

Treasury Department
Division of Monetary Research

Date.....19

To: Mrs. DeLacy

From: L. Rippel

This should have also been attached to the memorandum we sent Mr. Luxford last night. I am afraid I got in too much of a rush. Will you attach it please? Thanks.

Draft June 1 and 2, 1944

FINAL ACT
of the
UNITED NATIONS MONETARY AND FINANCIAL CONFERENCE
at
Bretton Woods, New Hampshire
on

 (date)

The undersigned delegates of the United Nations and the nations associated with them, meeting in Bretton Woods, New Hampshire, United States of America, have by common accord formulated the attached text of agreement for the establishment of an International Monetary Fund.

The undersigned delegates undertake to submit this text of agreement to their respective Governments for acceptance or rejection of membership in the International Monetary Fund.

[Here list countries and delegates signing]

Article I.

Creation, Purposes and Policies of the International Monetary Fund.

There is hereby established an institution under the name of International Monetary Fund, hereinafter referred to as the "Fund". It shall be guided in all its decisions by the following purposes and policies:

- J.S. I
- J.S. I, 1
[omits "a permanent institution--"]
- J.S. I, 2
- J.S. I, 3
- J.S. I, 4
- J.S. I, 5
- J.S. I, 6
1. To promote international monetary cooperation through providing permanent machinery for consultation on international monetary problems;
 2. To facilitate the expansion and balanced growth of international trade and to contribute thereby to the maintenance of a high level of employment and real income, which must be a primary objective of economic policy;
 3. To give confidence to member countries by making the resources of the Fund available to them under adequate safeguards, thus providing member countries with time to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity;
 4. To promote exchange stability, to maintain orderly exchange arrangements among member countries, and to avoid competitive exchange depreciation;
 5. To assist in the establishment of multilateral payments facilities for current transactions among member countries and in the elimination of foreign exchange restrictions which hamper the growth of world trade.
 6. To shorten the periods and lessen the degree of disequilibrium in the international balance of payments of member countries.

Article II.

Membership in and Subscription to the Fund.

Section 1. Countries Eligible for Membership.

New:
P.P. I, 1st part.

The member countries of the Fund shall be those of the countries represented at the United Nations Monetary and Financial Conference whose governments accept membership in the Fund as provided in Article XIII.

New: Membership in the Fund shall be open to other countries in
Inter-Amer. Bank accordance with rules to be established by the Fund at such time as
Conv. Art. 8 the Board of Directors of the Fund deems advisable.

New
HDW

Upon acceptance of membership in the Fund, as provided in Article XIII, or in the rules to be established by the Fund, member countries shall assume all of the obligations pertaining to membership, but no country shall acquire the rights pertaining to membership until it has paid its quota. *subscription*

Section 2. Method of Computing Quotas.

J.S. II, 1
[Since Article II in the Joint Statement is not very full this material has been so greatly elaborated that underscoring is not practicable]

Each member country shall be assigned a quota which shall be determined taking ninety percent of the sum of the following:

- (a) two per cent of such country's national income for the calendar year 1940;
- (b) five per cent of the official holdings of gold and gold-convertible exchange of such country on July 1, 1943;
- (c) ten per cent of the maximum annual variation in exports of such country during the calendar years 1934 to 1938 inclusive;
- (d) ten per cent of the average annual imports of such country during the calendar years 1934 to 1938 inclusive;
- (e) the amount resulting from multiplying the sum of (a), (b), (c) and (d) by the percentage determined by dividing the national income of such country for the calendar year 1940 into the average annual exports of such country for the calendar years 1934 to 1938 inclusive.

omit

Section 3. Increasing Quotas.

P.P. II, 4

An amount equal to ten per cent of the aggregate quotas determined in accordance with Section 2 of this Article shall be available for the purpose of *adjusting* increasing quotas. The Fund may assign a part of this amount to any member country requesting an increase in its quota whenever, in the judgment of the Fund, the existing quota is clearly inequitable.

MS

Section 4. Quotas of Countries Represented at the Conference.

New

The quotas of the countries represented at the United Nations Monetary and Financial Conference, as initially increased out of the amount available under Section 3 of this Article, are set forth below in terms of the United States dollar of the weight and fineness in effect on July 1, 1944.

<u>Country</u>	<u>Quota Assigned</u>	<u>Increase</u>	<u>Quota</u>
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Totals

Section 5. Periodic Adjustment of Quotas.

Quotas shall be adjusted by the Fund three years after commencement of the operations of the Fund and at intervals of five years thereafter if deemed advisable by a four-fifths vote. Such adjustments shall be made on the basis of the formula set forth in Section 2 of this Article, using the most recent comparable data furnished by the member countries as provided in Article IX, Section 8. An amount equal to ten per cent of the aggregate quotas so adjusted shall be available for the purpose of increasing quotas in accordance with Section 3 of this Article.

J.S. II, 2
P.P. II, 5

*with
four-fifths
vote*

J.S. II, 2

No change shall be made in the quota of any member country except with the concurrence of the director representing such country.

Section 6. Payment of Quotas.

Part A. Time and Place of Payment.

Each country which becomes a member before the date fixed by the Board of Directors, in accordance with Article XIII, Section 4(b) for commencement of the operations of the Fund shall pay to the Fund at the appropriate office or depository the full amount of its quota on or

New

before such date. Any country that becomes a member country after such date shall pay the full amount of its quota on or before the date fixed by the Fund for such payment to be made. Any member country whose quota is increased shall immediately pay the full amount of the increase, *with one month of the date on which its quota is increased*

Part B. Composition of Initial Payments.

Each member country, irrespective of when it becomes a member, shall pay in gold the smaller of (a) twenty-five per cent of its quota, including any increase effective at the time it becomes a member, or (b) ten per cent of its official holdings of gold and gold-convertible exchange on the first day of January preceding the date of payment. The data necessary to determine official holdings of gold and gold-convertible exchange shall be furnished by the member countries as provided in Article IX, Section 8.

J.S. II, 3

Each member country shall pay the balance of its quota in its own currency.

J.S. II, 1,3

Part C. Composition of Additional Payments.

Each member country whose quota is increased after it becomes a member shall pay in gold the smaller of (a) twenty-five per cent of such increase, or (b) that portion of the increase determined by multiplying the increase by the percentage resulting from dividing the new quota of such country into the official holdings of gold and gold-convertible exchange of such country on the date the increase is made.

HDW

Part D. Initial Gold Payments of Occupied Countries.

Any country represented at the United Nations Monetary and Financial Conference whose home areas have suffered substantial damage from enemy action or occupation during the present war, may reduce its initial gold payment under Part B of this Section to seventy-five per cent of the amount it would otherwise have to pay.

P. J.S.II, 3

Section 7. Reduction of Quotas.

Whenever the quota of a member country is reduced, the Fund shall return to such country an amount in its own currency or gold equal to the

[Is this equitable?]

reduction in the quota. The Fund shall pay to such country only the amount of gold necessary to prevent reducing the holdings of the Fund of that currency below seventy-five per cent of such country's new quota.

4/2
✓

Article III

Par Values of the Currencies of Member Countries.

Section 1. Initial Par Values of the Currencies of Member Countries.

The par value of the currency of a member country shall be agreed with the Fund [when it becomes a member] and shall be expressed in terms of gold.

J.S. IV, 1

HDW

Section 2. Applicability of Par Values.

All transactions between the Fund and member countries shall be at the par values of the currencies of the member countries. All other transactions in the currencies of member countries shall be at rates of exchange within a percentage of parity to be prescribed by the Fund.

J.S. IV, 1

X

Section 3. Changes in the Par Values of the Currencies of Member Countries.

Part A. Consent of a Member Country to Any Change in the Par Value of Its Currency.

Subject to the provisions of Part C of this Section no change in the par value of the currency of any member country shall be made by the Fund without the approval of the Director representing such country.

J.S. IV, 2

Part B. Approval by the Fund of Changes in the Par Values of Currencies of Member Countries.

Each member country agrees not to propose a change in the par value of its currency which affects its international transactions unless it considers such action to be appropriate to the correction of a fundamental disequilibrium.

[What meaning]
J.S. IV, 2

Changes in the par values of the currencies of member countries shall be made only with the approval of the Fund subject to the provisions below:

J.S. IV, 3

(1) The Fund shall approve a proposed change in the par value of the currency of a member country if in the judgment of the Fund the change is essential to the correction of a fundamental disequilibrium. In particular the Fund shall not reject a proposed change, necessary to restore equilibrium, because of the domestic social or political policies of the member country;

J.S. IV, 3

(2) In considering proposed changes in the par values of the currencies of member countries, the Fund shall take into consideration the extreme uncertainties prevailing at the time of agreement on the par values of the currencies of the member countries.

J.S. IV, 4

(3) After consultation with the Fund, any member country may change the par value of its currency, provided the proposed change, inclusive of any previous changes since the par value of such currency was initially agreed upon ^{with the Fund} does not exceed ten per cent of the initial par value of such currency; and

J.S. IV, 4

(4) Upon the request of a member country proposing a change in the par value of its currency which change is not covered by the preceding subdivision but which change, inclusive of any previous changes under this subdivision, does not exceed ten per cent of the initial par value of such currency, The Fund shall, if the applicant so requests, approve or reject the proposed change within two days ^{business} of the date the Fund receives the proposal.

Part C. Uniform Changes in the Par Values of All Member Countries.

J.S. IV, 5

The Fund by majority vote may make uniform proportionate changes in the par values of the currencies of all the member countries, provided each such change is approved by every director representing a member country which has ten per cent or more of the aggregate quotas.

Section 4. Protection of the Assets of the Fund.

No change in the par value of the currency of any member country shall alter the gold value of the assets of the Fund. Whenever the par value of the currency of any member country is reduced, such country shall adjust ~~its~~ quota by paying to the Fund, within a reasonable time, an amount in its own currency equal to the reduction in the gold value of the currency and securities of such country held by the Fund. Whenever the par value of the currency of any member country is increased, the Fund shall adjust the quota paid by such country by returning, within a reasonable time, an amount in the currency of such country equal to the increase in the gold value of the currency and securities of such country held by the Fund.

P.P. III, 3
[Should part of this payment be in gold?]

no

The question is rather applicable here

The provisions of this section may be waived by the Fund whenever uniform proportionate changes are made in the par values of the currencies of all member countries in accordance with Part C of Section 3 of this Article.

Article IV

Transactions with the Fund.

Section 1. Agencies Dealing with the Fund.

J.S. III, 1

Member countries shall deal with the Fund only through their Treasuries, Central Banks, Stabilization Funds or other similar fiscal agencies.

Section 2. Depositories and Manner of Holding Assets.

~~Part A. Currency.~~ ~~signature the~~

J.S. III, 1
[Amplified and re-arranged]

The holdings of the Fund of the currency of each member country, to the extent deemed by the Fund to be necessary for its operations, shall be deposited in the name of the Fund in the ~~central bank of that country,~~ ~~or if no such bank exists, in a bank in that country selected by the Fund~~ with the approval of the Director representing the country.

depository of the Fund designated for that country in accordance with Article

remains

New
J.S.
Minutes 31

Each member country may convert any part of the balance of the holdings of the Fund of its currency into bills, notes, or other form of indebtedness, issued by the Government of the country, which shall be non-negotiable, non-interest bearing and payable at their par value on demand by a credit to the currency account of the Fund in that country. Such securities shall be held in the name of the Fund at the bank in which the currency account is maintained. *designated depository*

Part B. Other Assets.

New
E.M.B.

depository?

All of the assets of the Fund not referred to in Part A of this Section shall be held at the offices of the Fund or in special depositories to be designated by the Fund at such places within member countries as it deems appropriate. One such depository shall be in the country where the Fund has its principal office and not less than half the gold holdings of the Fund shall be held there.

Section 3. Limitation on the Operations of the Fund.

J.S. III, 3

Operations for the account of the Fund shall be limited to transactions for the purpose of supplying a member country, on the initiative of such country, with the currency of another member country in exchange for the currency of the country initiating the transaction or for gold; but the transactions provided for by Sections 6, 8 and 9 of this Article shall not be subject to this limitation.

Section 4. Conditions upon which Any Member Country May Purchase Currencies of Other Member Countries.

J.S. III, 2

A member country may buy the currency of another member country from the Fund in exchange for its own currency subject to the following conditions:

J.S. III, 2(b)
[rephrased]

(a) The member country initiating the purchase represents that the currency requested is presently needed for making payments in that currency which are consistent with the purposes and policies of the Fund;

J.S. III, 2(a)

(b) The Fund has not issued a declaration under Article VI that its holdings of the currency requested have become scarce;

J.S. III, 2(b)

J.S. III, 2(c)

(c) The total holdings of the Fund in the currency of the member country initiating the purchase, after having been restored, if below that figure to seventy-five per cent of the quota of such country, have not increased during the previous twelve months by more than twenty-five per cent of the quota of such country and do not exceed two hundred per cent of the quota; and

J.S. III, 2(d)

(d) The Fund has not previously declared under Section 5 of this Article that the member country initiating the purchase is ineligible to use the resources of the Fund.

The Fund may, in its discretion, waive any of these conditions on terms which safeguard its interests, including ^{the} such requirement of collateral or other security as it deems appropriate.

Section 5. Declaring Member Countries Ineligible to Use the Resources of the Fund.

Whenever the Fund determines that any member country is using the resources of the Fund in a manner contrary to the purposes and policies of the Fund, it shall present to the country a report setting forth the views of the Fund and stating a suitable time for reply. If no reply is received within the stated time, or the reply received is unsatisfactory, the Fund may declare the country ineligible to use the resources of the Fund, after giving reasonable notice to the country. During the period of ineligibility the Fund may limit the use of its resources by that country.

J.S. III, 2(d)
[enlarged and rephrased]

Section 6. Operations for the Purpose of Preventing Currencies from Becoming Scarce.

J.S. III, 4

The Fund may, if it deems such action to be appropriate to prevent the currency of any member country from becoming scarce, to take either or both of the following steps:

(a) Request the member country to lend it such currency;

*Arrange with the member country
on appropriate terms and conditions*

Reserve
(b) ~~Make an offer to the member country to exchange gold~~
to sell for such currency.

Section 7. Multilateral International Clearing.

Things to be done
by the member countries
to be done
by the member countries
to be done
by the member countries
So long as a member country is entitled to buy the currency of another member country from the Fund in exchange for its own currency, it shall, upon the request of such other country, buy its own currency from such other country with the currency of that country or with gold. This Section shall not apply to holdings of currencies of member countries subject to restrictions in conformity with Article IX, Section 4, or to holdings of currencies of member countries which have accumulated as a result of transactions of a current account nature effected before the removal by the member country of restrictions on multilateral clearing maintained or imposed under Article X, Section 2.

J.S. III, 5

Section 8. Acquisition by Member Countries of the Currencies of Other Member Countries for Gold.

Whenever any member country desires to obtain, directly or indirectly, the currency of another member country for gold, it shall first offer gold to the Fund in exchange for such currency, unless the currency can be obtained in some other manner with greater advantage. Nothing contained in this Section shall preclude any member country from selling in any market the new production of gold from mines located within territory subject to its jurisdiction.

Section 9. Other Acquisitions of Gold by the Fund.

Part A. By Sales to Member Countries of Their Own Currencies.

Any member country may, at any time *or whenever with* exchange gold for any part of its currency held by the Fund.

Part B. By Sales to Member Countries of the Currencies of Other Member Countries.

So long as the official holdings of gold and gold-convertible exchange of any member country at the end of any financial year of the Fund exceed its quota, the Fund shall require that such country exchange

[Preamble of J.S. III, 7 omitted]

J.S. III, 7(a)

J.S. III, 7(b)
[Extensively revised in phrasing]

Amol

gold for its currency to the extent necessary to effect payment in gold for one-half of the net sales by the Fund to such country of the currency of other member countries during such financial year of the Fund.

Part C. By Requiring Member Countries to Repurchase Their Own Currencies.

J.S. III, 7(c) If at the end of any financial year of the Fund the official holdings of gold and gold-convertible exchange of any member country have increased, the Fund may require up to one-half of the increase to be used to repurchase part of the holdings of the Fund of the currency of such country, so long as the repurchase will not reduce the holdings of the Fund of the currency of such country below seventy-five per cent of its quota, or the holdings of gold and gold-convertible exchange of such country below its quota.

Section 10. Transferability of the Currency Holdings of the Fund.

O.J.S.
Directive 6iv

The holdings of the Fund in the currencies of member countries shall, to the extent necessary to carry out the operations prescribed by this Article, be free from restrictions, regulations and controls of any nature imposed by member countries.

Section 11. Charges to Be Levied by the Fund.

Part A. Charges on Exchange Transactions.

J.S. IV, 1

All exchange transactions between the Fund and member countries shall be subject to a charge payable by the member country making application to the Fund.

Part B. Charges on Gold Transactions.

New

The Fund ^{may} ~~shall~~ levy a reasonable charge on any member country buying gold from the Fund or selling gold to the Fund.

Part C. Interest on Currency Holdings.

New

The Fund shall charge interest at reasonable rates against any member country on the amount of its currency held by the Fund in excess of the quota of the country.

mm

Part D. Annual Charges to Meet Expenses.

The Fund may levy annually upon the member countries, in proportion to their quotas, charges sufficient to meet the excess of expenses over current receipts. *during that year.*

P.P. V, 15
New

Part E. Payment and Convertibility of Charges.

All charges shall be paid by each member country in its own currency. [Currency paid to the Fund for charges, and any other current income, may be sold for the currency of any member country needed to meet the expenses of the Fund.]

What does this mean?

Section 12. Obtaining Information.

The Fund may require member countries to furnish it with any information necessary for its operations. Demands shall be uniform on all countries except that any member country may specially be required to furnish ^{wherever} information as a condition of action it has requested the Fund to take.

is needed by the Fund in connection with any

*Subject to the...
Article V, Section 1, paragraph 1*

Article V.

Capital Transactions

Section 1. Use of the Resources of the Fund for Transfers of Capital.

J.S. V, 1
[rephrased
in form]

No member country may use the resources of the Fund to meet large or sustained outflow of capital, and the Fund may declare ineligible under Article III, Section 5, such country unless it exercises controls to prevent such use of the resources of the Fund.

No. 1 [

Nothing contained in this Section is intended to prevent the use of the resources of the Fund for capital transfers of reasonable amounts required for the expansion of exports or in the ordinary course of trade, banking and other business.

Nothing contained in this Section is intended to prevent capital exports which are financed out of a member country's own resources of gold and foreign exchange, provided that such capital exports are in accordance with the purposes and policies of the Fund.

Section 2. Limitation on Controls of Capital Movements.

J.S. V, 2

No member country may control international capital movements in a manner which will restrict payments for current transactions or which will unduly delay transfer of funds in settlement of ^{such} commitments, except as provided in Article VI, Section 2, and Article X, Section 2.

Article VI

Apportionment of Scarce Currencies

Section 1. Declaring Member Currencies to Be Scarce.

J.S.VI, 1

Whenever, in the opinion of the Fund, it is evident that the demand of member countries upon the Fund for any member country may soon exhaust the holdings of the Fund of such currency, the Fund shall:

[Changes derived from P.P. V 4,5]

- (a) Promptly send to all member countries a declaration that such currency is scarce;
and

- (b) Prepare and distribute to all member countries a report setting forth the causes of the scarcity, recommending a course of action which is designed to terminate the scarcity, and proposing an equitable method of apportioning the holdings of the Fund of the scarce currency.

Section 2. Action of Member Countries with Respect to Scarce Currencies.

J.S. VI, 2

Member countries after consultation with the Fund may temporarily restrict exchange transactions in any currency declared by the Fund to be scarce, notwithstanding the provisions of Article V, Section 2, and Article X, Section 2. The manner in which any member country restricts the demand for a scarce currency or rations the supply of a scarce currency, shall be completely within the discretion of such member country, subject to the provisions of Article III, Section 2.

Article VII.

Management

Section 1. Board of Directors.

J.S. VII, 1
P.P. VI, 1

Part A. Powers and Composition.

The administration of the Fund shall be vested in a Board of Directors consisting of one director and one alternate appointed by each member country in such manner as it may determine. Directors and alternates shall serve for five years, subject to the pleasure of their respective governments, and may be reappointed. Alternates may participate in all activities of the Board. The Board shall select from its members a chairman who shall serve for a period of two years.

Inter-Amer. Bank,
by-laws, 3
New

Part B. Delegation of Powers.

The Board of Directors may delegate to the Executive Committee the exercise of any powers of the Board, except the power to amend this Agreement. Unless otherwise specified by the Board of Directors, delegated powers shall be exercised only until the next annual meeting of the Board, and shall be exercised in a manner consistent with the purposes and policies of the Fund and the general practices of the Board.

P.P. VI, 8
New

Part C. Meetings.

The Board of Directors shall hold an annual meeting and such other meetings as may be provided for by the Board or convened by the Executive Committee.

P.P. VI, 10

Part D. Polling the Directors in Lieu of Meetings.

The Board may by regulation establish a procedure whereby the Executive Committee, when it deems such action to be

Bank for Recon-
struction, P.P. 1
[, 2(c)

in the best interests of the Fund, may poll the directors on specific questions in lieu of calling a meeting of the Board.

Part E. Compensation.

Directors and alternates shall serve as such without compensation from the Fund, but the Fund shall pay such reasonable expenses as are incurred by the directors and alternates in attending any meetings of the Fund or any committee of the Fund.

Section 2. Voting.

Each member country shall have twenty-five votes plus one additional vote for the equivalent of each one million of its quota in United States dollars of the weight and fineness in effect on July 1, 1944.

Except as otherwise specifically provided all matters before the Fund shall be decided by a majority of the votes cast.

Section 3. The Executive Committee.

Part A. Composition and Powers.

There shall be an Executive Committee consisting of the Managing Director, the directors representing the five member countries having the largest quotas and six other directors elected bi-annually by the directors who are most automatically members of the Committee. The Managing Director shall be chairman of the Committee. The Committee shall exercise all authority delegated to it by the Board of Directors, and shall be in continuous session at the principal office of the Fund. In the absence of any member of the Committee, his alternate may act in his place. Members of the Committee shall be compensated by the Fund in an amount fixed by the Board.

New

J.S. VII, 2
P.P. VI, 2
New

P.P. VI, 4
New

J.S. VII, 1
New

Part B. Method of election.

In balloting for the elected members of the Committee, each director eligible to vote shall cast for one director all of the votes to which he is entitled under Section 2 of this Article. The six persons receiving the greatest number of votes shall be members of the Committee, except that no person who receives less than sixteen per cent of the aggregate eligible votes shall be considered elected. When six persons are not elected on the initial balloting, a second balloting shall be held in which there shall participate only those directors who voted for a person not elected and those directors all or part of whose votes for a person elected are deemed to have raised the votes cast for such person above seventeen per cent of the aggregate eligible votes. In determining whether any part of a director's votes raised the total of any person above seventeen per cent, there shall be considered as not forming part of the excess the votes of the director casting the largest number of votes for such person, then the votes of the director casting the next largest number, and so on until the total reaches seventeen per cent. Any director whose votes are partly not in excess and partly in excess shall be eligible to vote in the second balloting only to the extent of the votes in excess. If enough additional persons are not elected on the second balloting to bring to ^{at} ~~ten~~ the total number each of whom has received at least fifteen per cent of the aggregate eligible votes, further ballots shall be taken on the same principles until six such persons have been elected, provided that after five persons are elected the sixth may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

J.S. VII, 2
New

*No
provision
for
minority
directors
person with
lowest number
of votes
who conducts
the voting?*

Part C. Voting.

Each director who is automatically a member of the Committee shall be entitled to cast the number of votes allotted under Section 2 of this Article to the country which he represents. Each elected member shall be entitled to cast the number of votes by which he was elected. The Managing Director shall have no vote.

Part D. Appointment of Committees.

The Executive Committee may appoint such committees as it deems advisable. Membership on such committees need not be limited to directors and alternates.

Section 4. The Managing Director.

The Board of Directors shall appoint and fix the compensation of a Managing Director of the Fund and one or more Assistant Managing Directors. The Managing Director shall be chief of the operating staff of the Fund and, unless otherwise a member of the Board of Directors, shall be a member ex officio.

Section 5. Consultation with other Agencies.

The Fund shall consult with the Bank for Reconstruction and Development and other international agencies participated in primarily by governments of member countries concerning policies and operations of the Fund which are of direct interest to such agencies.

Section 6. Location of Offices.

The principal office of the Fund shall be located in the member country having the largest quota, but agencies or branch offices may be established in any member country or member countries.

Section 7. Publication of Reports.

The Fund shall publish an annual report containing an audited statement of its accounts and shall publish at short intervals, a summary statement of its transactions and its holdings of gold and the currencies of member countries.

Other reports.

New

New

VI, 5
New

[Handwritten signature]
Draft J.S.
for Bank for
Reconstruction
V, 1

RFC Act. sec.
1 Inter-Am.
Bank, By-Laws
1
New

[Handwritten signature]

[Handwritten signature]

Section 8. Distribution of Profits of the Fund.

Net profits of the Fund shall be distributed annually in the following manner:

- (a) Fifty per cent to surplus until the surplus is equal to ten per cent of the aggregate quotas; and
- (b) Fifty per cent to the member countries in proportion to the amounts by which their quotas exceed the holdings of the Fund of their currencies.

When the surplus has reached ten per cent of the aggregate quotas, all of the profits shall be distributed to the member countries in the same proportion.

Section 9. Miscellaneous Powers.

In order to carry out its purposes and policies, the Fund, through the Board of Directors, shall have the following powers in addition to those specified elsewhere in this Agreement:

- (1) To adopt, alter and use an official seal;
- (2) To make contracts;
- (3) To acquire, own, lease or dispose of such real and personal property as may be necessary to conduct the business of the Fund;
- (4) To sue and complain any court of competent jurisdiction;
- (5) To select, employ and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to conduct the business of the Fund; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and
- (6) To promulgate, amend, and repeal by-laws, rules and regulations necessary or appropriate to further the purpose and policies of the Fund.

VI, 12
New

Inter-Amer. Bank
Charter, 6
New

New

RFC Act
Sec. 4
New

Article VIII

WITHDRAWAL AND SUSPENSION OF MEMBER COUNTRIES AND LIQUIDATION OF THE FUND

Section 1. Right of Member Countries to Withdraw.

J.S. VIII, 1

Any member country may withdraw from membership in the Fund at any time by serving written notice on the Fund at its principal office. Withdrawal shall become effective six months after the date of such notice.

J.S. VIII, 3

After a member country has served notice of its withdrawal, it shall use the resources of the Fund only with the approval of the Fund.

Section 2. Suspension of Membership.

Bank for
Reconstruction
J.S. VI, 2
P.P. V, 8
New

A member country failing to meet any of its obligations to the Fund may be suspended from membership by decision of a majority of the member countries, each of which for this purpose shall have one vote, to be cast by its director or alternate. At the end of one year from the date of suspension, the country shall automatically cease to be a member of the Fund unless a majority of the member countries, voting in the same manner as for suspension, restore the country to good standing.

While under suspension, a country shall be denied the privileges of membership but shall be subject to its obligations.

Section 3. Settlement of Accounts with Countries ceasing to be Members.

J.S. VIII, 2

Within a reasonable time after a country ceases to be a member, the Fund and the country shall make arrangements for the settlement of their reciprocal obligations.

New
P.P. VI, 11

The Fund shall be obligated to return to such country an amount in the currency of that country equal to its quota, plus any other amounts due to such country from the Fund, and minus any amounts due to the Fund from such country. In the event that the Fund cannot make the entire payment in the currency of that

country, the portion not paid in its currency shall be paid in gold or in such other manner as may be agreed.

When notice that the Fund will be liquidated is given prior to final settlement with any country which has ceased to be a member, such country shall be treated in the same manner as if it had not ceased to be a member.

Section 4. Transactions in the Currency of a Country Withdrawing from the Fund.

J.S. VIII, 5

After a member country has served notice of its withdrawal from the Fund, in accordance with Section 1 of this Article, the Fund shall not dispose of its holding of the currency of such country except:

Old J.S. 12, 11

- (a) In accordance with agreements made under Section 3 of this Article for the liquidation of the respective obligations of the Fund and such country; or
- (b) To the extent that the holdings of the Fund of such currency exceed the amount required to meet the obligations of the Fund to such country.

Section 5. Liquidation of the Fund.

The Board of Directors, after giving three months notice to the member countries, may liquidate the Fund.

The net assets of the Fund shall be distributed as follows:

New

- (a) The member countries shall be divided into two groups. Group A consisting of those countries whose currencies are held by the Fund in amounts exceeding their respective quotas, and Group B consisting of those countries whose currencies are held by the Fund in amounts not exceeding their respective quotas. The amount of a currency held by the Fund shall be deemed to be its actual holdings, exclusive of ~~amounts held in surplus~~, adjusted for amounts

due to the Fund by the country and amounts due to the country by the Fund on obligations other than the return of its quota.

- (b) Each member country in Group A shall have returned to it an amount in its own currency equal to its quota.
- (c) Each member country in Group B shall have returned to it in gold an amount equal to the amount of gold it paid to the Fund as a part of its quota, less an amount equal to the excess of the holdings of the Fund of its currency above the amount of currency paid as a part of its quota, except that the amount of gold paid by each country as a part of its quota shall be proportionately reduced if the total holdings of gold of the Fund are less than the total gold payments of the countries in Group B. Each country receiving a proportion of its quota in gold less than the largest proportion received by any country shall receive an amount in its own currency sufficient to make the repayment to it an equivalent proportion.
- (d) The Fund shall determine a percentage for each country in Group B by dividing its holdings of the currency of such country by the quota of such country.
The country with the smallest percentage shall have returned to it the entire holdings of the Fund of its currency.
- (e) All the other countries in Group B shall have returned to them in their own currencies an amount which will represent the same proportion of their respective quotas as the payment made under (d) above represented the quota of the country receiving such payment.

- (f) The country having the next lowest percentage under (d) above shall then have returned to it the remaining amount of its currency held by the Fund and the country whose currency holdings have been exhausted shall have returned to it an equivalent proportion of its quota in gold. If there is not sufficient gold, then the currency of the country having the second lowest percentage shall be divided between the two countries in such manner that each will have been repaid the same proportion of its quota. All other countries in Group B shall have paid to them amounts in their respective currencies which represent the same proportion of their quotas.
- (g) Further distributions shall be made in the manner provided for in (f) above until the currencies of all countries in Group B have been exhausted.
- (h) The remaining holdings of the Fund of the currencies of the countries in Group A shall be divided among the countries in Group B in proportion to their quotas.
- (i) Any surplus shall be divided among the member countries in Group B in proportion to their quotas. So far as possible each country shall be paid in its own currency.

Article IX

Additional Undertakings on the Part of Member Countries.

New:
Questions &
Answers, 21

Section 1. Purpose and Scope of Additional Undertakings.

In order to support the activities of the Fund and to foster the accomplishment of its purposes and policies, each member country, in addition to commitments appearing elsewhere in this Agreement, undertakes the performance of and agrees to the stipulations set forth in this Article. This undertaking and agreement shall be binding upon each member country during any periods of ineligibility to use the resources of the Fund and during suspension of membership, but it shall not be binding on any country after termination of membership.

Section 2. ^{Based} ~~No~~ Gold Purchases Except at Parity Prices.

J.S. IX, 1
[Is this supposed
to be a range
or a floor?]

No member country shall buy gold at a price which exceeds the par value of its currency by more than a margin prescribed by the Fund, nor shall it sell gold at a price which falls below the par value of its currency by more than a margin prescribed by the Fund.

Section 3. ^{Based on} ~~No~~ Foreign Exchange Dealings Except at Par Values.

J.S. IX, 2

No member country shall allow within its jurisdiction exchange transactions in currencies of other member countries at rates outside a range prescribed by the Fund on the basis of par values.

Section 4. No Exchange Controls on Current Payments.

J.S. IX, 3

No member country shall, without the approval of the Fund, impose restrictions on payments for current international transactions with other member countries, but this stipulation shall not prevent the imposition of restrictions upon:

- (a) International capital movements in accordance with Article V, Section 2;
- (b) Exchange transactions in scarce currencies in accordance with Article VI, Section 2; or
- (c) Exchange transactions during the early post-war transition period in accordance with Article X, Section 2.

Section 5. No Discriminatory or Multiple Exchange Practices.

J.S. IX, 3

No member country shall, without the approval of the Fund, engage in any discriminatory currency arrangements or in any multiple currency practices.

Section 6. Restrictions on Taxation of Fund or Its Assets.

New: Inter-
Amer. Bk.
Charter II c

The Fund and its assets of whatsoever nature; its activities, transactions and operations; any obligations of whatsoever nature issued by the Fund, including dividends or interest thereon, by whomsoever held; any remunerations or salaries paid by the Fund; shall be exempt and immune from all taxation by any member country or any political subdivision or taxing authority of any member country now or hereafter imposed and by whatever name described, including, without limitation of the foregoing, excises, duties and imposts; provided, however, that the foregoing shall not prevent the imposition by any member country or any political subdivision or taxing authority of any member country of non-discriminatory taxes upon nationals of such member country with respect to any of the foregoing.

*Can you put a duty on
machines, paper or supplies
by the Fund?*

Section 7. Restrictions on Attachments of Assets of the Fund.

New:
Inter-Amer. Bk.
Charter II A

The Fund and its assets of whatsoever nature shall wheresoever located and by whomsoever held, be exempt and immune from requisition, seizure, attachment, execution, confiscation, moratoria and expropriation; provided, however, that the foregoing shall not prevent any member country from attaching or levying execution, subject to any prior lien or claim of the Fund, upon its admitted or adjudicated claims against the Fund or upon property admitted or adjudicated to be held by the Fund for such member country.

Section 8. Immunity of Assets of the Fund.

Inter-Amer.
Bk. Charter
II A
New

The Fund and its assets of whatsoever nature shall, wheresoever located and by whomsoever held, be exempt and immune from seizure, requisition, confiscation, moratoria and expropriation, except as provided in Section 9 of this Article.

Section 9. Suits Against the Fund.

New

Suits may be brought against the Fund only in a court of competent jurisdiction in a country in which the Fund has an office, and only by a litigant other than a member country, or a litigant acting for a member country, or deriving a claim from a member country. The Fund and its assets of whatsoever nature shall, wheresoever located and by whomsoever held, be exempt and immune from seizure, attachment and execution in advance of final judgment.

Section 10. Consideration of Recommendations of the Fund.

New:
P.P. VII, 6

Each member country shall give consideration to the views and recommendations of the Fund on any existing or proposed monetary or economic policy of such member country which tends, or may tend, to produce a serious disequilibrium.

in the intended lines of payment of member countries

Section B. Policy of the Fund During the Transition Period.

S. X, 4

In its relations with member countries, the Fund shall recognize that the early post-war transition period will be one of change and adjustment, and in making decisions on requests presented by any member country it shall give the benefit of any reasonable doubt to such country.

Article X

Transitional Arrangements

Section 1. Exchange Restrictions in Currency Arrangements and Practices Obtained.

J.S. X, 1
and 2

Since the Fund is not intended to provide facilities for relief or reconstruction or to deal with international indebtedness arising out of the war, member countries, during the early post war transition period, may, notwithstanding the provisions of Article III, Section 7, and Article IX, Sections 4 and 5, maintain and adapt to changing circumstances exchange regulations and currency arrangements and practices of the character which have been in operation during the war. They undertake to withdraw as soon as possible by progressive stages all such restrictions, arrangements and practices which impede payments and transfers on current account. In their exchange policies member countries shall pay continuous regard to the purposes and policies of the Fund and shall take all possible measures to develop commercial and financial relations with other member countries which will facilitate international payments and the maintenance of exchange stability.

Section 2. Withdrawal of Exchange Restrictions.

J.S. X, 13

The Fund may at any time make representations to any member country that conditions are favorable for the withdrawal of

withdrawing

particular restrictions on exchange transactions or currency arrangements and practices or for the general abandonment of such restrictions, arrangements and practices which are inconsistent with Article III, Section 7 or Article IX, Sections 4 and 5. Not later than three years after the date on which the operations of the Fund commence any member country still retaining restrictions, arrangements or practices inconsistent with Article III, Section 7 or Article IX, Sections 4 and 5, shall consult with the Fund as to their further retention and shall retain them only with the approval of the Fund.

Section 3. Policy of the Fund During the Transition Period.

In its relations with member countries, the Fund shall recognize that the early post-war transition period will be one of change and adjustment, and in making decisions on requests presented by any member country it shall give the benefit of any reasonable doubt to such country.

J.S. X, 4

John H. ... IX-10-6

Article XI

Amendments

The formula for the determination of quotas set forth in Article II, Section 2, may be amended by the Fund whenever four-fifths of the aggregate votes deem it advisable.

Any member country which desires to introduce modifications in this

New:
1933 Convention on Sanitary Aerial Navigation
Malloy 5503

Agreement shall communicate its proposals to the Fund. The Board of Directors, if four-fifths of the aggregate votes deem it advisable, shall prepare a protocol, by dated circular letter, to the governments of all the member countries, asking whether they accept the proposed modifications. The accession of the government of a member country will result either from explicit approval given to the Fund or from the fact that it refrains from notifying the Fund of any objections within ³ six months from the date of the circular letter above referred to. When the expressed or tacit accessions include the governments of member countries having four-fifths of the aggregate votes, the Fund shall certify the fact by means of a proces verbal which it shall communicate to the governments of all the member countries. The protocol will enter into force between all the member countries three ⁴ months from the date of the proces verbal, unless a shorter period is specified in the protocol.

Article XII

Interpretation of the Agreement

Section 1. Interpretation.

~~All disagreements between two or more member countries concerning~~

New:

the interpretation of any of the provisions of this Agreement or of any amendments thereto, or of any rules, regulations or by-laws promulgated by the Fund, shall be settled by the Fund.

Section 2. Definitions.

New

(1) The term "currency" means every form of medium of exchange used within a member country which is defined in terms of the monetary unit of such country, including without limitation:

(a) All paper money and coin issued or coined in accordance with the laws of such country;

(b) All demand deposits in banks within such country;
and

(c) All bills, notes or other form of indebtedness described in Article III, Section 2.

(2) The term "gold-convertible exchange" means (a) all currency as defined above which, for the purpose of settling international balances, may be readily exchanged for gold through official channels in the country issuing such currency, and (b) all demand obligations issued by the national government of any country or by a corporation wholly owned by such a government which, for the purpose of settling international balances, may be readily exchanged for gold through official channels in the country issuing such currency.

(3) The term "official holdings" means the holdings of a member country's government and central bank, and of any governmental department, agency, establishment or corporation; without reduction for any liabilities, whether such liabilities are actual or potential, general or specific, external or internal.

Article XIII

Final Provisions

Section 1. Acceptance of Membership in the Fund.

This Agreement shall be presented by the delegates to their respective governments for acceptance of membership. Each government that accepts membership shall, as soon as possible, deposit evidence of its acceptance with the Government of the United States of America, which shall transmit certified copies of all evidences of acceptance to the governments of all the countries that sent delegates to the meeting at which this Agreement was concluded.

New:
1928
Kellogg-
Briand
Peace Pact
Malloy 5132

The Government of the United States of America shall also notify by telegram, cablegram or radiogram the governments of all of such countries immediately upon the deposit with it of each evidence of acceptance.

Section 2. Effective Date of the Convention.

New:
1930
Limitation
of Naval
Armament
Malloy 5282

As soon as the evidences of the acceptance of membership by countries having 75 per cent of the aggregate quotas specified in Article II, Section 3, have been deposited, this Agreement shall come into force in respect of the said countries.

New:
1929
Internation-
al Air
Transporta-
tion
Malloy 5259

Thereafter this Agreement shall come into force between the countries which shall have accepted membership and each country which subsequently deposits its evidence of acceptance on the date of such deposit.

Section 3. Calling the Initial Meeting of the Fund.

Immediately after receipt of the evidences of acceptance of the countries referred to in the first paragraph of Section 3 of this Article, the government of the country accepting membership which has the largest quota shall invite to the initial meeting of the

Fund, to be held in that country thirty days after the date of said invitation, all of the countries which shall have accepted membership in the Fund.

Section 4. Order of Business.

At the initial meeting of the Fund the first order of business shall be as follows:

- (a) The Fund shall agree with each member country upon the par value of its currency expressed in terms of gold; and
- (b) The Fund shall set a date for the commencement of its operations.

Section 5. Expiration of Final Provisions.

Sections 1 and 2 of this Article shall expire on ~~December 31, 1945~~ ^{June 30,} 1945.

~~3 months after~~

3 months after the date set for its operations, but such operations shall begin the order of

(c) The commencement of operations shall be by the Fund undertaking initial rates of exchange, satisfactory to the member countries and the Fund, have been set for countries having 75 percent of the aggregate quotas.