of Economic and Social Affairs, proposal for, 87
- Information Department, 11, 72, 77, 78, 118
- Legal Department, 11, 72, 76, 77, 78
- Personnel and Administration Department, 11, 72, 76, 77, 78
- Social Department, 11, 72, 76, 77, 78
- Social and Human Rights Department, proposed; 85
- Treasury Department, 11, 72, 76, 77, 78, 107
- and Planning Commission, 16, 117
- privileges and immunities, 70, 74, 89
- probation and training, 12, 73, 81, 91
- promotion, 12, 73, 79-80, 90
- recruitment and appointment, 11, 12, 71, 72, 73, 80-81, 90, 134
- retirement age, 12, 73, 81, 90
- salaries and allowances, 12, 73, 79, 80, 82-83, 91, 94
- special indemnities, 95
- Staff Committee, 94
- staff pensions system, 12, 73, 82, 95
- staff provident fund, 82, 95
- staff regulations, 11, 22, 30, 34, 72, 75, 81, 82, 83, 88-95
- staff sanctions, 93
- sub-committee on Appointments and Promotions, 90, 91
- temporary staff, 12, 33, 73
- termination of appointments and resignations, 93
- transferability of staff, 64, 76, 77, 80, 81, 82, 90, 107
- Treasurer, 77, 88, 93, 98

## Secretary-General,

- accommodations at permanent seat, 118
- delegation of responsibility, 11, 22, 72, 75
- and Economic and Social Council, 48, 49, 50, 75, 104
- Executive Committee recommendation on, 11, 72
- executive office proposed, 88, 98
- and Executive Secretary and staff, 29, 33
- functions :
  - administration of Secretariat, 11, 12, 22, 34, 72-77, 79-82, 88-95, 113
  - administrative and executive, 10, 22, 68, 75, 88, 101
  - financial, 14, 75, 77, 88, 96, 97, 98
  - political, 75
  - representational, 75
  - technical, 75
- and General Assembly, 10, 13, 14, 16, 18-21, 24, 27-30, 38, 40, 42, 45, 75, 96-98, 100, 101, 117, 118
- and International Court of Justice, 8, 9, 66, 68, 75
- personality in connection with location of permanent seat, 121
- and Planning Commission, 16, 117
- and privileges and immunities, 70, 74, 89
- procedure of appointment, 11, 17, 22, 72, 76
- retirement, 76
- salary and allowances, 82, 83
- and Security Council, 22, 38, 41-45, 72, 75
- and Temporary Trusteeship Committee, 57
- term of appointment, 11, 72, 75
- and Trusteeship Council, 58-61, 75

## Security Council

- and admission of new Members, 17, 27, 40, 44
- agenda, 6, 40-42, 44
- conduct of business, 42
- and Economic and Social Council, 7, 45-48, 54
- Executive Committee recommendations on, 6, 40
- and General Assembly, 18, 35, 41
- headquarters, 118, 120, 121, 126, 128
- and International Court of Justice
  - advisory opinions from, 45
  - appeal upon default of judgment, 45
  - election of judges, 8, 41, 66, 67
- languages, 43
- and maintenance of international peace and security, 6, 22, 40, 41, 45, 76
- meetings, 41
- Military Staff Committee, 6, 40, 41, 45, 65, 76
- nomination of Secretary-General, 11, 17, 22, 41, 42, 45, 72, 75
- non-permanent members,
  - election by General Assembly, 17, 25-26, 29, 33, 39, 40
- officers,
  - president, 41, 42, 44-45
  - reservations regarding method of selection, 46
  - temporary chairman, 6, 40
- publicity of meetings, 43
- records, 43-44
- rules of procedure, 6, 40-45
- and specialised agencies, 46, 105
- staff, 41, 42
- and strategic areas, 45, 60, 61, 62, 64, 65
- and Temporary Trusteeship Committee, 45, 56, 57, 58, 65
- and Trusteeship Council, 45, 58, 60, 61, 64, 65
- voting, 43, 45

Social Commission, Temporary, *see* Economic and Social Council

Specialised agencies,

definition of term, 47n., 102n.

privileges and immunities, 69-71, 107

relations with United Nations,

administrative tribunal, 108

budgetary and financial relations, 13, 21, 30, 37, 75, 77, 96, 98, 105-107

central statistical service, 108

centralisation of headquarters, 108, 115, 117

Committee 8 observations on, 14, 101, 102-108

common rules of procedure, 104

Economic and Social Council, 7, 38, 46, 47, 48, 54, 102-108, 117

exchange of information and documents, 64, 103

General Assembly, 30, 35, 75, 104

International Court of Justice, 105

liaison officers, 104

personnel, 12, 72, 79-80, 90, 107

proposal of agenda items, 48, 58, 104

reciprocal representation, 54, 103, 105

reports, 104

Security Council, 46, 105

Trusteeship Council, 58, 60, 62-64, 105

unification of technical services, 108

Standing Committee on Peace and Security, *see* General Assembly

Statistical Commission, *see* Economic and Social Council

Statute of the International Court of Justice, *see* International Court of Justice

Strategic areas, 45, 57, 60-62, 64, 65

Supervisory Body (for dangerous drugs), 112, 114

Switzerland,

agreements with League of Nations, 69

as site (Geneva) of permanent seat, 119, 121-124, 127, 128

Temporary Social Commission, *see* Economic and Social Council

Temporary Transport and Communications Commission, *see* Economic and Social Council

Temporary Trusteeship Committee,

agenda, 8, 54-57

and Economic and Social Council, 7, 46, 54, 58

Executive Committee recommendations on, 7-8, 55-56

and General Assembly, 18, 54-58, 63

headquarters, 57

interim powers, 58

languages, 57

and mandates, 56

members, 56

officers, 56, 57

preparations for Trusteeship Council, 56, 58

publicity of meetings, 57

quorum and voting, 57

records, 57

and regional bodies, 58

rules of procedure, 8, 55, 57-58

and Security Council, 45, 56, 58, 65

sessions, 57

and specialised agencies, 52, 54, 58

staff, 56, 57

technical experts 57

and trusteeship agreements, 55, 56, 65, 66

Transport and Communications Commission, Temporary, *see* Economic and Social Council

Treaties and international agreements, registration and publication, 10, 68, 77, 134

Trusteeship agreements, observations of U.S.A. Delegation on, 64-65

Trusteeship Council,

agenda, 56, 58

and Economic and Social Council, 52, 62, 63-64

election of non-administrative members, 7, 25-26, 29, 39, 40, 55, 63

Executive Committee recommendations on, 7-8, 55

headquarters, 58, 118

languages, 59

members, 26, 55

officers, 58, 59, 61

publicity of meetings, 60

quorum and voting, 59

records, 60

and regional bodies, 62

reports to General Assembly, 35, 60-63, 65

rules of procedure, 8, 55, 56, 58-63

and Security Council, 45, 60, 61, 63-65

sessions, 58

and specialised agencies, 58, 60, 62-64, 105

staff, 59

technical experts, 60, 62

and trust territories,

annual reports of administering authorities on, 56, 58, 60-61

annual reports to General Assembly on, 62

periodic surveys, 63

petitions concerning, 61

questionnaires on, 56, 58, 60

visits to, 56, 58, 61-62

and trusteeship agreements, 62, 64, 66

- Union of South Africa,  
member of Temporary Trusteeship Committee, 56
- Union of Soviet Socialist Republics Delegation,  
and composition of General Committee of General Assembly, 31n.  
for separate secretariat for each Organ, 76n., 84  
member of Temporary Trusteeship Committee, 56  
objection to Temporary Trusteeship Committee, 7n., 55n.  
on location of permanent seat, 124, votes 5, 15n., 115n., 132
- United Kingdom,  
expenses of Preparatory Commission and First General Assembly, 100, 135  
member of Temporary Trusteeship Committee, 56  
privileges and immunities of international organisations in, 71
- United Kingdom Delegation,  
memorandum on relations of Trusteeship Council with Economic and Social Council  
and specialised agencies, 63-64  
on location of permanent seat, 122-123, 125, 128-129, 131, votes, 15n., 115n.; 132  
reservation on definition of "the States directly concerned" in trust territories, 66
- United Nations Conference on Educational and Cultural Reconstruction, 112
- United Nations Conference on International Organisation,  
committee reports cited: *II/1*, 38-39; *II/2*, 105; *II/3*, 210; *IV/1*, 105
- United Nations Relief and Rehabilitation Administration, 69, 106
- United States of America,  
member of Temporary Trusteeship Committee, 56  
as site of permanent seat, 15, 115, 119-132
- United States of America Delegation  
analysis of statistical functions of Secretariat, 76n., 86-88  
on Executive Office of the Secretary-General, 77n., 88, 98  
on location of permanent seat, 15n., 115n., 125-126, 132  
on trusteeship agreements, 64-66
- \* Vienna, as a site of permanent seat, 121, 124
- Yugoslavia Delegation,  
on location of permanent seat, 124-125, votes, 15n., 115n., 132  
objection to Temporary Trusteeship Committee, 7n., 55n.  
reservation on admission of new members, 46