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REPORT

OF THE

PREPARATORY COMMISSION OF THE UNITED NATIONS



PREPARATORY COMMISSION OF THE UNITED NATIONS

1945

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PC/20
23 December, 1945

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INTRODUCTION

1. With the completion of this Report by the Preparatory Commission the fourth stage in the work of establishing the United Nations has come to an end. The first stage was completed when the Dumbarton Oaks Proposals, which were agreed to in October, 1944, were supplemented by decisions made at the Yalta Conference in February, 1945. The end of the second stage was reached at San Francisco on 26th June, 1945, when the Charter of the United Nations was signed and the Preparatory Commission was established. The Preparatory Commission held its first session on the following day. Seven weeks later, on 16th August, the third stage of the work began with the meeting in London of the Executive Committee of the Preparatory Commission.

2. The Executive Committee was composed of representatives of the Governments 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. After nine weeks' intensive work it adopted a Report to the Preparatory Commission covering Items 1 and 4 (b)-(g) of the Interim Arrangements. This Report took the form of a number of recommendations with attached material, such as draft rules of procedure, and agenda, supplemented by appendices. These recommendations and other material were submitted to the Second Session of the Preparatory Commission, which opened in London on Saturday, 24th November, 1945.

3. At the second meeting of this session, held on Monday, 26th November, the Preparatory Commission adopted its agenda and rules of procedure, and elected as Chairman Mr. Eduardo Zuleta-Angel (Colombia), and as Vice-Chairmen, Dr. D. Z. Manuisky (Ukrainian S.S.R.) and Monsieur P. H. Spaak (Belgium). The Report of the Executive Committee was then presented to the Preparatory Commission by Senhor de Freitas-Valle (Brazil) and was remitted for detailed consideration to eight Technical Committees. The eight Technical Committees, with their Chairmen and Vice-Chairmen, are listed below:—

- | | | |
|--------------|-----------------|--|
| Committee 1. | Chairman : | H.E. M. Erik Colban (Norway). |
| | Vice-Chairman : | Senor Manuel Perez Guerrero (Venezuela) |
| Committee 2. | Chairman : | H.E. M. Zygmunt Modzelewski (Poland). |
| | Vice-Chairman : | Mr. G. Heaton Nicholls (South Africa). |
| Committee 3. | Chairman : | Sir Ramaswami Mudaliar (India). |
| | Vice-Chairman : | M. Frantz Hvass (Denmark). |
| Committee 4. | Chairman : | H.E. Dr. Guillermo Belt (Cuba). |
| | Vice-Chairman : | H.E. M. Kuzma V. Kiselev (Byelo-Russian S.S.R.). |
| Committee 5. | Chairman : | H.E. Dr. Abdel Hamid Badawi Pasha (Egypt). |
| | Vice-Chairman : | H.E. Senor Ricardo Rivera Schreiber (Peru). |
| Committee 6. | Chairman : | H.E. M. Th. Aghnides (Greece). |
| | Vice-Chairman : | Dr. R. M. Campbell (New Zealand). |
| Committee 7. | Chairman : | H.E. Dr. Najeeb al Armanazi (Syria). |
| | Vice-Chairman : | H.E. M. Cevad Acikalin (Turkey). |
| Committee 8. | Chairman : | H.E. Senor Dr. don R. E. Maceachen (Uruguay). |
| | Vice-Chairman : | H.E. Blatta Ephrem Tewelde Medhen (Ethiopia). |

4. The Executive Committee's Report to the Preparatory Commission is not included, as such, in the present Report. It has served as the basis of the Preparatory Commission's work, but there is too much identical material on the one hand and too many differences exist on the other, to justify its inclusion *in extenso*.

5. The Preparatory Commission has not in all cases adopted the recommendations of the Executive Committee. That was scarcely to be expected. But, on the other hand, the work of the Executive Committee has played an indispensable part in the whole preparatory process. Without the detailed and comprehensive reports furnished by the Executive Committee, the Preparatory Commission could not possibly have accomplished its own task in the time available.

6. Consideration of the Report of the Executive Committee by the Technical Committees began on 28th November and was completed, after less than four weeks' work, on 22nd December. The work of the Technical Committees has now been embodied in the present Report, in the form primarily of recommendations to the United Nations. Attached to these recommendations are a number of positive proposals integrally connected with them, such as the draft provisional staff regulations, the provisional rules of procedure for the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council and the draft agenda for the first meetings of the first three of these organs. There are also a number of reports and memoranda setting out the views of the Preparatory Commission and of special expert bodies on certain matters dealt with in the recommendations. Certain supplementary material, including extracts from the summary records of the proceedings of some Technical Committees, appears in the Appendix.

7. With the adoption by the Preparatory Commission of the present Report, we are about to enter, therefore, on the final stage in the establishment of the United Nations, namely, the First Session of the General Assembly and the inauguration of the various Councils, the International Court of Justice and the Secretariat. The omens are good, for there have been no formal reservations attached to the main proposals of the Preparatory Commission. As the result of close and fruitful debate, unanimity has been reached on such contentious matters as the organization of the Secretariat, the committee structure of the General Assembly, the trusteeship system and the choice of the United States of America as the country in which the permanent seat of the Organization should be located, all of which a few weeks ago seemed likely to be obstacles to the early and successful conclusion of the Commission's work.

8. It is encouraging that such unanimity should have been achieved ; it is still more encouraging that it should have been achieved so quickly. At the time of the Yalta Conference few would have dared to predict that in less than a year the World Organization would actually come into effective operation. Fewer still would have maintained at the opening of the San Francisco Conference on 25th April last that it was possible for fifty-one independent states to agree, before the turn of the year, not only on a Charter, but also on long and detailed organizational plans. That all this was possible in the event, and that all these fifty-one states have now ratified the Charter, is certainly due in the first instance to the determination of the peoples of the United Nations to combine their efforts to accomplish the high aims of the Charter.

9. If the spirit in which this last task has been accomplished is any guide, the United Nations will be successfully and happily inaugurated ; and if by its early actions the new Organization can capture the imagination of the world it will surely not belie the expectations of those who see in it the last chance of saving themselves and their children from the scourge of war. It is in this confident hope that the Preparatory Commission presents its Report to the United Nations.

CHAPTER I

THE GENERAL ASSEMBLY

Section 1: Recommendations Concerning the General Assembly

It is most urgent to summon the General Assembly and constitute the other principal organs of the United Nations at the earliest possible moment, so that they may perfect their organization and turn their attention promptly to the consideration of pressing world problems.

This end can best be attained if the First Session of the General Assembly is divided into two parts. During the First Part of the First Session the work of the General Assembly would be primarily organizational 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 of the United Nations and the appropriate committees of the General Assembly, which will by then have been established. During the Second Part of the First Session the General Assembly would devote itself chiefly to the consideration of substantive items on the Agenda.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. the Provisional Agenda contained in Section 2 of this chapter should be adopted by the General Assembly ;

2. the Provisional Rules of Procedure and the Supplementary Provisional Rules of Procedure contained in Section 3 of this chapter should be adopted by the General Assembly 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 be examined in due course by the appropriate committee of the General Assembly with a view to their adoption as permanent Rules of Procedure ; and

3. during the First Part of the First Session of the General Assembly the committees described in Section 4 of this chapter should 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 of the session by the temporary Chairman.
2. Election of the President.
3. Authorization of the Executive Secretary and his staff to perform the functions of the Secretary-General and Secretariat, pending the appointment of the Secretary-General.
4. Presentation of the Report of the Preparatory Commission.
5. Adoption of Provisional Rules of Procedure and Supplementary Provisional Rules of Procedure (Chapter I, Section 3).
6. Appointment of the Credentials Committee (the Committee's report will be considered as soon as presented to the General Assembly).
7. Adoption of the Agenda.
8. Establishment of Committees.
9. Election of Vice-Presidents.
10. Adoption of regulations governing the appointment of the temporary staff during the transition period.

11. Election of the non-permanent members of the Security Council.
12. Election of the members of the Economic and Social Council.
13. Consideration of recommendations, if any, from the Security Council relating to the admission of new Members to the United Nations.
14. Appointment of the Secretary-General (as soon as the recommendation is received from the Security Council).
15. Discussion on those sections of the Report which the General Assembly may decide to consider.
16. Reference to Councils or Committees of certain questions arising from the discussion.
17. Matters of urgent importance, including the problem of refugees.
18. Consideration of the Reports of the Committees, including Reports on the following subjects, if referred to Committees :
 - (a) rules of procedure ;
 - (b) implementation of the provisions of the Charter relating to trusteeship ;
 - (c) the possible transfer of certain functions, activities and assets of the League of Nations ;
 - (d) the organization of the Secretariat ;
 - (e) the site of the permanent headquarters of the United Nations ;
 - (f) the material arrangements for the General Assembly ;
 - (g) the relation between the General Assembly and the Economic and Social Council ;
 - (h) the relationship between the specialized agencies and the United Nations ;
 - (i) the provisional budget, financial organization and methods of assessing and collecting contributions from Members.
19. Election of the members of the International Court of Justice.
20. Consideration of the date and place 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 every year in regular session commencing on the first Tuesday after 2 September.

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 communications 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 the members of the United Nations.

Rule 6

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

Rule 7

The Secretary-General shall notify the Members of the United Nations at least sixty days in advance of the opening of a regular session.

Rule 8

The Secretary-General shall notify the Members of the United Nations at least fourteen days in advance of the opening of a special session convoked at the request of the Security Council, and at least ten days in the case of a request by a majority of the Members.

Rule 9

Copies of the notice summoning each session shall be addressed to all other organs and commissions of the United Nations and to the specialized agencies referred to in Article 57, paragraph 2, of the Charter.

II.—AGENDA

Rule 10

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

Rule 11

The provisional Agenda for a regular session shall be communicated to the Members of the United Nations at least sixty days before the opening of the session. The provisional Agenda of a special session, summoned at the request of the Security Council, shall be communicated at least fourteen days before the opening of the session. The provisional Agenda of a special session, summoned at the request of a majority of the Members, shall be communicated at least ten days before the opening of the session.

Rule 12

The provisional Agenda of a regular session shall include :

(a) report of the Secretary-General on the work of the Organization ;

(b) reports from the Security Council,
the Economic and Social Council,
the Trusteeship Council,
the International Court of Justice,
the subsidiary organs of the General Assembly,
specialized 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 ; and

(g) all items which the Secretary-General deems it necessary to put before the General Assembly.

Rule 13

Any Member of the United Nations may, at least twenty-five days before the date fixed for the opening of a regular session, request the inclusion of additional items in the Agenda. These items shall be placed on a supplementary list, which shall be communicated to the Members of the United Nations at least fifteen 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 14

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 15

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 16

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 17

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 18

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 communicated to the Members of the United Nations as soon as possible.

III.—DELEGATIONS

Rule 19

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 20

The credentials of representatives, and the names of members of a Delegation 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 21

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

Rule 22

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, Vice-Chairmen or Rapporteurs of Committees or for seats in the General Assembly.

IV.—CREDENTIALS COMMITTEE

Rule 23

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 24

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.

V.—PRESIDENT AND VICE-PRESIDENTS

Rule 25

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 26

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 on the basis of ensuring the representative character of the General Committee.

Rule 27

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 28

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

Rule 29

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

Rule 30

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 31

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.

VI.—GENERAL COMMITTEE*

Rule 32

The General Committee shall consist of fourteen members, no two of whom shall be nationals of the same state, and shall be so constituted as to ensure its representative character. It shall comprise the President of the General Assembly, who shall preside, seven Vice-Presidents, who shall be elected on the basis of ensuring the representative character of the Committee, and the Chairmen of the six Main Committees, who shall be nominated and elected by the Committees on the basis of equitable geographical distribution, experience and personal competence.

Rule 33

The General Committee shall at the beginning of each session consider the provisional Agenda, together with the supplementary list, and shall make a report thereon 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 and the General Assembly in drawing up the Agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all Committees of the General Assembly. Finally, it shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President.

Rule 34

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.

* See Appendix II.

Rule 35

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 for its consideration.

VII.—ADMINISTRATIVE AND BUDGETARY QUESTIONS**Rule 36**

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

Advisory Committee for Administrative and Budgetary Questions**Rule 37**

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

Rule 38

The members of the Advisory Committee, no two of whom shall be nationals of the same state, 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 Advisory Committee at the regular session at which the term of members expires or, in case of vacancies, at the next session.

Rule 39

The Advisory 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. At the commencement of each regular session it 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. It shall also examine on behalf of the General Assembly the administrative budgets of specialized agencies and proposals for financial and budgetary arrangements with such agencies. It shall perform such other duties as may be assigned to it under the regulations for the financial administration of the United Nations.

Committee on Contributions**Rule 40**

The General Assembly shall appoint an expert Committee on Contributions, consisting of seven members.

Rule 41

The members of the Committee on Contributions, no two of whom shall be nationals of the same state, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years. Members shall retire by rotation and shall be eligible for re-election. The General Assembly shall elect the members of the Committee on Contributions at the regular session at which the term of members expires, or, in case of vacancies, at the next session.

Rule 42

The Committee on Contributions shall advise the General Assembly concerning the apportionment under Article 17, paragraph 2, of the Charter of the expenses of the Organization among Members, broadly according to capacity to pay. The scale of payments when once fixed by the General Assembly shall not be subject to a general revision for at least three years, unless it is clear that there have been substantial changes in relative capacities to pay. It should also advise the General

Assembly on the contributions to be paid by new Members ; on appeals by Members for a change of assessment ; and on the action to be taken with regard to the application of Article 19 of the Charter, which deals with Members who are in arrears in the payment of their financial contributions to the Organization.

VIII.—SECRETARIAT

Rule 43

When the Security Council has submitted its recommendations 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 44

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 place at meetings of the General Assembly.

Rule 45

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

Rule 46

The Secretary-General shall make an annual Report, and such supplementary reports as are required, to the General Assembly on the work of the Organization. He shall communicate the annual Report to the Members of the United Nations at least forty-five days before the opening of the session.

Rule 47

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 48

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 49

The Secretariat, acting under the authority of the Secretary-General, shall receive, print, translate and distribute documents, reports and resolutions of the General Assembly, its committees and organs ; interpret 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 50

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

IX.—LANGUAGES

Rule 51*

The Rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided.

* See Appendix . I(c)

X.—RECORDS

Rule 52*

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 53

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

XI.—PUBLICITY OF MEETINGS

Rule 54

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 also be held in public unless the body concerned decides otherwise.

Rule 55

All decisions of the General Assembly taken at a private meeting shall be announced at any early public meeting of the General Assembly. At the close of each private meeting of the Main Committees, other committees and sub-committees, the Chairman may issue a communique through the Secretary-General.

XII.—CONDUCT OF BUSINESS

Rule 56

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

Rule 57

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 58

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 59

During the discussion of any matter, 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. A representative may appeal against the ruling of the President. The appeal shall immediately be put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting.

Rule 60

During the discussion of any matter, a representative may move the adjournment of the debate. 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 61

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

Rule 62

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.

* In adopting this Rule, the Committee pointed out that the question of distribution of records should be given subsequent consideration. The Committee also recommends that records should be issued simultaneously in the two working languages.

Rule 63

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 64

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 65

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

Rule 66

If two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on, until all the amendments have been put to the vote.

Rule 67

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

XIII.—VOTING

Rule 68

Each member of the General Assembly shall have one vote.

Rule 69

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 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 70

Decisions of the General Assembly on questions other than those provided for in Rule 69, 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 71

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

Rule 72

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

Rule 73

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

Rule 74

If, when only one person or member is to be elected, no candidate obtains in the first ballot the majority required in Rules 69 or 70 a second ballot shall be taken, confined to the two candidates obtaining 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 the candidates 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 75

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required in Rules 69 or 70 shall be elected. If the number of candidates obtaining such majority is less than the number of persons to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, the number of candidates being not more than twice as many as the places remaining to be filled.

Rule 76

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting; this meeting shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XIV.—ELECTION OF MEMBERS OF COUNCILS**General Provisions****Rule 77**

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

Rule 78

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

Rule 79

Should a member cease to belong to a Council before the term of office of that member expires, a by-election shall be held separately at the next session of the General Assembly to elect a member for the unexpired term.

Rule 80

When one seat is to be filled, the General Assembly shall follow the procedure set forth in Rule 74.

Rule 81

When two or more seats are to be filled, the General Assembly shall follow the procedure set forth in Rule 75.

The Security Council**Rule 82**

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 83

In the election of non-permanent members of the Security Council, due regard shall be specially paid, 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 Organization, and also to equitable geographical distribution.

Rule 84

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

The Economic and Social Council

Rule 85

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 86

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

The Trusteeship Council

Rule 87

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 determine, 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 determined 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 88

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

Rule 89

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.

XV.—ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

Rule 90

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

XVI.—COMMITTEES

Rule 91

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

Rule 92

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 ; and
- (6) Legal Committee.

Rule 93

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 94

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 95

Each committee shall elect its own Chairman, Vice-Chairman and Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence.

Rule 96

Each committee may set up sub-committees, which shall elect their own officers.

Rule 97

The Secretary-General or a member of the Secretariat designated by him may make to any committee or sub-committees any oral or written statement which the Secretary-General considers desirable.

Rule 98

The procedure set forth in Rules 56 to 67 shall apply to proceedings of committees of the General Assembly.

Rule 99

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

Rule 100

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 101

Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the members of the committee consider such a discussion to be necessary.

Rule 102

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

Rule 103

No resolution involving expenditure shall be voted by the General Assembly until 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.

XVII.—ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

Rule 104

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 105

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 106

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

Rule 107

The Secretary-General shall inform the applicant state of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the applicant state presents to the Secretary-General an instrument of adherence.

XVIII.—AMENDMENTS

Rule 108

These Rules of Procedure may be amended 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 amendment.

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 in many cases there is no need for Supplementary Rules.)

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.

Supplementary Rule C

The Secretary-General shall notify the Members of the United Nations at least thirty days in advance of the opening of the Second Part of the First Session of the General Assembly.

II.—AGENDA

Supplementary Rule D

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, and shall not require reference to the General Committee.

Supplementary Rule E

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. These items shall be placed on a supplementary list which shall be communicated to the Members of the United Nations as soon as possible.

Supplementary Rule F

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 at least thirty days before the opening of the Second Part of the session.

Supplementary Rule G

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. These items shall be placed on a supplementary list, which shall be communicated 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.

III.—DELEGATIONS

Supplementary Rule H

The credentials of representatives, and the names of members of a Delegation, shall be delivered to the Executive Secretary of the Preparatory Commission of the United Nations, at least two days, if possible, 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.

V.—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.

VII.—ADMINISTRATIVE AND BUDGETARY QUESTIONS

Supplementary Rule J

At the Second Part of the First Session, the General Assembly shall elect simultaneously, in accordance with Rule 75, the seven members of the Advisory Committee on Administrative and Budgetary Questions, 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.

Supplementary Rule K

At the First Part of the First Session, the General Assembly shall elect simultaneously, in accordance with Rule 75, the seven members of the Committee on Contributions. It shall then by a second vote choose three of the elected members for the three-year term. By a third vote it shall choose two of the remaining elected members for the two-year term.

VIII.—SECRETARIAT

Supplementary Rule L

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 authorized to perform the functions of the Secretary-General and Secretariat pending the appointment of the Secretary-General.

Supplementary Rule M

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.

X.—RECORDS

Supplementary Rule N

Verbatim records of all plenary meetings and of Main Committees of the General Assembly shall be drawn up by the Secretariat and kept on file for reference.

Supplementary Rule O

Summary records of plenary meetings and of Main Committees shall be drawn up by the Secretariat and circulated as soon as possible to the members of the bodies concerned.

Supplementary Rule P

Other committees and sub-committees may decide upon the form of their records.

XIV.—ELECTION OF MEMBERS OF COUNCILS

Supplementary Rule Q

The General Assembly shall elect simultaneously the six non-permanent members of the Security Council, in accordance with Rule 75. It shall then by a second vote choose three of the elected members for the two-year term.

Supplementary Rule R

The General Assembly shall elect simultaneously the eighteen members of the Economic and Social Council, in accordance with Rule 75. 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 S

The term 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 regular sessions respectively of the General Assembly.

CALLING OF INTERNATIONAL CONFERENCES BY THE
ECONOMIC AND SOCIAL COUNCIL

Supplementary Rule T

Pending the adoption, under paragraph 4 of Article 62 of the Charter, of definite Rules for the calling of international conferences, the Economic and Social Council may, after due consultation with Members of the United Nations, call international conferences in conformity with the spirit of Article 62 on any matter within the competence of the Council, including the following matters: international trade and employment, and health.

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 organization 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 organization and conduct of the business of the General Assembly;
- (c) Standing Committees with continuing functions; and
- (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; and
- (6) Legal Committee.

4. In deciding upon the Main Committees, the following two considerations are 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 a plenary meeting. The items from the Reports of the other principal organs, of the specialized 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 specialized 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. It might also deal with the question of equilibrium and stabilization of prices.

8. The *Social, Humanitarian and Cultural Committee* might consider the corresponding aspects of the work of the Economic and Social Council and of the specialized 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 realization of human rights and fundamental freedom. 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 matters pertaining to the budget of the Organization, changes in the assessments of Members, financial and budgetary arrangements with the specialized agencies referred to in Article 57, and the examination of the administrative budgets of the specialized 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 organization and conduct of the business of the General Assembly :

- (a) General Committee; and
- (b) Credentials Committee.

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 and the General Assembly in drawing up the Agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all committees of the General Assembly, and would assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President. The General Committee would comprise the President, the seven Vice-Presidents and the Chairmen of the six Main Committees.

14. The *Credentials Committee* forms 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 is altogether probable that certain problems might continue to engage its attention throughout the session.

15. 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 of the General Assembly have the right to be represented. This comparatively small membership will make possible the expeditious conduct of the business of the General Assembly.

* See Appendix II.

Standing Committees

16. An *Advisory 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. It would consist of seven members, two of whom should be recognized financial experts. The members of the Advisory 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.

17. A *Committee on Contributions* should be appointed to report to the General Assembly concerning the apportionment, under Article 17, paragraph 2 of the Charter, of the expenses of the Organization among Members broadly according to capacity to pay. The Committee on Contributions should also report to the General Assembly on the contributions to be paid by new Members; appeals made by Members for a change of assessment; and the action to be taken with regard to the application of Article 19 of the Charter which deals with Members in arrears in the payment of their financial contributions to the Organization. The committee should consist of seven members, who should be selected on the basis of broad geographical representation, personal qualifications and experience, and should serve for three years. Members should retire by rotation and be eligible for re-election.

Ad Hoc Committees

18. 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.

CHAPTER II

THE SECURITY COUNCIL

Section 1 : Recommendations Concerning the Security Council

By Article 24 of the Charter, in order to ensure prompt and effective action by the United Nations, its Members confer on 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.

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 organize itself initially as soon as possible and thus to be in a position to begin promptly the exercise of its responsibilities under the Charter.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. the Security Council should adopt for its first meetings the Provisional Agenda contained in Section 2 of this chapter and that, with regard to Item 8 of this Agenda, the Security Council should adopt the Draft Directive to the Military Staff Committee contained in Section 3 of this chapter ;
2. the Security Council should adopt the Provisional Rules of Procedure contained in Section 4 of this chapter ; and
3. the representative of the first member of the Security Council in the English alphabetical order of the names of members should 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 the temporary Chairman.
2. Presentation of Chapter II and Appendices I (d) and III of the Report of the Preparatory Commission.
3. Adoption of Rule 9 of the Provisional Rules of Procedure providing a method for selecting the President (Section 4 of Chapter II).
4. Selection of the President of the Security Council.
5. Adoption of the Agenda.
6. Adoption of Provisional Rules of Procedure (Section 4 of Chapter II).
7. Recommendation to the General Assembly regarding the appointment of the Secretary-General.
8. Adoption of Directive to the Military Staff Committee to meet at a given place and date.
9. Discussion of the composition and organization of the staff to be assigned to the Security Council under paragraphs 1 and 2 of Article 101 of the Charter.
10. Discussion of the best means of arriving at the conclusion of the special agreements referred to in Article 43 of the Charter.
11. Reception and consideration of reports and recommendations, if any, from the General Assembly.
12. Consideration of the submission to the General Assembly of a special report, if any (paragraph 3 of Article 24 of the Charter).

13. Election of the members of the International Court of Justice (Statute, Articles 4, 7-12, 14).

Section 3 : Draft Directive to the Military Staff Committee

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 that the Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives.

Therefore

1. 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) ;

2. THE SECURITY COUNCIL DIRECTS that the Chiefs of Staff or their representatives, when so assembled, shall constitute the Military Staff Committee referred to above ; and

3. THE SECURITY COUNCIL DIRECTS the Military Staff Committee thereupon, as its first task, to draw up proposals for its organization (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 intervals.

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 notice. He shall call such a meeting at the request of a member of the Security Council. He shall also call an extraordinary meeting as soon as he receives from any Member of the United Nations a communication drawing the attention of the Security Council to a dispute under Article 35 (1) of the Charter.

II.—AGENDA

Rule 4

The 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 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 capacity as an organ of the United Nations.

IV.—SECRETARIAT

Rule 11

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize 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 give to representatives notice 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.

Rule 17

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 within its competence.

VI.—LANGUAGES

Rule 18*

The rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided.

* In connection with Rule 18, attention is drawn to Appendix I (d).

VII.—VOTING

Rule 19

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

VIII.—PUBLICITY OF MEETINGS

Rule 20

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

Rule 21

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

Rule 22

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

IX.—RECORDS

Rule 23

Subject to the provisions of Rule 24, 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 they wish to have made.

Rule 24*

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 states who have taken part in the meeting may have corrections made in their own speeches within a period of ten days. On the expiry of this period the record shall be considered as approved, and shall be signed by the Secretary-General.

X.—ADMISSION OF NEW MEMBERS OF THE UNITED NATIONS

Rule 25

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 26

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 27

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.

* In connection with Rule 24, attention is drawn to Appendix III.

CHAPTER III

THE ECONOMIC AND SOCIAL COUNCIL

Section 1 : Recommendations Concerning the Economic and Social Council and Observations on Relationships with Specialized Agencies

A. Recommendations Concerning the Economic and Social Council

The Preparatory Commission considers that the Economic and Social Council should be organized at the earliest practicable date to enable it to deal with numerous international economic and social problems which urgently require the attention of the United Nations.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that the Economic and Social Council should :

1. be summoned by the Secretary-General or, if he has not been appointed, by the Executive Secretary, to meet in its first session in London, within fifteen days after the election of the members of the Council by the General Assembly ;

2. adopt the Provisional Agenda contained in Section 2 of this chapter ;

3. adopt the Provisional Rules of Procedure contained in Section 3 of this chapter for the conduct of business during its first session, and give consideration to these Rules as a basis for its permanent rules ;

4. establish the following commissions at its first session :

(a) Commission on Human Rights

(b) Economic and Employment Commission

(c) Temporary Social Commission

(d) Statistical Commission

(e) Commission on Narcotic Drugs

5. consider the desirability of establishing at an early date, and possibly at its first session, the following commissions :

(a) Demographic Commission

(b) Temporary Transport and Communications Commission

(c) Fiscal Commission

6. consider, at its first session, the advisability of setting up a Co-ordination Commission ; and

7. take into account, when considering the establishment of commissions (including those mentioned in the preceding paragraphs) and their terms of reference and composition, the relevant considerations and recommendations contained in Section 4 of this chapter.

B. Observations on Relationships with Specialized Agencies

The Preparatory Commission, having examined in general terms the problems involved in the establishment of the relationships between specialized inter-governmental organizations and agencies and the Organization, submits to the General Assembly the observations set forth in Section 5 of this chapter, which are designed to serve as a guide to the Economic and Social Council in its negotiations with specialized agencies.

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

1. Opening of the Session by the Secretary-General.
2. Presentation of Chapter III of the Report of the Preparatory Commission.
3. Adoption of Provisional Rules of Procedure (Section 3 of Chapter III).
4. Election of President, first Vice-President and second Vice-President.
5. Adoption of the Agenda.
6. Establishment of committees to report on the recommendations of the Preparatory Commission concerning :
 - (a) rules of procedure (Section 3 of Chapter III) ;
 - (b) organization of the Economic and Social Council (Section 4 of Chapter III) ; and
 - (c) composition and functions of the Secretariat in so far as these matters concern the Economic and Social Council with a view to making suggestions thereon to the Secretary-General (Section 2 of Chapter VIII of the Report and recommendations of the General Assembly pertaining thereto).
7. Establishment of a committee to report on :
 - (a) Observations on Relationships with Specialized Agencies (Section 5 of Chapter III) and any recommendations or observations of the General Assembly pertaining thereto ; and
 - (b) arrangements for negotiating agreements with specialized agencies.
8. Establishment of a committee to report on arrangements for consultation with non-governmental organizations.
9. Consideration of the reports of the committees.
10. Discussion of the problem of refugees and of such other urgent matters in economic, social, cultural, educational, health, and related fields, as may be referred to the Council by the General Assembly or which the Council may find desirable to put on its Agenda.
11. Consideration of arrangements for conferring respectively with representatives of the Security Council and of the Trusteeship Council, concerning the methods of co-operation with each of these bodies in dealing with matters of common concern.
12. Consideration of other matters.

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

I.—SESSIONS

Rule 1

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

Rule 2

Sessions shall be held at a date fixed by the Council at a previous meeting.

Rule 3

A session of the Council shall also be held within thirty days of the request thereof :

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

Rule 4

A session of the Council shall also be held if the Security Council, the Trusteeship Council, or any Member of the United Nations, or a specialized agency* requests a session and the President of the Council agrees to the request. If the President does not agree, he shall, within four days of the receipt of the request, 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 eight days of this enquiry, a majority of the members of the Council explicitly concurs in the request, the President shall summon the Council to meet within the next fifteen days.

Rule 5

The President of the Council, with the concurrence of the Vice-Presidents, may also call a session of the Council and fix the date thereof.

Rule 6

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.

Rule 7

The President of the Council shall notify the members, through the Secretary-General, of the date of the first meeting of each session. Such notification shall be sent :

(a) at least eight days in advance, when a session is called upon the request of the Security Council acting in pursuance of Article 41 of the Charter ;

(b) at least twelve days in advance in cases referred to under Rule 4; and

(c) at least twenty-one days in advance in all other cases.

Rule 8

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

II.—AGENDA

Rule 9

The 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 Council.

Rule 10

The provisional agenda shall include :

(a) all items proposed by the 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 specialized agency ; and

(d) all items or reports which the President or the Secretary-General deems necessary to put before the Council.

Rule 11

The notice summoning each session and the agenda shall be sent to all Members of the United Nations and to the specialized agencies.

Rule 12

The first item on the provisional agenda of any session of the Council shall be the adoption of the agenda.

Rule 13

The Council may decide to revise the agenda and may accord priority to certain items. If the session has been summoned in accordance with Rules 3, 4 and 5, priority shall be given to those items which have occasioned the session.

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

III.—REPRESENTATIVES AND ADVISERS

Rule 14

Each representative on the Council may be accompanied by such alternate representatives and technical advisers as he may require.

IV.—PRESIDENT AND VICE-PRESIDENTS

Rule 15

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

Rule 16

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

Rule 17

If the President is absent from a meeting or any part thereof, the first Vice-President, or, in the latter's absence, the second Vice-President, shall preside.

Rule 18

If the President ceases to be a representative of a member of the Council or is incapacitated, the first Vice-President shall serve for the unexpired term. If the first Vice-President ceases to be a representative of a member of the Council or is incapacitated, the second Vice-President shall take his place.

Rule 19

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

V.—COMMITTEES OF THE COUNCIL

Rule 20

At each session, the Council may set up such committees as it deems necessary and refer to them any questions on the agenda for study and report. Such committees, composed of members of the Council, may be authorized to sit while the Council is not in session.

VI.—SECRETARIAT

Rule 21

The Secretary-General shall act in that capacity in all meetings of the Council. He may authorize a deputy to act in his place at meetings of the Council.

Rule 22

The Secretary-General shall provide and direct the staff required by the Council, its committees and such subsidiary bodies as may be established by it.

Rule 23

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

Rule 24

The Secretary-General or his deputy may at any time, upon the invitation of the President of the Council or of the Chairmen of committees of the Council and subsidiary bodies, make either oral or written statements concerning any question under consideration.

Rule 25

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

VII.—LANGUAGES

Rule 26

The rules adopted at the San Francisco conference regarding languages shall prevail until otherwise decided.*

VIII.—VOTING

Rule 27

Each member of the Council shall have one vote.

Rule 28

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

Rule 29

The Council shall normally vote by show of hands except that any representative may request a roll call which shall then be taken in the English alphabetical order of the names of the members.

Rule 30

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

Rule 31

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

Rule 32

If, when one person or member only is to be elected, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

Rule 33

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a 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 obtaining the greatest number of votes in the first place, the number of candidates being not more than twice as many as the places remaining to be filled.

Rule 34

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

IX.—PUBLICITY OF MEETINGS

Rule 35

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

Rule 36

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

X.—RECORDS

Rule 37

Summary records of the meetings of the Council, its committees and subsidiary bodies shall be kept by the Secretariat. They shall be sent as soon as possible to all members participating in the meeting who shall inform the Secretariat not later than twenty-four hours after the circulation of the summary record, of any changes they wish to have made. Summary records of public meetings shall be sent as soon as possible after the close of the session to all Members of the United Nations and to the specialized agencies.

* See Appendix 1 (a)

Rule 38

Verbatim records of the meetings of the Council shall be kept by the Secretariat. The verbatim records of public meetings shall be available to the public. The verbatim records of private meetings shall be available, when the Council so decides, to representatives of the Members of the United Nations only.

Rule 39

As soon as possible the text of all resolutions, recommendations and other formal decisions adopted by the Council, its committees and subsidiary bodies, shall be communicated 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 and to the specialized agencies.

Rule 40

The summary records and relevant documents of private meetings of the Council, its committees and subsidiary bodies, shall be distributed to the Members of the United Nations if the Council so decides.

XI—CONDUCT OF BUSINESS

Rule 41

A majority of the members of the Council shall constitute a quorum.

Rule 42

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Council, shall direct the discussion, ensure observance of these rules, and shall accord the right to speak, put questions, and announce decisions.

Rule 43

During the discussion of any matter, 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 44

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

Rule 45

The Council may limit the time allowed to each speaker.

Rule 46

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 47

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

Rule 48

Resolutions, amendments and substantive motions shall be introduced in writing and handed to the Secretary-General, who shall circulate copies to the representatives twenty-four hours in advance, unless the Council decides otherwise.

Rule 49

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

Rule 50

If two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on, until all the amendments have been put to the vote.

Rule 51

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

XII.—COMMISSIONS**Rule 52**

The Council shall set up such commissions as may be required for the performance of its functions, and shall define the powers and composition of each of them. The Council may authorize commissions to set up subsidiary bodies.

Rule 53

Unless otherwise decided by the Council, each commission shall elect its own officers and adopt its own rules of procedure.

Rule 54

The Rules of Procedure of the Council shall apply to the proceedings of commissions and subsidiary bodies until they adopt their own rules of procedure.

Rule 55

When the report of a commission is under consideration, the Council shall invite the chairman of the commission, or a person designated by him, to participate without vote in the discussion on the report.

XIII.—AMENDMENTS AND SUSPENSIONS**Rule 56**

Any of these rules may be amended or suspended by the Council.

Rule 57

These rules may not be amended until the Council has received a report on the proposed amendment from a committee of the Council.

Rule 58

A rule of procedure may be suspended by the Council provided that twenty-four hours' notice of the proposal for the suspension has been given. The notice may be waived, if no member objects.

Section 4: Considerations and Recommendations Concerning the Organization of the Economic and Social Council**General Comment**

1. Article 68 of the Charter 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. The organization 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* is 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 specialized bodies. In some of these fields inter-governmental agencies exist or are contemplated. In others, the specialized 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 specialized agencies to be brought in due course into relationship with 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, labour 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 in any one of these spheres, however, no specialized agency is established, 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 specialized 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 second consideration* which has been taken into account is 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 analyze in any detail the nature of these special problems or to propose all the machinery which may prove necessary to advise the Economic and Social Council on the proper solutions.

8. One of these problems, perhaps the most urgent, 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 specialized agencies now contemplated, and to recommend appropriate action. Attention is drawn to paragraph 4 of Article 62 of the Charter, enabling the Council to call international conferences on matters falling within its competence, and to Supplementary Rule T of the Supplementary Provisional Rules of Procedure of the General Assembly.

9. *The third consideration* is 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.

10. *The fourth consideration*, which follows from the three preceding, is 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 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.

11. *The fifth consideration* is 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 12, 39 and 40 for achieving co-ordination among commissions.

12. 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.

13. Accordingly the recommendations set out in paragraphs 14-35 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 with equal precision the scope of all commissions and subordinate committees. 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.

Commissions recommended

14. It is recommended that the Economic and Social Council should establish the following commissions at its first session :

- (a) Commission on Human Rights
- (b) Economic and Employment Commission
- (c) Temporary Social Commission
- (d) Statistical Commission
- (e) Commission on Narcotic Drugs

Commission on Human Rights

15. 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.

16. 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 ; and
- (e) any matters within the field of human rights considered likely to impair the general welfare or friendly relations among nations.

17. Studies and recommendations would be made and information and other services provided 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

18. The Economic and Social Council will require an advisory commission to assist the Council in fulfilling its responsibilities in the economic field under 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 specialized agency.

19. The Council should establish an Economic and Employment Commission with the following as its principal terms of reference.

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

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

21. 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 ; and
- (d) economic development of under-developed areas.

22. The Commission will require several specialized 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

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

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

Balance of Payments Committee

24. 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 specialized agencies.

Economic Development Committee

25. The Commission will require expert advice on the long-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 the less-developed regions of the world ;
- (b) the effects of industrialisation and technological change on world economic conditions, and the adjustments required ; and
- (c) the co-ordination of the activities of the commissions or specialized agencies concerned.

Temporary Social Commission

26. The Economic and Social Council will require expert advice on social problems and objectives and the co-ordination of the policies and activities of specialized 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 organizations 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.

27. A Temporary Social Commission should be established, one of whose tasks would be to make a general review of international organization 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 specialized agencies which it appears desirable to set up. In this connection, the Temporary Social Commission should be asked to consider and to report to the Council on the advisability of bringing permanently within the structure of the Council the activities in the social field formerly carried on by the League of Nations, and such other activities as the work on treatment of offenders now carried on by the International Penal and Penitentiary Commission. Pending the establishment of permanent machinery, the Council should authorize the Temporary Social Commission to take over on an interim basis the work of the League of Nations on such social questions as traffic in women and children and child welfare.

28. In addition, the Temporary Social Commission would deal with substantive problems in the social field requiring immediate attention.

Statistical Commission

29. This Commission should advise the Council and collaborate closely with the other organs of the United Nations and specialized agencies on statistical matters. It should :

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

Commission on Narcotic Drugs

30. In order to give full effect to the Narcotics Conventions and in order to provide for continuous review of and for progress in the international control of narcotic drugs, it is recommended that the Economic and Social Council establish a Commission on Narcotic Drugs which should :

- (a) assist the Economic and Social Council in exercising general supervision over the application of international conventions and agreements dealing with narcotic drugs ;
- (b) advise the Economic and Social Council on all matters pertaining to the control of narcotic drugs, and prepare such draft international conventions as may be necessary ; and
- (c) carry out such functions entrusted to the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs by the Narcotics Conventions as the Economic and Social Council will find necessary to continue.

Other Commissions

31. It is recommended that the Economic and Social Council should consider the desirability of establishing at an early date, and possibly at its first session, the following commissions :

- (a) Demographic Commission
- (b) Temporary Transport and Communications Commission
- (c) Fiscal Commission

Demographic Commission

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

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

Temporary Transport and Communications Commission

33. Inter-governmental 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 either as part of the United Nations or as a new specialized 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 specialized agencies in this field ; and
- (b) such functions of the Communications and Transit Organization of the League of Nations as the United Nations may decide to assume.

Fiscal Commission

34. 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 techniques of government finance and on their social and economic effects ;
- (c) fiscal techniques to assist the prevention of depressions or inflation ; and
- (d) such functions of the Fiscal Committee of the League of Nations as the United Nations may decide to assume.

Co-ordination Commission

35. It is recommended that the Economic and Social Council should at its first session consider the advisability of setting up a Co-ordination Commission. The commission would be entrusted with the duties of organizing the machinery for co-ordinating the activities of the various organs of the Council and of the specialized agencies.*

Composition of Commissions and Subordinate Committees

36. 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 persons. 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.

37. Most commissions should contain a majority of responsible highly-qualified 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.

38. 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. Such members might include government officials chosen by the Council in their personal capacity, after the Council had obtained the consent of the government concerned.

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

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

41. In conformity with the principle advocated in paragraph 37, sessions of the commissions and periods of service should as far as possible be so arranged as to permit members to maintain contact with the domestic affairs of their respective countries.

Committees of the Economic and Social Council

42. It is recommended that the Economic and Social Council should establish, at its first session, the committees referred to under items 6, 7 and 8 of the provisional agenda contained in Section 2 of this chapter.

43. The Council should also consider at its first session :

- (a) arrangements for the negotiation of agreements bringing specialized agencies into relationship with the United Nations ; and
- (b) arrangements for conferring respectively with representatives of the Security Council and of the Trusteeship Council on methods of co-operation in dealing with matters of common concern. Included in the discussion would be such subjects as exchange of information, attendance of representatives of one Council at meetings of the other, communication with specialized agencies, and collaboration on study projects. Recommendations resulting from such a conference, when approved by both Councils, would constitute a working arrangement to govern the normal relations of the Councils with each other.

*Attention is called to paragraphs 12-14 of Section 5 of this chapter.

Section 5: Observations on Relationships with Specialized Agencies

Introduction

1. The objectives of the United Nations in the realm of economic and social co-operation and the effective functioning of the specialized agencies will be more fully achieved if a close relationship and co-ordination is established between the United Nations and the agencies. The agreements to be concluded between the United Nations and the specialized agencies should furnish a basic arrangement which will facilitate the achievement of these objectives and enable the United Nations and each of the specialized agencies to discharge their responsibilities in their respective fields. With these considerations in mind, attention has been mainly directed to the development of certain general principles which could be applied by the Economic and Social Council in bringing the various specialized 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 United Nations and its Members to undertake to bring into relationship with it the various specialized 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 undertaking 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 Organization." Accordingly, in addition to negotiating agreements with inter-governmental agencies which have wide international responsibilities, the Economic and Social Council may, at its discretion, negotiate agreements with the competent authorities, bringing into relationship 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 considered desirable to bring into relationship.*

Agencies to be brought into Relationship

3. It is considered that the various existing specialized 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, is 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 organizational 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 be reduced and brought into a more rational and unified organizational structure. The following alternatives might be followed in achieving this end:

- (a) liquidation of the bureau or agency and a transfer of some or all of its functions to a specialized agency;
- (b) liquidation of the bureau or agency and an assumption of its functions by appropriate commissions or committees within the United Nations; or
- (c) merger with another inter-governmental agency.

* *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 "specialized agency" is used to designate the particular type of inter-governmental agency coming within the terms of Article 57, that is, having wide international responsibilities as defined in its basic instrument.

Functions not Entrusted to Existing Agencies

5. There are certain fields in which international co-operation and organization are not fully developed and which do not come within the jurisdiction of any specialized 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 specialized 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 ; or
- (d) a recommendation by the Economic and Social Council to an existing specialized or other inter-governmental agency to undertake additional functions.

Interim Recommendations to Members of the United Nations

6. There will be an interval between the establishment of the United Nations and the conclusion of agreements with the specialized 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 specialized agencies, or with regard to other matters pertaining to the relations to be established with the United Nations. 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 :

- (a) reciprocal representation (Article 70) ;
- (b) exchange of information and documents (Article 64) ;
- (c) co-ordination commission of the Economic and Social Council (Articles 63 and 68) ;
- (d) recommendations to the specialized agencies (Articles 58, 62 and 63) ;
- (e) reports (Article 64) ;
- (f) decisions of the Security Council (Article 48) ;
- (g) assistance to the Trusteeship Council (Article 91) ;
- (h) requests for advisory opinions (Article 96) ;
- (i) requests for information by the Court (Article 34 of the Statute of the Court) ; and
- (j) 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 specialized agencies. These comprise subjects listed under the following headings :

- (a) liaison
- (b) proposal of agenda items
- (c) rules of procedure
- (d) common fiscal services
- (e) personnel arrangements
- (f) privileges and immunities
- (g) administrative tribunal
- (h) technical services
- (i) central statistical service
- (j) location of headquarters

All or most of the items enumerated in both categories should figure in the agreements with those specialized agencies whose range of functions with regard to economic, social or related matters is extensive, but not all should necessarily figure in the agreements with specialized agencies whose range of functions is less extensive.

Reciprocal Representation

8. Reciprocal representation as provided for in Article 70 of the Charter is one of the effective means of securing close relationships between the specialized agencies and the United Nations and of furthering the co-ordination of the activities of the agencies. The Economic and Social Council is empowered by this Article to arrange for representatives of the specialized 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 specialized agencies. The exact nature of these arrangements will vary according to the nature of the specialized agency and the character of its relationship to the United Nations. Agencies 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 should 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 specialized 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 specialized agencies, there may be occasions when the General Assembly will consider it desirable to invite representatives of some of the specialized 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, or from authorizing the Economic and Social Council to include an appropriate provision in the agreements with certain of the specialized 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 specialized agencies.

Liaison

11. Although most specialized 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 Specialized Agencies in the Activities of a Co-ordination Commission of the Economic and Social Council

12. Certain matters of organization which are of interest to both the specialized agencies and to 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 specialized 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 specialized 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 recognized that arrangements for inter-agency co-operation will be developed, as envisaged in the constitutions of several of the specialized agencies. These 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 they adequately take into account the interests of specialized agencies which are not parties to them. The specialized 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 Items for the Agenda

15. Arrangements for the inclusion in the Agenda of the conferences and executive bodies of the specialized 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 specialized 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 specialized 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 specialized 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 before their governing bodies or other appropriate organs as soon as possible, any recommendations made to them by the General Assembly or the Economic and Social Council ;

(b) to arrange for any necessary consultations on matters pertaining to these recommendations ;

(c) to report in due course on the steps taken to give effect to these recommendations (Article 64) ; and

(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 specialized agencies should include an undertaking by them to furnish regular reports as envisaged in Article 64 of the Charter. The frequency and character of these reports should be provided for 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 including in the agreement with each specialized agency an undertaking 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 specialized 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, the agreement with each of the agencies concerned should include an undertaking by the agency to render assistance to the Trusteeship Council when so requested. The agreement might also include arrangements for the representation of such specialized agencies at meetings of the Trusteeship Council.

Requests for Advisory Opinions

21. Paragraph 2 of Article 96 of the Charter provides that "... specialized agencies, which may at any time be so authorized 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 organizations. 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 authorize any organ of the Organization and any specialized 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 authorization, if requested, should be given to any of the specialized agencies to enable them to make requests for advisory opinions directly to the International Court of Justice without recourse to the General Assembly in each instance. The General Assembly should also consider whether a provision relating to a general authorization 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 authorization.

23. The Economic and Social Council should be immediately informed whenever a request is made for an advisory opinion by any specialized agency acting under a general authorization and a provision to that effect should be included in the agreement with each agency concerned.

24. It will also be for the General Assembly to determine, in granting a general authorization, whether it wishes to attach any conditions, *e.g.* a condition as to the duration of the authorization or as to obtaining the prior approval of the Economic and Social Council in each instance.

Requests for Information by the International Court of Justice

25. Article 34 of the Statute of the International Court of Justice empowers the Court to request of public international organizations information relevant to cases before it. The agreements with all specialized agencies should include an undertaking by them to furnish the information requested by the Court 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 specialized agencies referred to in Article 57"; and second, to "examine the administrative budgets of such specialized 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 specialized agencies. Relationships between the specialized 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 efficiency and economy in operation for the entire structure composed of the United Nations and the specialized agencies related

to it. Each specialized 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 organization 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 specialized agencies. It may be convenient, therefore, to consider first the second part (examination of administrative budgets) which is mandatory.

28. The meaning of the term "administrative budget" has given rise to some discussion. It has been 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 has also been pointed out that there is clearly an area of possible expenditure—such as the relief operations of the United Nations Relief and Rehabilitation Administration and the technical operations of the International Bank for Reconstruction and Development and the International Monetary 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 specialized agencies should include a provision referring to the power of the General Assembly to examine and make recommendations concerning their administrative budgets, and should also set forth a procedure for its implementation. The Advisory Committee for Administrative and Budgetary Questions would be the natural body to make the initial examination on behalf of the General Assembly. (See Chapter IX, Section 2, paragraph 6.) The representatives of specialized agencies should have a right to attend the meetings of the Advisory 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 specialized 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 specialized 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 Organization 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 estimate would naturally be initially prepared by each agency and the same arrangements for examination, *e.g.* by the Advisory 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 specialized agencies concerned. It will be noted that the League of Nations and the International Labour Organization 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 specialized 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 specialized 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 specialized agencies and of the United Nations is not identical. Difficulties arising from this difference in membership might be avoided through the establishment of a procedure whereby the section of the budget relating to each specialized agency would be initially voted in the General Assembly by those states which are members of that agency. Thus, when the Administrative and Budgetary Committee of the General Assembly is dealing with the budgets of the specialized agencies, Members of the United Nations which are not members of a particular specialized 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 specialized agencies to which they belong. Arrangements of this kind have been made in the past, for example, in the case of the International Labour Organization, 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 specialized agencies is to be regarded as a desirable objective, it is recognized 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 these 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 specialized agency when, in the judgement of the General Assembly, such a specialized 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 Organization and the specialized 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 budgets 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 expense of all agencies in which it participates, and for receiving payments. In addition, 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 specialized 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 specialized 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 inter-governmental agencies whose constitutions authorize the conclusion of agreements with other public international organizations 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 specialized 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 United Nations and the specialized agencies concerned. The initial objective might be the development of a set of staff regulations which could be adopted by the specialized agencies, subject to such variations as might be necessary to take account of special situations.

Privileges and Immunities

38. Harmonious relationships between the specialized 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 specialized 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 organizations 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.

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.

United Nations Passport. The institution of a United Nations passport available to officials of the United Nations and, possibly, to officials of specialized agencies brought into relationship with the United Nations, is envisaged in Articles 7 and 10 of the working paper entitled "Draft Convention on Privileges and Immunities" (Chapter VII, Appendix B). The grant of such a passport to officials of the United Nations and to officials of specialized agencies brought into relationship with the United Nations would enable governments to accord to officials of the specialized agencies the same treatment as they accord to officials of the United Nations of comparable rank.

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 specialized 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 specialized 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 organization of conferences. It is clear that the centralization of these services would result in a reduction of overhead costs and increase the efficiency in operation of the various agencies.

Central Statistical Service

41. While it is recognized that many specialized 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 specialized agencies themselves and to individual governments. A careful study would need to be made concerning the organization 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 specialized 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 specialized 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 centralization. However, the undoubted advantages following from centralization 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 centralization has been recognized.

Responsibility of Individual Members for Co-ordination

43. While the United Nations, and particularly its Economic and Social Council, has the task of co-ordinating the policies and activities of specialized agencies, this task can be performed only if Members individually will assist in making co-ordination possible. The acceptance by each Member of this responsibility for harmonizing its policies and activities in the different fields covered by the specialized agencies and the United Nations will prevent confusion and conflict and enable the United Nations to achieve the purposes of Chapter IX of the Charter.

CHAPTER IV

THE TRUSTEESHIP SYSTEM

Section 1: Draft Resolution for the General Assembly

The United Nations has assumed the duty, under Chapters XII and XIII of the Charter, of establishing a system of international trusteeship, the basic objectives of which are set forth in Article 76 of the Charter as follows :

“ (a) to further international peace and security :

“ (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement ;

“ (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the inter-dependence of the peoples of the world ; and

“ (d) to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.”

Any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the trusteeship system, as declared in the Charter, and deprives the populations of such territories as may be brought under the trusteeship system of the opportunity of enjoying the advantages arising from the implementation of these principles.

Under Article 77 of the Charter there are three categories of territories to which the trusteeship system applies, two of which are for the time being uncertain (namely those referred to in (b) and (c) of Article 77). Immediate action can be taken only in respect of territories under mandate (namely those referred to in (a) of Article 77).

Article 80 of the Charter provides that there shall be no delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

The trusteeship system of the Charter cannot immediately be brought into being without the close co-operation of the Members of the United Nations now administering the territories under mandates.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that the General Assembly adopt the following resolution :

The General Assembly of the United Nations calls on the states administering territories under League of Nations mandate to undertake practical steps, in concert with the other states directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval preferably not later than during the Second Part of the First Session of the General Assembly.

Those trusteeship matters which will be taken up by the General Assembly at the First Part of its First Session for the purpose of expediting the establishment of the trusteeship system, will be considered by the Trusteeship Committee of the General Assembly, using the methods which the General Assembly considers most appropriate for the further consideration of these matters.

Section 2: Provisional Rules of Procedure of the Trusteeship Council

I.—SESSIONS

Rule 1

The Trusteeship Council shall meet in regular session at least twice a year.

Rule 2

Special sessions may be held as and where occasion may require, by decision of the 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 other members of the Council. On notification by the Secretary-General that the majority of the members have concurred, the President shall request the Secretary-General to call a special session.

Rule 3

The President of the 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 the session.

Rule 4

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.

II.—AGENDA

Rule 5

The 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 summoning the Council.

Rule 6

The provisional agenda shall include :

(a) all items proposed by the Council at a previous session ;

(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 a specialized agency ; and

(d) all items or reports which the President or the Secretary-General deems necessary to put before the Council.

Rule 7

A Member of the United Nations which has proposed an item for the agenda of the Council shall be entitled to be present and to be heard when the item is being discussed.

Rule 8

The first item on the provisional agenda of any meeting of the Council shall be the adoption of the agenda. The Council may revise the agenda and add or defer items. During any special session priority shall be given to those items which have occasioned the session.

III.—PRESIDENT AND VICE-PRESIDENT

Rule 9

The Council shall, by secret ballot, elect at the beginning of each regular session a President and a Vice-President from among the representatives of the members of the Council.

Rule 10

The President and Vice-President shall hold office until their successors are elected at the next regular session of the Council and shall be eligible for re-election.

Rule 11

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

Rule 12

If the President for any reason is no longer able to perform his functions, the Vice-President shall serve for the unexpired term.

Rule 13

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

Rule 15

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

Rule 16

The Secretary-General may at any time, upon the invitation of the President, make to the 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 Council.

V.—LANGUAGES

Rule 18

The rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided.

VI.—VOTING

Rule 19

Decisions or recommendations of the Council shall be made by a majority of the members present and voting.

Rule 20

If equal numbers of votes are cast for and against any proposal a second vote shall be taken at the next meeting. Unless at the second vote there is a majority in favour of the proposal, it shall be deemed to be lost.

Rule 21

The Council shall normally vote by show of hands except that any member may request a roll call which shall then be taken in the English alphabetical order of the names of the members.

Rule 22

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

Rule 23

If, when only one person or member is to be elected no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates obtaining 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 the candidates by drawing lots.

VII.—PUBLICITY OF MEETINGS

Rule 24

The meetings of the Council and of its committees and commissions shall be held in public unless the body concerned decides that exceptional circumstances require that the meetings be held in private.

Rule 25

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

VIII.—RECORDS

Rule 26

The verbatim records of all public and private meetings shall be drawn up by the Secretariat and submitted to the Council for approval.

Rule 27

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

Rule 28

In the case of private meetings, the verbatim records shall be accessible only to the members of the United Nations, except that the Council may make public the verbatim record of a private meeting at such time and under such conditions as it thinks fit.

Rule 29

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

IX.—CONDUCT OF BUSINESS

Rule 30

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

Rule 31

Until otherwise decided, the rules for the conduct of business in the Council shall be those of the General Assembly in so far as applicable.

X.—TECHNICAL EXPERTS

Rule 32

The Council may seek the advice of individual technical experts, or establish advisory commissions of technical experts.

XI.—QUESTIONNAIRES

Rule 33

At its first session, the Council shall, in accordance with the provisions of the Charter, formulate comprehensive and detailed questionnaires on the political, economic, social and educational advancement of the inhabitants of each trust territory including questions on the activity of and measures taken by the administering authority to that end. The Council may modify the questionnaires at its discretion.

Rule 34

The Council shall avail itself, in formulating or modifying the questionnaires, of the assistance of the Economic and Social Council and of the specialized agencies, with regard to those sections of the questionnaires with which these bodies are respectively concerned.

Rule 35

The questionnaires, and any subsequent modifications thereof, shall normally be communicated to each administering authority six months before the date fixed for the presentation of its annual report.

XII.—ANNUAL REPORTS OF ADMINISTERING AUTHORITIES**Rule 36**

The annual report of an administering authority on the basis of the questionnaire formulated by the Council shall be submitted to the Secretary-General at least one month before the session at which it is to be considered.

Rule 37

Each administering authority shall furnish to the Secretary-General one hundred copies of its report. In order to facilitate the work of the Council, copies may, at the same time, be sent directly to the members.

XIII.—EXAMINATION OF ANNUAL REPORTS**Rule 38**

During its regular sessions the Council shall undertake a separate examination and discussion of the annual report and any other documents submitted by each administering authority in respect of a trust territory not designated as a strategic area and likewise of any documents in respect of a strategic area on which its advice has been asked for by the Security Council.

Rule 39

To assist the Council in the examination and discussion of annual reports, the administering authority shall be entitled normally to be represented before the Council by one or more special representatives. They shall be well informed on the territory under consideration and shall normally include a responsible official of the local administration of the territory, in order to afford any supplementary explanations or information which the Council may request.

Rule 40

The special representatives of the administering authority shall participate freely in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it, but shall not at any time have the right to vote.

XIV.—PETITIONS**Rule 41**

Written petitions concerning the affairs of any trust territory may be addressed directly to the Secretary-General or may be transmitted to him through the administering authority, which may attach comments thereon. The Secretary-General shall submit them to the Council.

Rule 42

The Council may, at its discretion, accept petitions delivered orally. The Council may either hear an oral petition itself or designate the representative or representatives of the Council to whom it may be presented. Hearings of oral petitions affecting non-strategic areas shall be held in public but hearings of oral petitions affecting strategic areas may be held in public or in private at the discretion of the Council. The administering authority concerned shall be invited to send a special representative to be present at the hearing.

Rule 43

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 Council, either orally or by exchange of communications, on petitions received concerning the territory. The administering authority of strategic areas from which petitions are not prohibited by the terms of the trusteeship agreements shall similarly designate representatives to consult with the Council.

Rule 44

During its regular sessions, the 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 45

The term "written petition" shall include any letter, telegram, memorandum or other document received from a petitioner.

XV.—VISITS TO TRUST TERRITORIES**Rule 46**

The Council shall make provision for periodic official visits, for information or enquiries or for any other purposes within the Charter, 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 paragraph 3 of Article 83 of the Charter and with the terms of the trusteeship agreements for those areas. At least one month in advance of each proposed visit, the Council shall notify the administering authority 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 that case, the date of the visit shall be determined by agreement between the President of the Council and the administering authority.

Rule 47

The Council may designate, as its agents for the purpose of its periodic visits, one or more representatives of members of the Council or officials of the Secretariat, who shall report to the Council on their findings. It may also call upon the services of experts. Its agents shall be chosen for their competence and integrity, preferably from among non-nationals of the administering authority.

Rule 48

To the extent provided in any trusteeship agreement, the Council may conduct special investigations or inquiries when conditions in the trust territory require such action.

Rule 49

The Council shall publish the findings of its agents unless it decides that publication should be temporarily postponed in the general interest.

XVI.—REPORTS OF THE TRUSTEESHIP COUNCIL**Rule 50**

The Council shall present the following reports to the General Assembly or the Security Council, as the case may be :

- (a) a general report following each regular session (Rule 51) ;
- (b) an annual report on each trust territory (Rules 52 to 54) ; and
- (c) special reports.

Rule 51

After each regular session the Council shall prepare 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.

Rule 52

On the basis of its consideration of the annual report of the administering authority and of such other information as may be available, including petitions and data obtained as a result of visits or inspections conducted in the trust territory, the Council shall submit to the General Assembly an annual report on each trust territory within the competence of the General Assembly.

Rule 53

The annual report of the Council on each trust territory shall include :

(a) its conclusions regarding the execution and interpretation of the provisions of Chapters XII and XIII of the Charter and of the trusteeship agreement ;

(b) suggestions and recommendations for the improvement of the administration in the 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 add.

Rule 54

At the request of the Security Council, or when authorized in a trusteeship agreement, the Council shall submit similar reports on strategic areas.

Rule 55

The Council may also at any time, in its discretion or at the request of the General Assembly or of the Security Council, 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 Charter, the attainment of the objectives of the trusteeship system, and the fulfilment of the terms of the trusteeship agreements.

Rule 56

After each regular session, the Council shall report to the General Assembly, and shall also report specially, when necessary, on the petitions submitted to it from non-strategic areas. It shall likewise make observations and recommendations based on the petitions which it has received. In respect of petitions from strategic areas, the Council shall report similarly to the Security Council.

Rule 57

The reports of the Council to the General Assembly mentioned in Rules 51, 52 and 56 shall be submitted to the Secretary-General at least twenty days before the regular annual session of the General Assembly.

XVII.—OTHER FUNCTIONS**Rule 58**

The 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 59**

The Council may submit to the appropriate organs of the United Nations recommendations for alterations or amendments in the terms of any trusteeship agreement, so far as they come within the competence of the Council.

XIX.—RELATIONSHIP WITH OTHER BODIES**Rule 60**

The Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of regional bodies which may be separately established, concerning matters with which they may be concerned. It shall invite representatives of these bodies, when appropriate, to attend the meetings of the Council.

XX.—PERIODIC SURVEYS

Rule 61

The 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. During such surveys the Council is empowered to use various methods to ensure the fullest possible expression of the wishes of the local population, such as the voice of the representative organs if they exist, the holding of public elections of spokesmen, consultation with the national organizations, popular referendum, direct contact by the special representatives of the Council with the people of the territory, or other methods appropriate to the progressive state of political development of the people. The results of these surveys shall be submitted to the General Assembly or the Security Council, as the case may be.

XXI.—AMENDMENTS

Rule 62

These Rules of Procedure may be amended by the Council. Normally, a vote shall not be taken until four days after a proposal for amendment has been submitted.

CHAPTER V

THE INTERNATIONAL COURT OF JUSTICE

Section 1: Report concerning the Nomination of Candidates for the election of members of the International Court of Justice

It is essential that the election of the members of the International Court of Justice should take place during the First Part of the First Session of the General Assembly and the first meetings of the Security Council of the United Nations, but at a date remote enough to permit the members to give careful attention to the qualifications of the candidates nominated.

As 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 not be appointed until the First Session of the General Assembly, the governments which signed the Interim Arrangements agreed, however, by item 4(e) that the Preparatory Commission was to issue the invitations in accordance with the provisions of the Statute of the Court.

Since the provisions of the Statute require the invitations to be issued at least three months before the date of the election of the members of the Court, it was necessary that they should be issued as soon as possible.

Therefore

THE PREPARATORY COMMISSION HAS APPROVED, and informs the General Assembly of, 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: Report concerning the Dissolution of the Permanent Court of International Justice

The Preparatory Commission has been informed by certain of its members, which are also members of the League of Nations, that they intend 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 states concerned have further informed the Preparatory Commission of their intention to require, under the terms of the peace treaties 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.

Those members of the Preparatory Commission which are parties to the Protocol of Signature, whether members of the League of Nations or not, have, by a resolution of the Preparatory Commission on 18 December, 1945, recorded their assent to the dissolution of the Permanent Court.

Therefore

THE PREPARATORY COMMISSION FURTHER DECLARED in this resolution, and informs the General Assembly, that it would welcome the taking by the League of Nations of appropriate steps for the purpose of dissolving the Permanent Court of International Justice.

Section 3: Report concerning the steps to be taken for the Convening of the International Court of Justice

It is desirable that the International Court of Justice should meet as soon as possible after the election of its members by the General Assembly and the Security Council. 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. The members 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.

Therefore

THE PREPARATORY COMMISSION REPORTS to the General Assembly that it has instructed the Executive Secretary :

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

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

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

THE PREPARATORY COMMISSION CALLS the attention of the General Assembly to the necessity of 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.

CHAPTER VI

TREATIES AND INTERNATIONAL AGREEMENTS

Recommendation concerning the Registration and Publication of Treaties and International Agreements

The preparation of recommendations for procedures which might be followed in the registration and publication of treaties and international agreements requires the working out of technical details by the Secretariat of the United Nations.

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, (c) the stage at which each treaty or agreement should be registered, and (d) 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.

THE PREPARATORY COMMISSION REPORTS to the General Assembly that it has approved the action taken by the Executive Secretary in sending a circular letter to the Members of the United Nations on 8th November, 1945, informing them that, from the date of the entry into force of the Charter, treaties and international agreements which they send in will be received and filed on a provisional basis until the adoption of the detailed regulations referred to above.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that the General Assembly should consider:

(a) inviting non-members to send on their own initiative treaties and international agreements for registration with, and publication by, the Secretariat; and

(b) inviting all governments, whether or not Members of the United Nations, to send on their own initiative for publication by the Secretariat, treaties and international agreements, concluded in recent years but before the date of entry into force of the Charter, which have not been included in The League of Nations Treaty Series.

CHAPTER VII

PRIVILEGES, IMMUNITIES AND FACILITIES OF THE UNITED NATIONS

Section 1: Recommendations Concerning Privileges and Immunities

1. THE PREPARATORY COMMISSION REPORTS to the General Assembly that it has instructed the Executive Secretary to invite the attention of the Members of the United Nations to the fact that, under Article 105 of the Charter, the obligation of all members 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 or proposed the conventions referred to in paragraph 3 of Article 105.

2. THE PREPARATORY COMMISSION RECOMMENDS that the General Assembly, at its First Session, should make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of Article 105 of the Charter, or propose conventions to the Members of the United Nations for this purpose.

3. THE PREPARATORY COMMISSION TRANSMITS for the consideration of the General Assembly the attached study on privileges and immunities and the attached draft convention on privileges and immunities.

4. THE PREPARATORY COMMISSION CONSIDERS that the details of diplomatic privileges and immunities to be accorded to members of the International Court of Justice when engaged upon the business of the Court, and the privileges and immunities of agents, counsel, and advocates of parties before the Court, necessary to the independent exercise of their duties, at the seat of the Court and elsewhere, should be determined after the Court has been consulted, and that until further action has been taken the rules applicable to the members of the Permanent Court of International Justice should be followed.

5. THE PREPARATORY COMMISSION RECOMMENDS to the General Assembly that the privileges and immunities of specialized agencies contained in their respective constitutions should be reconsidered. If necessary, negotiations should be opened for their co-ordination in the light of any convention ultimately adopted by the United Nations with regard to the considerations set forth in the following extract from the appendix to Section 5 of Chapter V of the Report by the Executive Committee, to which a few words in italics have been added :

" 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 specialized agencies. On the other hand, it must be recognized that not all specialized agencies require all the privileges and immunities which may be needed by others. No specialized agency would, however, require greater privileges than the United Nations itself. *Certain of the specialized agencies may, by reason of their particular functions, require privileges of a special nature which are not required by the United Nations.* The privileges and immunities, therefore, of the United Nations might be regarded as a maximum within which the various specialized 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."

Appendix A: Study on Privileges and Immunities

Provisions of the Charter

1. Chapter XVI of the Charter contains the following provisions :

" Article 104

The Organization 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 Organization 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 Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

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 Organization 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 Organization, 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 Organization 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 Organization 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 Organization 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 Specialized Agencies

4. A number of specialized 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 specialized agencies include the following : The International Monetary Fund (Article IX), the International Bank for Reconstruction and Development (Article VII), United Nations Relief and Rehabilitation Administration (Resolutions Nos. 32, 34 and 36 of the first session of the Council), Food and Agriculture Organization (Articles VIII and XV), European Central Inland Transport Organization (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 Specialized 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 specialized agencies. On the other hand, it must be recognized that not all specialized agencies require all the privileges and immunities which may be needed by others. No specialized 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 specialized 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 specialized 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 specialized agencies are being brought into relationship with the United Nations, reconsideration of the privileges and immunities accorded to such specialized 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 Organization, describing the holder as its official. The United Nations might issue such passports also to the senior officials of specialized 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 specialized 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 organization itself as it is to the countries who are asked to grant such immunities. In the case of existing specialized 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 Assistant 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 specialized agencies should adopt the principle that privileges and immunities are only given to their officials in the interests of the Organization 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 Organization. It has been accepted by most of the new specialized agencies which have come into being. Similarly, it is desirable that where the United Nations or a specialized agency concludes contracts with private individuals or corporations, it should include in the contract an undertaking to submit to arbitration disputes arising out of the contract, if it is not prepared to go before the Courts. Most of the existing specialized 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 specialized 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 organizations (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.

Annex to Study on Privileges and Immunities

IMMUNITIES AND PRIVILEGES GRANTED TO THE ORGANIZATION, REPRESENTATIVES OF THE MEMBERS, AND OFFICIALS IN ACCORDANCE WITH THE CONSTITUTIONS OF THE INTERNATIONAL MONETARY FUND—THE INTERNATIONAL BANK OF RECONSTRUCTION AND DEVELOPMENT—UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION—FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS—AND EUROPEAN CENTRAL INLAND TRANSPORT ORGANIZATION

Status of the Organization

Purposes of the Immunities and Privileges

1. International Monetary Fund (Article IX—Section 1) and International Bank for Reconstruction and Development (Article VII—Section 1):

"To enable the Fund/Bank to fulfil the functions with which it is entrusted the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member."

2. United Nations Relief and Rehabilitation Administration (Resolution 32):

"WHEREAS the Council is desirous of insuring to the Administration and its agents the independence necessary for the efficient performance of the duties entrusted to them, and of avoiding the imposition of financial burdens upon the funds contributed by member governments to the Administration;"

Legal Status of the Organization

3. International Monetary Fund (Article IX—Section 2), International Bank for Reconstruction and Development (Article VII—Section 2) :

“ The Fund/Bank shall possess full juridical personality, and, in particular, the capacity: (i) to contract; (ii) to acquire and dispose of immovable and movable property; (iii) to institute legal proceedings.”

4. Food and Agriculture Organization (Article XV) :

“ 1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.”

5. European Central Inland Transport Organization (Article 8—paragraphs 1 and 3) :

“ Every member Government shall recognize the international personality and legal capacity which the Organization possesses.”

Immunities from Judicial Process

6. International Monetary Fund (Article IX—Section 3) :

“ The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.”

7. International Bank for Reconstruction and Development (Article VIII—Section 3) :

“ Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.”

8. United Nations Relief and Rehabilitation Administration (Resolution 32—paragraph 1—point 1 (a)) :

“ That the Council recommends :

1. That the member governments accord to the Administration the facilities, privileges, immunities and exemptions which they accord to each other, including : (a) Immunity from suit and legal process except with the consent of, or so far as is provided for in any contract entered into by or on behalf of, the Administration.”

9. Food and Agriculture Organization (Article XV—paragraph 2) :

“ Each member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.”

10. European Central Inland Transport Organization (Article 8—paragraph 3 (a)) :

“ Every member Government shall accord to the Organization the privileges, immunities, and facilities which they grant to each other, including in particular : (a) immunity from every form of legal process.”

Immunities from Search, Requisition, Confiscation, Expropriation, or any other Form of Seizure

11. International Monetary Fund (Article IX—Section 4) and International Bank for Reconstruction and Development (Article VII—Section 4) :

“ Property and assets of the Fund/Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation, or any other form of seizure by executive or legislative action.”

12. United Nations Relief and Rehabilitation Administration (Resolution 32) :

“ I. That the Council recommends :

1. That the member governments accord to the Administration the facilities, privileges, immunities and exemptions which they accord to each other including : (b) inviolability of premises occupied by and of the archives of the Administration.”

13. Food and Agriculture Organization (Article XV—Section 2) :

" Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit and exemptions from taxation."

14. European Central Inland Transport Organization (Article 8—paragraph 3 (c)) :

" Every member Government shall accord to the Organization the privileges, immunities and facilities which they grant to each other, including in particular : (c) inviolability of premises occupied by, and of the archives and communications of the Organization."

Inviolability of Archives

15. International Monetary Fund (Article IX—Section 5) and International Bank for Reconstruction and Development (Article VII—Section 5) :

" The archives of the Fund/Bank shall be inviolable."

16. United Nations Relief and Rehabilitation Administration (Resolution 32) :

" I. That the Council recommends :

1. That the member governments accord to the Administration the facilities, privileges, immunities and exemptions which they accord to each other including : (b) Inviolability of premises occupied by and of the archives of the Administration."

17. Food and Agriculture Organization (Article XV—Section 2) :

" Each member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation."

18. European Central Inland Transport Organization (Article 8—paragraph 4 (c)) :

" Every member Government shall accord to the Organization the privileges, immunities and facilities which they grant to each other, including in particular : (c) inviolability of premises occupied by, and of the archives and communications of the Organization."

Immunity of Assets from Restrictions

19. International Monetary Fund (Article IX—Section 6) :

" To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature."

20. International Bank for Reconstruction and Development (Article VII—Section 6) :

" To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature."

Immunity from taxation

21. International Monetary Fund (Article IX—Section 9a and c) :

" (a) The Fund, its assets, property, income and its operations and transactions authorized by this agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(c) No taxation of any kind shall be levied, on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held (i) which discriminates against such obligations or security solely because of its origin ; or (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund."

22. International Bank for Reconstruction and Development (Article VII—Section 9a, c, d) :

“(a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from liability for the collection or payment of any tax or duty.”

“(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held (i) which discriminates against such obligation or security solely because it is issued by the Bank ; or (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.”

“(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held (i) which discriminates against such obligation or security solely because it is guaranteed by the Bank ; or (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.”

23. United Nations Relief and Rehabilitation Administration (Resolution 32) :

“ I. That the Council recommends :

1. That the member governments accord to the Administration the facilities, privileges, immunities, and exemptions which they accord each other, including :

(c) Exemptions from taxation, including customs duties.”

24. Food and Agriculture Organization (Article XV—paragraph 2) :

“ Each member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.”

25. European Central Inland Transport Organization (Article 8—paragraph 3b) :

“ Every member government shall accord to the Organization the privileges, immunities and facilities which they grant to each other, including in particular : (b) exemption from taxation and customs duties.”

Immunity from Foreign Exchange Controls

26. International Monetary Fund (Article VII—Section 6) and International Bank for Reconstruction and Development (Article VII—Section 6) :

“ To the extent necessary to carry out the operations provided for in this Agreement all property and assets of the Fund/Bank shall be free from restrictions, regulations, controls and moratoria of any nature.”

27. United Nations Relief and Rehabilitation Administration (Resolution 32) :

“ I. That the Council recommends :

1. That the member governments accord to the Administration the facilities, privileges, immunities, and exemptions which they accord to each other, including :

(d) exemptions from or facilities in respect of foreign exchange controls.

Privileges of the Organization

28. International Monetary Fund (Article IX—Section 7) and International Bank for Reconstruction and Development (Article VII—Section 7) :

“ The official communications of the Fund/Bank shall be accorded by members the same treatment as the official communications of other members.”

29. United Nations Relief and Rehabilitation Administration (Resolution 34) :

Whereas:

The Council recognizes the need for expenditure, economy and secrecy in the transmission of the official correspondence of the Administration ; it is therefore

Resolved :

That the Council recommends :

1. That the member governments accord to the official correspondence of the Administration :

(a) the same treatment as is accorded by them to the official correspondence of other member governments, including :

(i) priorities for telephone and telegram communications, whether cable or radio, and for mail transmitted by pouch or by courier ;

(ii) government rebates for official telegrams ;

(iii) diplomatic status for couriers and pouches of the Administration ;

(iv) under appropriate safeguards, exemption from censorship of the official correspondence of the Administration ; and

(v) appropriate arrangements for the use of codes and of cable addresses for the telegraphic correspondence of the Administration.

(b) appropriate postal facilities, including such franking privileges or arrangements for the use of specially printed or overprinted stamps as may be possible.

30. Food and Agriculture Organization (Article XV—Section 2) :

" Each member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemption from taxation."

31. European Central Inland Transport Organization (Article 8, paragraph 3) :

" Every member government shall accord to the Organization the privileges, immunities and facilities which they grant to each other."

Status of Representatives of the Members

32. United Nations Relief and Rehabilitation Administration (Resolution 32) :

" I. (3). That member governments accord to representatives of member governments on the Council and its committees and to the officials and employees of the Administration when engaged on the business of the Administration, the following privileges and immunities in their respective territories :

(a) immunity from legal process of any kind in respect of acts performed by them in their official capacity and falling within their functions as such ;

(b) immunity from taxation on official salaries, allowances, or other emoluments as representatives, officials, or employees of the Administration ;

(c) the same immunities from immigration restrictions, alien registration and military service obligations and the same facilities as regards exchange restrictions as are accorded to representatives, officials and employees of similar rank of other member governments ; and

(d) any further privileges and immunities that the Director General may request as necessary to safeguard representatives, officials or employees in the territories of any member government where they are engaged and particularly those engaged in field operations in the areas in which the Administration may be undertaking relief and rehabilitation."

Provided that each member government shall determine to what extent the above recommendations shall apply to its own nationals, and to non-nationals in permanent residence in its territories."

33. European Central Inland Transport Organization (Article 8, paragraph 4) :

"Every member government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organization, to the members of the Executive Board, and to the higher officials of the Organization not being their own nationals."

Status of Officers and Employees

Immunity from legal process

34. International Monetary Fund (Article IX—Section 8 (i)) and International Bank for Reconstruction and Development (Article VII—Section 8) :

"All governors, executive directors, alternate officers and employees of the Fund/Bank (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund/Bank waives this immunity."

35. United Nations Relief and Rehabilitation Administration (Resolution 32) :

"I. (3). That member governments accord to representatives of member governments on the Council and its committees and to the officials and employees of the Administration the following privileges and immunities in their respective territories: (a) immunity from legal process of any kind in respect of acts performed by them in their official capacity and falling within their functions as such; . . . Provided that each member government shall determine to what extent the above recommendations shall apply to its own nationals, and to non-nationals in permanent residence in its territories."

36. Food and Agriculture Organization (Article VIII—paragraph 4) :

"Each member nation undertakes in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations."

37. European Central Inland Transport Organization (Article 8) :

"Every member government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organization, to the members of the Executive Board, and to the higher officials of the Organization not being their own nationals."

"Every member government shall accord to all officials and employees of the Organization: (a) immunity from suit and legal process relating to acts performed by them in their official capacity. . . ."

Immunity from immigration restrictions, alien registration, national service obligations, and exchange restrictions.

38. International Monetary Fund (Article IX—Section 8) and International Bank for Reconstruction and Development (Article VII—Section 8) :

"All governors, executive directors, alternate officers and employees of the Fund/Bank . . . (ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials and employees of comparable rank of other members."

39. United Nations Relief and Rehabilitation Administration (Resolution 32) :

"1. (3). That member governments accord to representatives of member governments on the Council and its committees and to the officials and employees of the Administration when engaged on the business of the Administration, the following privileges and immunities in their respective territories . . . (c) the same immunities from immigration restrictions, alien registration and military service obligations and the same facilities as regards exchange restrictions as are accorded to representatives, officials and employees of similar rank of other member governments. . . ."

"Provided that each member government shall determine to what extent the above recommendations shall apply to its own nationals, and to non-nationals in permanent residence in its territories."

40. Food and Agriculture Organization (Article VIII) :

" 4. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations."

41. European Central Inland Transport Organization (Article 8) :

" Every member government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organization, to the members of the Executive Board, and to the higher officials of the Organization not being their own nationals."

Travel Facilities

42. International Monetary Fund (Article IX—Section 8) :

" All governors, executive directors, alternate officers and employees of the Fund . . . (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank or other members."

43. International Bank for Reconstruction and Development (Article VII—Section 8) :

" All Governors, executive directors, alternates, officers and employees of the Bank . . . (iii) shall be granted the same treatment in respect of travelling facilities, as is accorded by members to representatives, officials and employees of comparable rank or other members."

44. United Nations Relief and Rehabilitation Administration (Resolution 36) :

Whereas

the Council has in mind the importance of securing the expeditious and unhindered travel of officials and employees of the Administration necessary to permit the prompt fulfilment by the Administration of the urgent tasks entrusted to it ; it is therefore

Resolved

That the Council recommends :

1. That the Director-General issue to officials and employees of the Administration for use when travelling on official business a document identifying the official or employee and requesting in the name of the Administration that all appropriate facilities be granted to the bearer.

2. That all member governments give full recognition to such documents and instruct their diplomatic, consular, customs and immigration services, and any other services which may be concerned, to recognise such documents as entitling the bearer to all appropriate facilities.

3. That in respect to passports and visas, the member governments accord to the officials and employees of the Administration the same treatment as is accorded to the officials and employees of comparable rank of their own or other governments.

4. That all member governments take the necessary steps to grant all appropriate and possible priorities for the travel of the officials of the Administration on official business and government rebates for such travel.

45. Food and Agriculture Organization (Article VIII—paragraph 4) :

" Each member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staff of other public international organizations."

46. European Central Inland Transport Organization (Article 8) :

" Every member government shall accord to all officials and employees of the Organization : . . . (b) all such facilities for their movements and for the execution of their functions, as are deemed necessary by the Organization for the speedy and effective fulfilment of their official duties. . . ."

Immunity from Taxation

47. International Monetary Fund (Article IX—Section 9) :

" No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals."

48. International Bank for Reconstruction and Development (Article VII—Section 9) :

" (b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals."

49. United Nations Relief and Rehabilitation Administration (Resolution 32):

" 3. That member governments accord to representatives of member governments on the Council and its committees and to the officials and employees of the Administration when engaged on the business of the Administration, the following privileges and immunities in their respective territories. . . . (b) immunity from taxation on official salaries, allowances or other emoluments as representatives, officials, or employees of the Administration. . . . Provided that each member government shall determine to what extent the above recommendations shall apply to its own nationals, and to non-nationals in permanent residence in its territories."

50. Food and Agriculture Organization (Article VIII—Section 4) :

" Each member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations."

51. European Central Inland Transport Organization (Article 8) :

" Every member government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organization, to the members of the Executive Board, and to the higher officials of the Organization not being their own nationals.

" Every member government shall accord to all officials and employees of the Organization . . . (c) except in the case of their own nationals, exemption from taxation of their official salaries and emoluments."

Additional Privileges

52. United Nations Relief and Rehabilitation Administration (Resolution 32):

" I. (3). That member governments accord to representatives of member governments on the Council and its committees and to the officials and employees of the Administration when engaged on the business of the Administration, the following privileges and immunities in their respective territories: . . . (d) any further privileges and immunities that the Director-General may request as necessary to safeguard representatives, officials, or employees in the territories of any member government where they are engaged and particularly those engaged in field operations in the areas in which the Administration may be undertaking relief and rehabilitation.

" Provided that each member government shall determine to what extent the above recommendations shall apply to its own nationals, and to non-nationals in permanent residence in its territories."

53. European Central Inland Transport Organization (Article 8) :

" Every member government shall accord to all officials and employees of the Organization . . . (b) all such facilities for their movements and for the execution of their functions, as are deemed necessary by the Organization for the speedy and effective fulfilment of their official duties."

Disputes relating to the conditions and terms of appointment of members of the staff

54. Food and Agriculture Organization (Article XV—paragraph 3) :

" The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff."

General Obligations of Members

55. United Nations Relief and Rehabilitation Administration (Resolution 32) :

I. (2). "That member governments take any steps that they may consider necessary to enable the Administration to exercise within their jurisdiction the powers conferred on it by Article I, paragraph 1, of the Agreement."

56. European Central Inland Transport Organization (Article 8) :

"Every member government shall respect the exclusively international character of the members of the Executive Board, the chief officer and the staff of the Organization."

Application of Aforesaid Provisions

57. International Monetary Fund (Article IX—Section 10) :

"Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken."

58. United Nations Relief and Rehabilitation Administration :

(Resolution 32) :

I. (4). That the member governments make any necessary arrangements with the Director-General for the application of the foregoing recommendations.

II. That the Council requests the Director-General :

1. To initiate immediate negotiations with member governments to bring such arrangements into operation as rapidly as possible.

2. Wherever appropriate, to approach non-member governments with a view to their granting such of the above-mentioned facilities, privileges, immunities and exemptions as may be desirable to facilitate the work of the Administration."

(Resolution 34) :

I. (2). That the member governments make any necessary arrangements with the Director-General for the application of the foregoing recommendations.

II. That the Council requests the Director-General :

1. To initiate immediate negotiations with member governments to bring such arrangements into operation as rapidly as possible.

2. Wherever appropriate, to approach non-member governments with a view to their granting such of the above-mentioned facilities, privileges, immunities, and exemptions as may be desirable to facilitate the work of the Administration."

(Resolution 36) :

I. (5). That the member governments make any necessary arrangements with the Director-General for the application of the foregoing recommendations.

II. To initiate immediate negotiations with member governments to bring such arrangements into operation as rapidly as possible.

2. Wherever appropriate, to approach non-member governments with a view to their granting such of the above-mentioned facilities, privileges, immunities, and exemptions as may be desirable to facilitate the work of the Administration."

Appendix B: Draft Convention on Privileges and Immunities

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization 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 and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization* shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization and

WHEREAS by a resolution of the General Assembly adopted on..... it was decided to propose a convention with a view to determining the details of the application of the aforesaid Articles and

WHEREAS the present convention was drawn up and approved by a resolution of the General Assembly adopted on.....

Introductory Article

1. The present convention is open to accession on behalf of every Member of the United Nations.
2. Accession shall be effected by a deposit of an instrument with the Secretary-General of the United Nations and the convention shall take effect as regards each Member as from the date of deposit of its instrument of accession.
3. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.
4. It is understood that, when an instrument of accession is deposited on behalf of any Member, this Member will have taken such action as is necessary in its own territories for the purpose of giving effect under its own laws to the terms of the present convention.
5. The present convention shall continue in force as between the Organization and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the Organization unless, by agreement, other provisions are substituted for the provisions of the present Convention. The Secretary-General may conclude with any Member or Members supplementary agreements, approved in each case by the General Assembly, amending, so far as that Member or those Members are concerned, the provisions of the present Convention.

Article 1

The Organization shall possess full juridical personality and in particular, the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property; and
- (c) to institute legal proceedings.

Article 2

1. The Organization, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that in any case it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.
2. The premises of the Organization shall be inviolable. The property and assets of the Organization wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of seizure, whether by executive, administrative or legislative action or otherwise.
3. The archives of the Organization and in general all documents, belonging to it or held by it, shall be inviolable wherever located.
4. (a) Without being restricted by financial controls, regulations or moratoria of any kind:
 - (i) the Organization may hold funds or currency of any kind and operate accounts in any currency; and
 - (ii) the Organization shall be free to transfer its funds from one country to another or within any country and to convert any currency held by it into any other currency.
- (b) In exercising its rights under (a) above, the Organization shall pay due regard to any representations by the national authorities of any Member insofar as effect can be given to such representations without detriment to the financial interests of the Organization.

Article 3

1. The Organization, its assets, income and other property shall be :

(a) exempt from all direct taxes* ; it is understood, however, that the Organization cannot claim exemption from taxes which are, in fact, no more than charges for services rendered ; and

(b) exempt from customs duties in respect of articles imported by the Organization for its official use and in respect of publications issued by it. It is, however, understood that articles imported free of customs duty will not be sold in the country into which they were imported except under conditions agreed with the authorities of that country.

2. While the Organization cannot in principle claim exemption from sales taxes and excise duties, which form part of the price of goods sold, nevertheless in cases where the Organization is making large purchases for official use of goods on which such taxes and duties have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of tax or duty.

Article 4

Provisions regarding communication facilities and facilities for purchases. (See Annex to Appendix C of this chapter).

Article 5

1. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the Organization shall be accorded, while exercising their functions and during their journey to and from the place of meeting, the following privileges and immunities :

(a) immunity from legal process of any kind ;

(b) immunity from immigration restrictions, alien registration and national service obligations ;

(c) the same facilities as regards exchange restrictions as are accorded to representatives of the Governments of Members visiting the country ; and

(d) the same immunities and facilities as regards their personal baggage as are accorded to diplomatic envoys.

2. As a means of securing complete freedom of speech and independence in the discharge of their duties, the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the Organization shall be accorded immunity from legal process in respect of all acts done and words spoken or written by them in the discharge of their duties as such.

3. The provisions of paragraphs 1 (a) and (b) and of paragraph 2 of this Article cannot be invoked by any persons against the authorities of the country of which he is a national or of which he is or has been the representative, nor when the Member which he represented has waived the immunity in question.

4. In this Article the expression representatives shall be deemed to include all Delegates and Deputy Delegates, advisers, technical experts, and secretaries.

Article 6

1. All officials† of the Organization shall :

(a) be immune from legal process with respect to acts performed by them in their official capacity ;

(b) be exempt from taxation on the salaries and emoluments paid to them by the Organization ;

(c) be immune from national service obligations ;

(d) be immune, together with their spouses and minor children, from immigration restrictions and alien registration ;

(e) be accorded the same privileges as regards exchange facilities as are accorded to the officials of comparable ranks forming part of the diplomatic missions to the government of x ; and

(f) be given together with their spouses and minor children the same repatriation facilities as diplomatic agents in time of international crisis.

2. In addition the Secretary-General, all Assistant Secretaries-General, their spouses and minor children shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, their spouses and minor children in accordance with international law, but shall not be entitled to invoke immunity from legal process as regards matters not connected with their official duties, before the courts of the country of which they are nationals.

* The sub-committee considered that it may be desirable to define the expression "direct taxes," but did not feel able to perform this task, which requires the assistance of revenue experts.

† By this word it is intended to cover all ranks of the Secretariat and all those who have to make the declaration of loyalty to the Organization (Chapter VIII, Section 3, Regulation 2), but not to include local employees, such as office cleaners, motor car drivers, etc.

Article 7

1. The Organization may issue United Nations passports to its officials.* All United Nations passports shall be recognized and accepted as passports.

2. Applications for visas from the holders of such passports when accompanied by a certificate that they are travelling on the business of the Organization, shall be dealt with with the minimum of delay. In addition the holders of United Nations passports shall be granted facilities for speedy travel.

3. Similar facilities to those specified in paragraph 2 above shall be accorded to experts and other persons who, though not officials of the United Nations, have a certificate that they are travelling on the business of the Organization.

4. The Secretary-General, Assistant Secretaries-General, and Directors travelling on United Nations passports on the business of the Organization shall be granted the same facilities as are accorded diplomatic envoys.

Article 8

1. It is understood that privileges and immunities are granted to officials in the interests of the Organization and not for the benefit of the officials themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, such immunity can be waived without prejudice to the interests of the Organization.

2. The Organization shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the execution of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this convention. In particular the Secretary-General will ensure that the drivers of all official motor cars of the Organization and all officials who own or drive motor cars shall be properly insured against third party risks.†

3. The Organization shall make provision for appropriate modes of settlement of :

(a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party ; and

(b) disputes involving any official of the Organization, who by reason of his official position enjoys immunity, if such immunity has not been waived by the Secretary-General.

Article 9

Freedom of travel to the seat of the Organization for the press, representatives of non-governmental Organizations and private individuals. (See Annex to Append.x C of this chapter).

Article 10

The provisions of Article 7 may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article 11

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If the dispute is between the Organization on the one hand and a Member on the other hand, a request shall be made for an advisory opinion in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The advisory opinion of the Court shall be accepted by the parties to the dispute as a binding decision in the same manner as a judgment.

* See footnote to Article 6.

† If it is decided that the internal regulations of the Organization shall contain provisions to this effect this sentence could be omitted.

Appendix C : Draft Treaty to be concluded by the United Nations with the United States of America for the Location of the Headquarters of the United Nations

This draft convention is transmitted by the Preparatory Commission as a working paper for the General Assembly. See Recommendation 4 of Chapter X.

The General Assembly of the United Nations decided by resolution ofJanuary, 1946, to establish the permanent seat of the Organization in the United States of America, and to conclude a treaty with the United States of America. The Congress of the United States of America, by Joint Resolution ofJanuary, 1946, approved by the President, agreed to the establishment of the permanent seat of the United Nations in the United States of America, and to the conclusion of a treaty with the United Nations. The Secretary-General of the United Nations, Mr.....and Mr..... have been authorized to sign this treaty on behalf of the United Nations and the United States of America respectively.

Article 1

The permanent seat of the United Nations shall be the area marked pink on the annexed map, situated..... Additions may be made later to this area in accordance with the provisions of Article 22. In this treaty the expression " zone " means this area, together with any additions to it.

Article 2

The United States of America undertakes (on the entry into force of this treaty) to vest in the United Nations the full ownership of all land in the zone and of all buildings situated thereon at the moment of transfer.

Article 3

The United Nations shall have exclusive rights over the subsoil of land conveyed to it and in particular the right to make any constructions underground and to obtain therefrom water supplies. It shall not, however, have the right to exploit minerals.

Article 4

The United States of America shall be responsible for expropriating and compensating so far as necessary all interests in the land and buildings conveyed to the United Nations.

Article 5

Having regard to Article 2 above, the United Nations shall pay to the United States of America a fair price for any land and buildings conveyed, which sum shall be credited to the United States of America in the accounts of the United Nations and be set off against contributions due from the United States of America. In default of agreement, the price shall be determined by an expert selected by the President of the International Court of Justice.

Article 6

The United Nations zone, including the air space above it, shall be inviolable.

Article 7

The zone shall be entirely under the control and authority of the United Nations.

Article 8

Without prejudice to the generality of Article 7, the United States of America has no jurisdiction over any questions relating to entry in the zone and the conditions under which persons may remain or reside there, or any questions relating to the construction or removal of buildings in the zone.

Article 9

Officers or officials of any authority in the territory of the United States of America whether administrative, judicial, military or police, shall not enter the zone to perform any official duties therein except with the permission of and under conditions agreed by the Secretary-General. The service of civil legal process, including the seizure of private property, shall take place within the zone under conditions approved by the Secretary-General.

Article 10

Subject to Article 12, the law of the United States of America shall apply within the zone and in particular the ordinary civil and criminal law.

Article 11

The courts of the United States of America shall (without prejudice to any provisions of the Annex to this treaty and eventually of the General Convention relating to immunities) have jurisdiction over acts done or transactions taking place in the zone in the same manner as they have over similar acts or transactions taking place outside the zone.

Article 12

The United Nations may, however, enact regulations for the zone, excluding the application of particular provisions of the law of the United States of America and making provisions of an administrative character for the zone.

Article 13

The courts of the United States of America when dealing with cases arising out of acts done or transactions taking place in the zone or relating thereto shall take cognizance of the regulations by the United Nations under Article 12 above, though they shall not be obliged to inflict penalties for infraction of regulations made by the United Nations unless the United States of America has agreed to these regulations before the infraction was committed.

Article 14

Persons accredited to the United Nations by Members as permanent (resident) representatives and their staffs, whether residing inside or outside the zone, shall be recognized by the United States of America as entitled on its territory to the same privileges and immunities as the United States of America accords to the diplomatic envoys and their staffs accredited to the Government of the United States of America.

Article 15

The United States of America undertakes to ensure on equitable terms the provision of necessary public services to the zone including electricity, water, gas, post, telephone, telegraph, drainage and collection of refuse. If there is any difficulty in agreeing upon the terms, the question shall be decided by an expert appointed by the President of the International Court of Justice.

Article 16

The United States of America undertakes to guarantee at all times adequate means of communication between the zone and the limits of the territory of the United States of America both for the passage of persons and the transmission of correspondence and telegrams and the transport of goods required for use and consumption in the zone.

Article 17

Representatives of the Members, irrespective of the relations existing between their Government and the Government of the United States of America, and officials of the Organization, and specialized agencies, and their families, shall at all times enjoy the right of unimpeded and safe transit over the territory of the United States of America to and from the zone for the purpose of taking part in the Organization's work.

Article 18

The accredited representatives of the press, radio and films, and of non-governmental organizations recognized by the United Nations for the purpose of consultation, shall enjoy the rights referred to in Article 17.

Article 19

Immigration regulations and other regulations regarding residence of foreigners in force in the United States of America shall not be applied in such a manner as to interfere with the rights referred to in Articles 16, 17 and 18. Any visas required shall be granted without charge, without delay, and without requirement of personal attendance for the issue of the visa.

Article 20

The United States of America shall give facilities for the issue of visas to, and for the use of the available means of transport by, persons coming from abroad who desire to visit the zone.

Article 21

Nothing in the preceding paragraphs shall prevent the Government of the United States of America from taking precautions in the interests of national security provided that such precautions shall not have the effect of interfering with the rights referred to in Articles 16, 17, and 18.

Article 22

The United Nations may establish its own radio telegraph sending and receiving stations (including broadcasting, teletype and telephoto services). The United Nations shall make arrangements with the International Telecommunications Union with regard to wavelengths and other similar matters.

Article 23

The United States of America undertakes at the request of the Secretary-General, acting in pursuance of a resolution of the General Assembly, to vest in the United Nations full ownership over such further land as may be required for the purpose of constructing an airport, railway station or radio telegraphic station or for such other purposes as may be required by the United Nations. Such land when conveyed to the United Nations shall form part of the United Nations zone.

The provisions of Articles 3, 4 and 5 shall apply to land so conveyed.

Article 24

In the event of the land conveyed in accordance with Article 23 not being contiguous to the remainder of the United Nations zone, the United States of America shall guarantee free communication and transit between the parts of the zone.

Article 25

The United States of America shall provide on the boundaries of the zone such police protection for the zone as is required and shall be responsible for ensuring that the tranquility of the zone is not disturbed by the unauthorized entry of persons from outside, or by disturbance in its immediate vicinity.

Article 26

If so requested by the Secretary-General, the United States of America undertakes to provide a sufficient number of police to perform duties inside the zone for the preservation of law and order therein and for the removal of persons who have committed or are suspected of having committed or being likely to commit offences.

Article 27

The United States of America undertakes to take the necessary steps to insure that the amenities of the zone and the purposes for which it is required are not prejudiced or obstructed by any use of the land in its vicinity.

Article 28

Without prejudice to the provisions in Annex 1 of this treaty and subsequently of the General Convention relating to the immunities of officials of the United Nations and the representatives of Members, the United Nations shall not permit the zone to become a refuge for persons who are avoiding arrest under the law of the United States of America or are required by the Government of the United States of America for extradition nor for persons who are endeavouring to avoid service of civil legal process.

Article 29

The Secretary-General and the Government of the United States of America shall settle by agreement the channels through which correspondence relating to the application of the different provisions of this treaty and other questions affecting the zone shall be conducted. If the Secretary-General so requests, the Government of the United States of America shall appoint a special representative for the purpose of liaison with the Secretary-General.

Article 30

Any differences between the Secretary-General and the United States of America concerning the interpretation or application of this treaty or of any supplementary agreement or arrangements which are not settled by negotiation may be referred for arbitration to an umpire appointed for the purpose by the President of the International Court of Justice.

Article 31

Either party may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question of general importance arising in the course of the proceedings referred to in Article 30. Pending the receipt of the opinion of the International Court of Justice, an interim decision of an umpire shall be observed by both parties.

Article 32

Until half the Members of the United Nations have ratified the General Convention mentioned in Article 32, the provisions set out in Annex 1 to this treaty shall apply between the United Nations and the United States of America. Thereafter, these provisions shall be replaced by the provisions of the General Convention, and the provisions of the General Convention shall be complementary to the provisions of this treaty.

Article 33

If any provision of this treaty and any provision of the General Convention mentioned in Article 32 relate to the same subject matter, the two provisions shall be treated as complementary so that both provisions shall be applicable and neither shall narrow the effect of the other, provided that if the provisions are in absolute conflict, the provisions of this treaty shall prevail.

Article 34

This treaty shall bind both parties as soon as the Government of the United States of America notifies the Secretary-General that it has all the powers necessary to fulfil its provisions and the Secretary-General has deposited an instrument of ratification with the Government of the United States of America. The Government of the United States of America shall take every possible step to enable it to give the notification as soon as possible and in any case not later than.

Article 35

This treaty shall remain in force as long as the seat of the United Nations is maintained in the territory of the United States of America.

Article 36

The seat of the United Nations shall only be removed from the territory of the United States of America if the United Nations should so decide.

Article 37

If the seat of the United Nations is removed from the United States of America, the United States of America shall pay to the United Nations an equitable sum for the land in the zone and for all buildings and installations thereon. An expert named by the President of the International Court of Justice shall decide, in default of agreement between the parties, what sum is equitable, having regard to the then value to the United States of America of the lands and of the buildings and installations as well as to the cost incurred by the United Nations in acquiring land and in erecting buildings and installations.

ANNEX
Article 1

The United Nations shall possess full juridical personality and in particular, the capacity :

- (1) to contract ;
- (2) to acquire and dispose of immovable and movable property ;
- (3) to institute legal proceedings.

Article 2

The United Nations, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any particular proceedings or by the terms of any particular contract.

Article 3

The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of seizure, whether by executive, administrative or legislative action or otherwise.

Article 4

The archives of the United Nations and in general all documents, belonging to it or held by it, shall be inviolable wherever located.

Article 5

Without being restricted by financial controls, regulations or moratoria of any kind

(1) the United Nations may hold funds or currency of any kind and operate accounts in any currency ;

(2) the United Nations shall be free to transfer its funds from one state to another or within any state and to convert any currency held by it into any other currency.

Article 6

In exercising its right under Article 3 above the United Nations shall have regard to any representations by the national authorities of any Member insofar as effect can be given to the representations without detriment to the financial interests of the Organization.

Article 7

The United Nations, its assets, income and other property shall be :—

(1) exempt from all direct taxes, it being understood, however, that the United Nations cannot claim exemption from charges for services rendered ;

(2) exempt from customs duties in respect of articles imported by the United Nations for its official use and in respect of publications issued by it, it being understood, however, that articles imported free of customs duty will not be sold in the state into which they were imported except under conditions agreed with the authorities of that state.

Article 8

While the United Nations does not in principle claim exemption from sales taxes and excise duties, which form part of the price of goods sold, nevertheless when the United Nations is making large purchases for official use of goods on which such taxes and duties have been charged or are chargeable, the United States of America, wherever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 9

The communications of the United Nations shall enjoy treatment not less favourable than that accorded by the United States of America to any of its Members in the matter of : franking privileges : priorities, rates and taxes on cables, telegrams, radiograms, telephotos, and telephone communications ; use of codes, and couriers and pouches ; and press rates for information to the press and radios, when originating with or addressed to the Secretary-General and the heads of the specialized agencies, or their duly authorized deputies. No censorship or delays shall apply to the transmission of the correspondence and communications of the United Nations.

Article 10

Representatives of Members to the organs of the United Nations and to conferences convened by the United Nations shall be accorded, while exercising their functions and during their journey to and from the place of meeting, the following facilities, privileges and immunities :

(1) immunity from legal process of any kind ;

(2) immunity from immigration restrictions, alien registration and national service obligations ;

(3) facilities as regards exchange restrictions not less favourable than those accorded by the United States of America to diplomatic representatives of the Governments of Members ;

(4) immunities and facilities as regards their personal baggage not less favourable than those accorded by the United States of America to diplomatic representatives of the Governments of Members.

Article 11

As a means of securing complete freedom of speech and independence in the discharge of their duties, the representatives of Members to the organs of the United Nations and to conferences convened by the United Nations shall be accorded immunity from legal process in respect of all acts done and words spoken or written by them in the discharge of their duties.

Article 12

The provisions of Article 10 (1) and (2) and of Article 11 cannot be invoked by any citizen of the United States of America against the authorities of the United States of America.

Article 13

In Articles 10, 11 and 12 " representatives " includes all representatives, alternate representatives, advisers, technical advisers, and persons of similar status.

Article 14

All officials* of the United Nations shall :

- (1) be immune from legal process with respect to acts performed by them in their official capacity ;
- (2) be exempt from taxation on the salaries and emoluments paid to them by the Organization ;
- (3) be immune from national service obligations ;
- (4) be immune, together with their spouses and minor children, from immigration restrictions and alien registration ;
- (5) be accorded exchange facilities no less favourable than those accorded to the officials of comparable ranks of the Governments of other Members ;
- (6) be given together with their spouses and minor children repatriation facilities not less favourable than those accorded to diplomatic representatives in time of international crisis.

Article 15

In addition to the immunities in Article 14 the Secretary-General, all Assistant Secretaries-General, their spouses and minor children shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, their spouses and minor children in accordance with international law, but shall not be entitled to invoke before the courts of the state of which they are nationals immunity from legal process as regards matters not connected with their official duties.

Article 16

United Nations passports issued by the Organization to its officials and to comparable officials of specialized agencies shall be given treatment not less favourable than that accorded by the United States of America to passports issued by Members.

Article 17

Applications for visas from the holders of United Nations passports, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with with the minimum of delay. In addition they shall be granted facilities for speedy travel.

Article 18

Similar facilities to those specified in Article 17 shall be accorded to experts and other persons who, though not officials of the United Nations, have a certificate that they are travelling on the business of the Organization.

Article 19

The Secretary-General, Assistant Secretaries-General, and Directors travelling on United Nations passports on the business of the Organization shall be granted the same facilities as are accorded diplomatic envoys.

Article 20

Privileges and immunities are granted to officials in the interests of the Organization and not for the benefit of the officials themselves. The Secretary-General shall waive the immunity of any official if, in his opinion, the immunity can be waived without prejudice to the interests of the United Nations.

Article 21

The United Nations shall co-operate at all times with the appropriate authorities of the United States of America to facilitate the proper administration of justice, secure the execution of police regulations and prevent the occurrence of any abuse in connection with the immunities and facilities provided for in this Annex. In particular the Secretary-General shall ensure that the drivers of all official motor cars of the United Nations and all officials who own or drive motor cars shall be properly insured against third party risks.

Article 22

The United Nations shall make provision for appropriate modes of settlement of :

- (1) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party ;
- (2) disputes involving any official of the United Nations, who by reason of his official position enjoys immunity, if the immunity has not been waived by the Secretary-General.

*By this word it is intended to cover all ranks of the Secretariat and all those who have to make the declaration of loyalty to the Organization (Chapter VIII, Section 3, Regulation 2), but not to include local employees, such as office cleaners, motor car drivers, &c.

CHAPTER VIII

THE SECRETARIAT

Section 1 : Recommendations Concerning the Organization of the Secretariat

(i)

The degree in which the objects of the Charter can be realized will be largely determined by the manner in which the Secretariat performs its task. The Secretariat cannot successfully perform its task unless it enjoys the confidence of all the Members of the United Nations.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. in accordance with paragraph 3 of Article 101 of the Charter, appropriate methods of recruitment should be established in order that a staff may be assembled which is characterized 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. all officials, upon assuming their duties, should 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. the fundamental rights and obligations of the staff should be embodied in Staff Regulations, on the lines of those recommended in Section 3 of this chapter, for adoption by the General Assembly. Staff Rules should be made by the Secretary-General for the implementation of these Regulations, on the lines of those suggested for his general guidance in Section 4 of this chapter.

4. the Secretary-General should be authorized to appoint a small advisory committee, possibly including representatives of the staff, to draft for submission to the General Assembly a statute for an Administrative Tribunal.

(ii)

THE PREPARATORY COMMISSION RECOMMENDS that, in view of the heavy responsibilities which rest upon the Secretary-General in fulfilling his obligations under the Charter ;

5. the terms of the appointment of the Secretary-General should be such as to enable a man of eminence and high attainment to accept and maintain the position ;

6. the first Secretary-General should be appointed for five years, the appointment being open at the end of that period for a further five-year term ;

7. the General Assembly and the Security Council should discuss both the nomination and the appointment of the Secretary-General at private meetings, and a vote in either body, if taken, should be by secret ballot ;

8. there should always be one Assistant Secretary-General, amongst those referred to in Recommendation 11 below, designated by the Secretary-General to deputize for him when he is absent or unable to perform his functions.

(iii)

The administrative organization of the Secretariat should be so designed as to enable the work of the Secretariat to be conducted with the greatest possible efficiency.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

9. the Secretary-General should take immediate steps upon his appointment to establish an administrative organization which will permit of the effective discharge of his administrative and general responsibilities under the Charter and the efficient performance of those functions and services required to meet the needs of the several organs of the United Nations.

10. the principal units of the Secretariat should be :

- (i) Department of Security Council Affairs
- (ii) Department of Economic Affairs
- (iii) Department of Social Affairs
- (iv) Department for Trusteeship and Information from Non-Self-Governing Territories
- (v) Department of Public Information
- (vi) Legal Department
- (vii) Conference and General Services
- (viii) Administrative and Financial Services ;

11. the Secretary-General should be authorized to appoint Assistant Secretaries-General and such other officials and employees as are required, and to prescribe their responsibilities and duties. The Assistant Secretaries-General should have responsibility for and supervision of Departments or Services. The Secretary-General should take whatever steps may be required to ensure the necessary co-ordination between the Departments of Economic Affairs and of Social Affairs, and the maintenance of appropriate administrative relationships between those Departments and the Economic and Social Council, on the one hand, and between those Departments and the specialized agencies on the other.

12. at the outset, the Departments and Services should, broadly speaking, conform to the description given in paragraphs 22 to 40 of Section 2 of this chapter, but the Secretary-General should make such changes in the initial structure as may be required, to the end that the most effective distribution of responsibilities and functions among the units of the Secretariat may be achieved.

(iv)

The United Nations cannot achieve its purposes unless the peoples of the world are fully informed of its aims and activities.

The draft recommendations prepared by the Technical Advisory Committee on Information provide a suitable foundation for the consideration by the General Assembly of the public information activities of the United Nations.

Further study is, however, required on the basis of these draft recommendations, concerning certain aspects of the future organization of the Department of Public Information.

Therefore

THE PREPARATORY COMMISSION

13. submits to the General Assembly for consideration the recommendations of the Technical Advisory Committee on Information concerning the policy, organization and activities of the Department of Public Information contained in the Annex to this chapter ;

14. informs the General Assembly that it has instructed the Executive Secretary to appoint a small sub-committee to study certain aspects of the practical application of these recommendations and submit its report to the Secretary-General for his guidance.

(v)

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

Therefore

THE PREPARATORY COMMISSION RECOMMENDS, subject to the budgetary provisions voted by the General Assembly, that :

15. except in the case of the posts of Secretary-General, Assistant Secretary-General and Director, whose salaries should be fixed by the General Assembly, the Secretary-General, after discussion with such consultative body as the General Assembly determines, should be authorized to make a tentative classification of posts and to assign salaries to these posts according to the general principles set forth in paragraphs 41 to 45 and 71 of Section 2 of this chapter. The Secretary-General should also be authorized to employ members of the staff on short-term contracts pending the establishment of a permanent classification plan as outlined in Recommendation 24 below ;

16. every member of the staff should be eligible for such promotion within the United Nations as his or her services and abilities warrant, in accordance with the provisions of paragraph 47 of Section 2 of this chapter.

17. in the selection of staff the Secretary-General should follow in general the suggestions outlined in paragraphs 50-58 of Section 2 of this chapter.

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

19. an international civil service commission should be established by the Secretary-General,* after consultation with the heads of the specialized agencies brought into relationship with the United Nations, to advise him on the methods of recruitment for the Secretariat and on the means by which common standards of recruitment in the Secretariat and the specialized agencies may be ensured.

20. subject to the Secretary-General's full latitude, as suggested in Recommendation 15, to employ members of the staff on short-term contracts pending the establishment of a permanent classification plan, and subject to appropriate arrangements for the appointment of temporary staff at all times, members of the staff who have successfully passed the period of probation should be offered some reasonable assurance that they will be able to make their careers in the Secretariat ;

21. members of the staff who have passed the period of probation should be given contracts for an indeterminate period which would be subject to review every five years on the basis of reports by their superior officers ;

22. notwithstanding the provisions above, Assistant Secretaries-General, Directors, and such other principal higher officers as the Secretary-General may determine, should be appointed under contracts not to exceed five years, subject to the possibility of renewal ;

23. any contract should be terminable by the Secretary-General, under the conditions set forth in Regulation 22 of the Draft Provisional Staff Regulations, if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

* In the Technical Committee of the Preparatory Commission dealing with administrative and budgetary questions a large number of Delegations held that the General Assembly, which according to paragraph 1 of Article 101 of the Charter establishes regulations for the appointment of staff, should have some voice in the constitution of this commission.

(vi)

The conditions of employment in the Secretariat should be such as will attract qualified candidates from any part of the world.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

24. subject to the budgetary provisions voted by the General Assembly, the Secretary-General upon his appointment, after discussion with the consultative body to be designated by the General Assembly, as suggested in Recommendation 15, should arrange :

(a) for the development of a classification plan of all posts required by the Secretariat, based upon the duties, responsibilities, and authority of each post ;

(b) for the grouping of posts by main categories and within categories by grades ;

(c) for the assignment of appropriate salaries to each main category and grades therein, according to the salary standards which may be established by the General Assembly ;

(d) for the assignment of each post in the Secretariat to its appropriate category and grade on the basis of its duties, responsibilities and authority ; and

the Secretary-General should be authorized to employ temporary personnel on special limited term contracts outside of the permanent classification plan when he finds it necessary ;

25. in determining the salaries for the several grades and for the various categories of posts, account should be taken of the special factors affecting service in the Secretariat, and in particular of the wide range of remuneration for comparable work prevailing in the government services of the Members of the United Nations ; the more limited prospects of promotion to the highest posts in the Secretariat compared with the prospects of promotion in some of the 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 the staff will incur by living away from their own country, such expenses varying with the number of dependants and other factors.

(vii)

The Preparatory Commission has expressed its general approval of the Report contained in Section 2 of this chapter as an explanation of the foregoing recommendations.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that the General Assembly should transmit the Report to the Secretary-General for his guidance.

Section 2: Report on the Organization of the Secretariat

A: General Character of the Secretariat

1. The key position of the Secretariat in the United Nations is recognized 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 realized.

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 Organization" and "shall refrain from any action which might reflect on their position as international officials, responsible only to the Organization." 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 state of which they are nationals, 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 Organization 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 fee in respect to services rendered during the period of his appointment or service in the Organization. Officials who 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 Organization 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 authorization of the Secretary-General, no official may publish anything relating to the activities of the Organization 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 Preparatory Commission.

* This question has been dealt with in detail in the recommendations contained in Chapter VII.

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 organization and administration of the International Secretariat, political functions and representational functions.

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 Organization" (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 Organization) 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 specialized 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 organization, 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 realized, 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 Organization 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 a Secretary-General is a confidant of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

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 at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

C: Administrative Organization of the Secretariat

22. The Purposes of the United Nations are set out in Article 1 of the Charter. One of the primary functions of the United Nations, which is to maintain international peace and security, is to be carried out jointly by all the principal organs of the Organization, among which the Security Council has special and unique powers.

23. Each organ has functions which give it a distinctive character, but any organ in carrying out its particular function may, and undoubtedly will, be concerned at some stage of its work with matters which are the concern of the other organs as well.

24. Because the organs have both distinctive and common functions, the staff or secretariat, which serves them at all times, should be so organized as to meet this situation. Every organ, therefore, has at its

disposal the services of the whole of the Secretariat, and each Department of the Secretariat serves all the organs as required, subject to one qualification (*see* paragraph 27).

25. The Secretary-General, who shall serve as such for the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council (Article 98 of the Charter), should have staff available which is competent to deal with whatever subject may at any time be of concern to the organs. The General Assembly, the Security Council, and the other organs will utilize the different Departments according to their varied functions.

26. The Security Council will, however, be served primarily and continuously by the Department of Security Council Affairs on matters particularly connected with its peculiar functions in the maintenance of peace and security. But it will also be served by the Department of Economic Affairs, the Legal Department, the Department for Trusteeship and Information from Non-Self-Governing Territories, and other Departments. Conversely, the Department of Economic Affairs, for example, will serve primarily the Economic and Social Council, though it will also serve the General Assembly, the Security Council, and other organs.

27. There is one exception to the rule that all Departments may at any time be called upon to do certain work for any organ. Owing to the fact that the Security Council has exclusive powers to deal with military and enforcement measures, it will be necessary that the special units of the Department of Security Council Affairs concerned with these measures should serve the Security Council exclusively.

28. The principal reason for setting up the Secretariat as a single working body—though it will, of course, be internally organized so as to deal most effectively with the various aspects of the operations of the United Nations—is that all the organs it serves have their responsibilities in the primary common task of maintaining peace and security. This task is the unifying principle of the whole Organization, its organs, and the Secretariat. This principle is reinforced by the provision that special units of the Department of Security Council Affairs serve the Security Council in its unique functions relative to military and enforcement measures.

29. Another reason is that by organizing the Secretariat according to the work performed by each part and not in Departments tied exclusively to one or the other organ, duplication of work, overlapping and waste of time, and confusion will be avoided. Again, the creation of Departments attached exclusively to a single organ would give rise to divided loyalties and undesirable rivalry between Departments.

30. Paragraph 2 of Article 101 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 other organs with adequate permanent specialized staffs forming part of the Secretariat.

31. Under the scheme adopted, the principal units of the Secretariat would be :

- (i) Department of Security Council Affairs ;
- (ii) Department of Economic Affairs ;
- (iii) Department of Social Affairs ;
- (iv) Department for Trusteeship and Information from Non-Self-Governing Territories ;
- (v) Department of Public Information ;
- (vi) Legal Department ;
- (vii) Conference and General Services ; and
- (viii) Administrative and Financial Services.

32. The *Department of Security Council Affairs* would serve the Security Council in the fulfilment of its continuous functions under the Charter. Some members of this Department would also serve the General Assembly when it deals with matters relating to the maintenance of peace and security.

33. The *Department of Economic Affairs* would deal with general economic questions, financial questions, transport and communications questions and statistics. While the bulk of the statistical work required to be undertaken in the Secretariat will undoubtedly be of an economic and financial character, the unit within this Department dealing with statistics should also undertake statistical work for other Departments.*

34. The *Department of Social Affairs* would deal with questions concerning health, narcotic drugs, other aspects of social welfare, cultural and educational matters, and human rights.

35. The work of the Departments of Economic Affairs and of Social Affairs will need to be co-ordinated. The Secretary-General should take steps to establish and maintain administrative relationships between those Departments and the Economic and Social Council on the one hand, and between those Departments and the specialized agencies on the other.

36. The *Department for Trusteeship and Information from Non-Self-Governing Territories* would discharge the functions falling upon the Secretariat under Chapters XI, XII and XIII of the Charter.

37. The *Legal Department* would advise the Secretariat and the other organs on legal and constitutional matters and especially on the drafting of agreements, and would deal with questions arising out of the regime of immunities and privileges provided for in Article 105 of the Charter. It would 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.†

38. The main functions of the *Department of Public Information* would fall into the following categories: press, publications, broadcasting, films, graphics and exhibitions, public liaison and reference. Recommendations of a Technical Advisory Committee on Information (appointed by the Preparatory Commission) concerning the policy, organization and activities of the Department are contained in the annex to this chapter. A small sub-committee was appointed by the Executive Secretary to study certain practical aspects of these recommendations and to submit its report to the Secretary-General for his guidance.

39. The *Conference and General Services* would occupy a special place in the structure of the Secretariat and would include:—

- (1) conference activities, including Secretariat arrangements for the meetings of the General Assembly and for services to the Councils and other international conferences of the United Nations;
- (2) liaison activities such as protocol matters, liaison with diplomatic representatives, formal relations with private international organizations, and the handling of official communications to governments;
- (3) a library with research and reference facilities;
- (4) documents and language services, the Registry; and
- (5) services relating to building management, offices, equipment, supplies, transportation, mail and messenger services, etc.

Some of these activities such, as those under (5), may more suitably become part of the work of the Comptroller's Office or of some other subdivision of the Administrative and Financial Services described below. The Secretary-General should provide for a thorough study of the best allocation of these functions as well as the subdivision of the Conference and General Services. Common general services might be established for the Secretariat and the specialized agencies brought into relationship with the United Nations, in so far as distances do not entail undue delay and special requirements do not necessitate separate services.

* Observations on the organization of the statistical work of the Secretariat, submitted to the Executive Committee by its Committee on the Economic and Social Council and by the Delegation of the U.S.A., are reproduced in Appendices IV (a) and (b).

† The position of the staff of the Court must be considered 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 by the Preparatory Commission.

40. Under *Administrative and Financial Services* there would be a Budget Office, a Personnel Office and a Comptroller's Office, with the following general functions :*

(1) The Budget Office would provide the central budget and administrative planning facilities. It would assist the Secretary-General in the formulation, presentation, and administration of the budget. It would be responsible for the critical examination of proposals for expenditure and for keeping programmes within the budgetary limits. It would aid in the development of the internal organizational arrangements of the Secretariat, and in the planning and establishment of administrative methods and processes. It would examine, and take such action as may be necessary within the Secretariat on, the report of the external auditor.

(2) The Personnel Office would be responsible for the establishment of the personnel system, including classification and grading, the recruitment of staff, training programmes, and for the maintenance of staff records. It would maintain liaison with the International Civil Service Commission.

(3) The Comptroller's Office would be responsible for maintaining the soundness of the financial system by providing for the collection of contributions from Members, the safe custody and investment of the funds of the Organization, the establishment and operation of a complete accounting system, the presentation of accounts, and the internal audit of receipts and disbursements. It would maintain financial liaison with national authorities. In addition, the Office would be responsible for payrolls, and for the administration of staff funds, e.g., retirement or provident funds, employee compensation funds, subject to arrangements being made for staff participation.

D: Grading, Promotion and Recruitment

Grading†

41. Classification and salary grading within the Secretariat should be uniform and, while adequately reflecting the relative status and responsibilities of staff members, should, especially at the outset, be broad and simple.

42. It was not feasible during the Preparatory Commission stage to develop a detailed system of staff classification and salary scales. A permanent scheme requires a study over a period of months by a special staff and cannot be undertaken until certain fundamental decisions have been made on such question as, for example, the seat of the Organization. The cost of living and local salary and wage rates at the site must be known before the lower limit of the salary ranges can be established.

43. The Secretary-General upon his appointment will be required to make a provisional classification of posts and to assign ranges of salaries thereto in order that, as far as possible, a proper balance in these matters may be achieved from the outset within the Secretariat.

44. A permanent classification plan designed to cover all posts should be undertaken by the Secretary-General as early as practicable. It should establish the main categories‡ of posts based on the requisite competence, fields of knowledge and experience.

* The question of the organization of functions under paragraph 31 (vii) and (viii) was considered by the Advisory Group of Experts in conjunction with several Delegates from the Administrative and Budgetary Committee. Several members of the Advisory Group believed that the functions listed in paragraph 40 under (1) and (3) should be under the direction of an Assistant Secretary-General, the personnel functions under (2) being assigned elsewhere.

† In the paragraphs below certain terms are used which are defined as follows:—

- (a) post—the specific duties and responsibilities performed by an individual;
- (b) category—a group of posts requiring, broadly, similar fields of knowledge and experience, whether professional, administrative, clerical, etc.
- (c) grade—a range of duties within a category which can be clearly identified and differentiated for salary purposes.

‡ Categories will consist of such groups of personnel as administrative, professional (political, economic, social, legal, etc.), linguistic accounting, stenographic, etc., but the number of categories should not be larger than is essential. The plan should, further, establish within each category, grades necessary to mark different levels of responsibility. For example, in the stenographic category there might be different grades for typists, stenographers, verbatim reporters, etc.

45. After the posts have been grouped into their main categories and subdivided into grades on the basis of their differing responsibility, the next step should be to assign a range of salaries to each category and a specific salary range to each grade. In assigning salary scales, regard should be had to relative responsibility, experience, and the educational requirements necessary for the performance of the duties assigned. The result should be that posts carrying similar responsibility—although not in the same categories—would be paid at approximately the same rates.

46. The scheme described above would not preclude the Secretary-General from introducing special protocol titles where they are desirable for the work of the Organization.

Promotion

47. Every member of the staff of the Organization should have an opportunity for such promotion as his or her services and abilities warrant; all posts, even the highest, should be open for promotion from within. So far as the requirements of the service and the maintenance of equitable geographical distribution permit, and assuming that the candidates are of equal merit, vacancies for long-term appointments should be filled by promotion in preference to appointments from outside. Moreover, transfer from the Secretariat to the secretariats of the specialized agencies, and vice versa, should be encouraged. This would be facilitated by arrangements for uniform standards of recruitment and promotion. While in-service promotion as outlined above should be encouraged, it should not prevent a constant inflow of fresh talent at various levels within the Secretariat.

Qualifications

48. The Organization should establish high standards for all of its posts. The senior officers, such as the Assistant Secretaries-General, Directors, and their immediate assistants, must possess extensive experience and many of the qualifications of character and judgment laid down for the Secretary-General. Standards of qualification should be drawn up for all categories and all levels, giving proper emphasis to academic training and comparable practical training or experience.

49. Most members of the staff, and senior officers in particular, should be able to express themselves in one of the working languages. Past experience has taught that assistance from members of clerical grades possessing a thorough knowledge of the working languages goes far to help senior officers whose mother tongue is not one of the working languages.

Methods of Selection

50. The method of selecting qualified persons is of great importance in the creation of any good public service system. Suitable provision for this purpose should be made without delay. As part of it, suitable tests should be used as widely as possible to ascertain the technical ability and knowledge of candidates. When vacancies are announced, the type of tests required should receive publicity. This would have the advantage of bringing the United Nations into more direct contact with the public and be a valuable means of making its scope and functions widely known. Written examinations, where prescribed, should be held both at the recruitment and at the end of the probationary stage, and be set and written in the language chosen by the candidate.

51. Owing to differences in academic systems, written examinations cannot be entirely standardized, but countries with similar academic traditions might be grouped into examination areas.

52. It is desirable to supplement the evidence of specialized ability revealed by written examination with an appraisal of the temperament, character and general capacity of candidates. For this purpose, the Secretary-General should have at his disposal in the Personnel Office specialists experienced in personnel selection and appraisal.

53. It is not desirable that all members of the staff should enter the service by written examination. Normally, this type of test will be unsuitable for the higher posts and will often be unsuited to particular

appointments in other posts. Wide discretion should, therefore, be allowed to the Secretary-General and his advisers on this matter, such being especially necessary at the outset, when he must be free to recruit at short notice a nucleus of senior officers and specialists.

54. The examination system would also be inapplicable to many candidates of high character and ability who, owing to war service, underground activities in enemy occupied territories, internment in concentration camps, etc., would not have the desired academic qualifications and will be at a disadvantage in formal examinations. For such candidates other processes of selection—the interview, and the analysis of personal records, for example—would be useful.

55. For the benefit of all those whose earlier education has been inadequate, and particularly of those whose training has been interrupted by the war, as well as for the general advantage of the staff, a system of in-service training should be established. Those in training would be required to devote part of their time to their normal duties in the work of the Secretariat. A number of hours each week should be set aside during which they would receive expert instruction in the working and official languages, in administration or in the more technical aspects of the work. Such in-service training would have the great advantage for those on probation of combining study of the theory and practice of their work. It would also, by its character, have the long term effect of reconciling the two criteria for appointments laid down in paragraph 3 of Article 101 of the Charter, namely personal capacity and geographical distribution.

56. Machinery should be established by the Secretary-General to ensure the participation of the staff on questions affecting appointment and promotion. While no administrative pattern has been recommended, attention is called to practices which exist in other national and international organizations.

57. The Secretary-General should take the necessary steps to ensure that no persons who have discredited themselves by their activities or connections with Fascism or Nazism shall be appointed to the Secretariat.

58. An international civil service commission should be established by the Secretary-General* after consultation with the heads of the specialized agencies, to advise him on the methods of recruitment for the Secretariat and on the means by which common standards of recruitment may be ensured.

E: Conditions of Employment

Duration of Appointments, Probation, etc.

59. Unless members of the staff 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 members of the staff 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 dependant upon them for their future. Finally, it is important that the advantages of experience should be secured and sound administrative traditions established within the Secretariat.

60. For these reasons, it is essential that the bulk of the staff should consist of persons who will make their career in the Secretariat. They should be given contracts for an indeterminate period subject to review every five years on the basis of reports by their superior officers. An appointment should not be terminated to make way for the appointment of a person of some other nationality or for other reasons not connected with the staff member's own work.

61. It is clearly neither possible nor desirable, however, to recruit the entire Secretariat on a permanent basis. Assistant Secretaries-General, Directors and such other principal higher officers as the Secretary-General may determine should be appointed under contracts not to exceed

* See footnote to paragraph 19, Section 1.

five years, subject to the possibility of renewal. 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 likely to be required for the performance of urgent and exceptional tasks. He must also be in a position to make temporary appointments from geographical regions 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 Secretariat, so that personal contacts between the Secretariat and national administrations may be strengthened and a body of national officials with international experience created. The attention of national governments should be drawn to the desirability of establishing a system of secondment which is common practice in many countries. Where this presents difficulties, consideration might well be given to leave without pay to cover the duration of the proposed assignment with the United Nations.

62. Under the Draft Provisional Staff Regulations, the Secretary-General is required to establish a system of probation for new appointments. It is clear, however, that for many appointments a period of probation would not be appropriate.

63. A special advantage of the probationary period is that it might conveniently be combined with the system of in-service training recommended in paragraph 55. The probation should not be a mere formality, but a genuine testing of the staff member's suitability for his particular post. Not all persons are suited to international work, and failure to retain a staff member after his probation ought not necessarily to reflect on his general ability.

64. The normal age of retirement should be 60 years. In exceptional circumstances the Secretary-General might extend this age-limit in yearly periods up to 65 years if it would be in the interest of the United Nations to do so.

65. Any contract should be terminable by the Secretary-General under the conditions set forth in Regulation 22 of the Draft Provisional Staff Regulations, if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

66. Provisions for disciplinary measures and the termination of appointments are set forth in the Draft Provisional Staff Regulations. The purpose of these provisions is to assure adequate protection to all members of the staff while at the same time making it possible to terminate an appointment for serious misconduct or persistent failure to give satisfactory service. As in the case of promotion and appointments (*see* paragraph 56 above), no specific internal machinery is suggested for the application of disciplinary measures. Under the Draft Provisional Staff Regulations, the Secretary-General would be required to establish machinery for enquiry and appeal, and his attention should be called to the provisions in this field which have been used by other national and international organizations.

Salaries, Allowances and Pensions

67. The salary and allowances of the Secretary-General should be such as to enable a man of eminence and high attainment to accept and fulfil with dignity the high responsibility of the post. 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 specialized agencies.

68. In general, it would be desirable to establish comparable salary and allowance scales for the staffs of the United Nations and the various specialized agencies so as to avoid inter-agency competition for personnel and facilitate interchanges of staff. 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.

69. Under Article 8 of the Charter, there can be no differentiation in rates of pay for men and women doing equivalent work.

70. Certain factors referred to in Recommendation 25 of Section I of this chapter are not subject to precise assessment. Others cannot be evaluated until after the seat of the Organization has been selected. Therefore only suggestions of a general character can be made at this stage. Recommendations 15 and 24 of Section I of this chapter set forth that the General Assembly should establish the salaries for the Secretary-General, the Assistant Secretaries-General and Directors, and that during the initial organizational stage the Secretary-General should, subject to the budgetary provisions adopted by the General Assembly, be given the responsibility for setting the salary ranges below the position of Director, with the aid of a consultative body designated by the General Assembly.

71. No recommendation on a specific figure for the cash emoluments of the Secretary-General is made. The General Assembly, early in the First Part of its First Session, will wish to consider the total emoluments of the Secretary-General, including basic salary, hospitality allowances, and provision for an official residence, adequately furnished and staffed. In addition, the Advisory Group of Experts has been requested to submit as early as practicable to the First Part of the First Session of the General Assembly, recommendations concerning the basic salaries of the posts of Assistant Secretary-General and Director, hospitality allowances for the post of Assistant Secretary-General and, in as much detail as possible, the tentative staff classification system and its related salaries. Children's allowances should be included as a supplement to basic salaries, and consideration should be given to the possibility of special allowances for expatriation and the cost of the initial installation of staff members at the seat of the Organization.

72. An adequate staff retirement system should be established. The Advisory Group of Experts has been asked to study this question and to submit to the First Part of the First Session of the General Assembly recommendations for the establishment of a provisional scheme. The Secretary-General at the Second Part of the First Session of the General Assembly should submit recommendations for a permanent scheme.

73. Principles governing travel allowances for members of the staff of the Organization have been outlined in the Draft Provisional Staff Regulations. They were prepared on the basis that the Organization should assume the travelling expenses of its staff when travelling on official business. Under detailed provisions to be established by the Secretary-General, the Organization should reimburse the removal costs and the travel expenses of staff members and their families upon appointment, upon change of official station, and upon termination of appointment. The Organization should also provide for travel expenses of staff members, their wives and dependent children, on home leave to their country of residence at periodic intervals.

Other Conditions of Employment

74. An Administrative Tribunal should be established at an early date. It should be competent to adjudicate on any dispute arising in connection with the fulfilment of an official's contract. The Secretary-General should be authorized to appoint a small advisory committee, possibly including representatives of the staff, to draft for submission to the Assembly a statute for this Tribunal. The Tribunal might include an expert on relations between employers and employees in addition to legal experts.

75. The Draft Provisional Staff Regulations are recommended to the General Assembly for adoption. They are intended to provide the general policies to govern and guide the Secretary-General until such time as they can be revised in the light of experience. In addition, Draft Provisional Staff Rules have been drawn up by the Preparatory Commission for transmission to the Secretary-General for his general guidance.

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 Organization are international civil servants, 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 only 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 Organization. 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 accepting their appointment, all members of the staff shall subscribe to the following oath or declaration :

" I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion, and conscience the functions entrusted to me as a member of the international service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only 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 Organization."

Regulation 3

The oath or declaration shall be made orally by the Secretary-General and Assistant Secretaries-General at a public meeting of the General Assembly, and by the other higher officers in public before the Secretary-General or his authorized deputy.

Regulation 4*

The immunities and privileges attaching to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member concerned shall immediately report to the Secretary-General, with whom alone it rests to decide whether they shall be waived.

Regulation 5

Members of the staff shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any other person any unpublished information known to them by reason of their official position except in the course of their duties or by authorization of the Secretary-General.

Regulation 6

Members of the staff shall avoid any action, and in particular any kind of public pronouncement or activity, which may adversely reflect on their position as international civil servants. They are not expected to give up their national sentiments or their political and religious convictions; but they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

* There is a discrepancy, in substance as well as in form, between this Regulation and the Draft Convention on Privileges and Immunities (Chapter VII, Appendix B). The Draft Convention, adhering to the terms of Article 105, paragraph 2 of the Charter, speaks of the privileges and immunities of "officials" and states that by this term it is intended "to cover all ranks of the Secretariat and all those who have to make the declaration of loyalty to the Organization . . . but not to include local employees, such as office cleaners, motor-car drivers, etc."

Objections having been raised in the Administrative and Budgetary Committee of the Preparatory Commission to creating any distinctions between categories of persons employed by the Organization, the term "staff member" or "member of the staff" has been used throughout the Draft Provisional Staff Regulations and Rules for the term "official," and is deemed to cover all those who make the declaration of loyalty to the Organization.

Regulation 7

No member of the staff shall accept, hold, or engage in any office or occupation which in the opinion of the Secretary-General is incompatible with the proper discharge of his duties with the United Nations.

Regulation 8

Any member of the staff who becomes a candidate for a public office of a political character shall resign from the Secretariat.

Regulation 9

No member of the staff shall accept any honour, decoration, favour, gift or fee from any Government or from any other source external to the Organization during the period of his appointment, except for war services.

II.—APPOINTMENT, PROBATION AND PROMOTION**Regulation 10**

Men and women are equally eligible for all posts in the Secretariat.

Regulation 11

So far as practicable, appointments to posts in the Secretariat shall be made on a competitive basis.

Regulation 12

Persons appointed to permanent posts in the Secretariat shall serve such probationary period as may be prescribed by the Secretary-General.

Regulation 13

The Secretary-General shall provide facilities to train members of the staff in subjects relating directly or indirectly to their duties. This training shall apply particularly to members on probation whose earlier educational opportunities have been inadequate or whose language qualifications are deficient.

Regulation 14

With due regard to the maintenance of the staff on as wide a geographical basis as possible and without prejudice to the inflow of fresh talent at the various levels, vacancies shall be filled by promotion of persons already in the service of the United Nations in preference to appointments from outside. This consideration shall also be applied, on a reciprocal basis, to the specialized agencies brought into relationship with the Organization.

Regulation 15

The Secretary-General shall provide machinery through which members of the staff may participate in the discussion of questions relating to appointment and promotion.

III.—SALARIES**Regulation 16**

Pending the adoption of a permanent classification plan, the salaries of the members of the staff other than Assistant Secretaries-General and Directors shall be determined by the Secretary-General within a range between the salary adopted by the General Assembly for the post of Director and the best salaries and wages paid for stenographic, clerical, and manual work at the seat of the United Nations.

IV.—HOURS OF WORK**Regulation 17**

The whole time of members of the staff shall be at the disposal of the Secretary-General. The Secretary-General shall establish a normal working week.

V.—LEAVE

Regulation 18

Members of the staff shall be allowed sick leave, maternity leave, special leave, annual local leave and home leave, as prescribed by the Secretary-General.

VI.—DISCIPLINARY MEASURES

Regulation 19

The Secretary-General may impose disciplinary measures on members of the staff whose conduct or work is unsatisfactory. He may discharge a member of the staff who persistently fails to give satisfactory service. He may summarily dismiss a member of the staff for serious misconduct.

VII.—TERMINATION OF APPOINTMENTS

Regulation 20

The normal age of retirement for members of the staff shall be 60 years. In exceptional circumstances the Secretary-General may, in the interest of the Organization, extend this age limit up to 65 years if it would be in the interest of the United Nations to do so.

Regulation 21

The Secretary-General may terminate the appointment of a member of the staff if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

Regulation 22

If the Secretary-General terminates an appointment under Regulation 21 he shall give at least three months' notice and pay an indemnity equivalent to at least three months' salary. The amount of the indemnity shall be increased with length of service up to a maximum of nine months' salary. These provisions of notice and indemnity shall not apply to probationers, to persons holding short-term contracts, or to persons summarily dismissed.

Regulation 23

The Secretary-General shall establish administrative machinery for enquiry and appeal in disciplinary and termination cases. This machinery shall provide for staff participation.

VIII.—TRAVELLING EXPENSES AND ALLOWANCES

Regulation 24

The travel expenses and travel allowances of members of the staff in respect of authorized journeys on the business of the United Nations shall be paid by the Organization subject to such conditions as may be prescribed by the Secretary-General.

Regulation 25

Subject to such conditions as may be prescribed by the Secretary-General, the United Nations shall pay the removal costs and the travel expenses and travel allowances of members of the staff and, in appropriate cases, their wives and dependent children

(a) upon appointment to the Secretariat and on subsequent change of official station;

(b) at appropriate intervals for a journey to and from the place recognized as the staff member's home at the time of initial appointment; and

(c) upon termination of appointment.

Regulation 26

These regulations may be supplemented or amended by the General Assembly without prejudice to the acquired rights of members of the staff.

Regulation 27

The Secretary-General shall report annually to the General Assembly such staff rules and amendments thereto as he may make to implement these regulations.

Section 4: Draft Provisional Staff Rules

I.—APPOINTMENT

Rule 1

A register shall be kept of the current applications for employment in the Secretariat which appear to merit consideration. Definite time periods shall be established for each main category of posts after which applications shall be considered to be invalid. The valid applications of persons who appear to possess suitable qualifications shall be examined whenever it is proposed to make a new permanent appointment.

Rule 2

Upon appointment every member of the staff shall receive a letter of appointment signed by the Secretary-General or his authorized deputy. This letter shall cover the following conditions: the classification category, if any; the initial salary rate and other basis of remuneration; the tenure of appointment; the period of probation, if any; and any special conditions which may be applicable to the appointment. The letter shall state that the appointment is subject to the Staff Regulations and Staff Rules of the United Nations, a copy of which shall be attached, and to all supplements and amendments which may be made thereto. The appointee in accepting appointment shall sign and return to the Secretary-General or his authorized deputy a letter of acceptance which states that he agrees to the conditions set forth in the letter of appointment and subscribes to the oath of office in Regulation 2 of the Staff Regulations. The letter of appointment and the letter of acceptance shall constitute the contract of employment.

Rule 3

Members of the staff shall be assigned their duties by the Secretary-General or by his authorized representatives. Subject to the terms of his appointment a staff member may be required to work in any department or activity of the Secretariat, but in making assignments the qualifications of each individual shall receive consideration.

Rule 4

Staff members upon their appointment shall as a rule be required to undergo an examination by an authorized representative of the medical staff of the Organization, and no appointment shall be confirmed until the medical staff has issued a certificate that the appointee is free from any defect or disease that would interfere with the proper discharge of his duties.

II.—PROBATION

Rule 5

The period of probation shall be twelve months, except when otherwise provided in the letter of appointment.

Rule 6

At least one month before the end of a probationary period, the superior officer of the appointee shall submit a report evaluating his performance and official conduct and making a specific recommendation as to whether the appointment should be confirmed.

III.—HOURS OF WORK

Rule 7

The normal work week for the staff of the Secretariat shall be forty hours.*

Rule 8

Except in cases of necessity, attendance at the office of the Organization shall not be required on Sunday or on such public holidays as the Secretary-General may decide.

* Upon the selection of the site of the United Nations additional rules should be promulgated covering official overtime which might be required of the staff. Decision as to compensatory leave or overtime pay for various salary grades of the Organization should be drawn up after taking into account local practices on these matters.

IV.—ANNUAL LEAVE AND SPECIAL LEAVE

Rule 9

Annual leave on full pay shall be granted to members of the staff in accordance with the following provisions :

(a) all staff members who are appointed for periods of one year or longer, at the cumulative rate of two and one-half working days for each completed month of service ;

(b) a staff member who is recruited from a state other than the host state shall, in addition, be entitled every two years to home leave consisting of twelve working days† plus actual travelling time by an approved route to and from the place recognized as the staff member's home at the time of initial appointment ; and

(c) staff members who are appointed for periods of less than one year, at the rate of two and a half 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.

Rule 10

As a general practice members of the staff shall 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 earned in subsequent years, provided always that the total amount of accumulated annual leave shall not exceed one hundred working days.

Rule 11

On leaving the service of the United Nations for any reason except summary dismissal, a member of the staff who for reasons of service has been unable to exhaust the annual leave to which he is entitled, before the end of his appointment, shall be paid an equivalent sum of money in lieu thereof.

Rule 12

Special leave, with or without pay, may be granted for advanced study or research in the interest of the United Nations or for other exceptional or urgent reasons.

Rule 13

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 member of the staff.

V.—SICK LEAVE AND MATERNITY LEAVE

Rule 14

Members of the staff shall be entitled to accumulated sick leave at the rate of one and one-half working days per month on full pay. The maximum of sick leave which may be accumulated shall be ninety working days.

Rule 15

After exhausting accumulated sick and annual leave, permanent staff members with more than three years service may be granted additional sick leave on half pay up to a maximum of six months.

Rule 16

A member of the staff who is entitled to sick leave and who is absent on account of illness or accident for more than three consecutive working days shall file a certificate from a duly qualified practitioner indicating the nature and probable duration of the illness and stating that the staff member is unable to perform his duties. The Secretary-General may designate a medical officer to visit staff members who are on sick leave.

† In the Technical Committee one Delegation expressed a preference for "entitled every year to home leave consisting of eight working days".

Rule 17

If the number of working days during which a member of the staff entitled to sick leave is absent in any period of twelve consecutive months without producing an appropriate certificate exceeds twelve in the aggregate, the number in excess of twelve shall be deducted from his annual leave.

Rule 18

After the exhaustion of the sick leave allowed under these rules additional sick leave without pay may be granted. In the event of protracted sickness, the appointment may be terminated on grounds of ill health.

Rule 19

The termination of appointment shall, on the date on which the appointment ends, cancel any claim which a member of the staff may have to sick leave.

Rule 20

Permanent members of the staff shall be allowed maternity leave on full pay, which shall not count as sick leave, for a period not exceeding six weeks before and six weeks after confinement. The leave period after confinement shall be obligatory, and after the expiration of this leave nursing mothers shall be allowed extra time off.

VI.—RESIGNATION AND TERMINATION OF APPOINTMENT

Rule 21

Any permanent member of the staff may resign his position on giving six months notice in writing. The Secretary-General may, at his discretion, accept resignations on shorter notice.

Rule 22

Any member of the staff who so requests shall, on leaving the service of the United Nations, be given a certificate relating to the nature of his duties and the length of his service. On the written request of the staff member concerned, the certificate shall also refer to the quality of his work and his official conduct.

Rule 23

Subject to the provisions of the Staff Regulations and his contract, the tenure of appointment of every staff member shall be conditional upon good conduct and the efficient performance of his duties.

VII.—DISCIPLINARY MEASURES

Rule 24

Disciplinary measures may be imposed upon any staff member in the event of misconduct or unsatisfactory work.* In order of severity, disciplinary measures shall include oral warning, written reprimand or censure, transfer to an inferior post, reduction of salary, suspension with or without pay, discharge or summary dismissal. If a charge of serious misconduct is made against a member of the staff and the Secretary-General considers that the charge is *prima facie* well founded and that the staff member's continuance in office pending an investigation of the charge would prejudice the service, the staff member may be suspended from his functions pending investigation, the suspension being without prejudice to the rights of the staff member.

Rule 25

Only the Secretary-General or his authorized deputy may order the discharge of a member of the staff, who shall be given an opportunity to state his case in writing.

* Criteria should be developed on satisfactory work.

VIII.—TRAVELLING EXPENSES AND ALLOWANCES

Rule 26

Members of the staff travelling on the business of the United Nations or assigned to temporary duty at a distance from their ordinary place of residence shall receive during their displacement a per diem subsistence allowance or a mission allowance sufficient to cover the extra personal expenditure occasioned by the displacement.

Rule 27

Every member of the staff shall be reimbursed for the cost of moving personal effects from the place at which he was resident at the time of his appointment to the place to which he is required to report for duty. During the period of travel he shall receive a per diem subsistence allowance.

Rule 28

A member of the staff appointed for a period of not less than one year shall, after confirmation of his appointment, be reimbursed for the travelling expenses, including cost of transport of personal effects, of his wife and dependent children from their place of ordinary residence at the time of his appointment to the place at which the staff member is assigned to duty. During the period of travel a per diem subsistence allowance shall also be paid in respect of his wife and dependent children.

Rule 29

A member of the staff appointed for a period of not less than three years shall, upon confirmation of his appointment, be reimbursed for the costs of removal of his furniture up to a determined volume and weight, from the place where he was normally resident at the time of his appointment to the place where he is assigned to duty.

Rule 30

A member of the staff who is required to change his residence as a consequence of being transferred permanently for a substantial period to another office of the Organization shall be paid a per diem subsistence allowance for and the travelling expenses of himself, his wife and dependent children, and be reimbursed for the cost of the removal of his furniture and personal effects up to a determined volume and weight.

Rule 31

A member of the staff who spends all or part of his annual leave at the place recognized as his home at the time of his initial appointment shall be entitled to be paid every two years, in respect of himself, his wife and dependent children, the cost of one journey by an approved route and type of transport, to and from such place.*

Rule 32

On leaving the services of the Secretariat every member of the staff shall be reimbursed for the travelling expenses, including the removal of his personal effects and furniture 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 for the ordinary time of travel. In addition, after one year's service, a member of the staff leaving the Secretariat shall be reimbursed for his travelling expenses and granted a subsistence allowance for his wife and dependent children.

*In the Technical Committee one Delegation considered that this privilege should be granted every year in respect of the official, and every third year in respect of his wife and dependent children.

**Annex: Recommendations of the Technical Advisory Committee
on Information concerning the Policies, Functions and Organization
of the Department of Public Information**

The United Nations cannot achieve the purposes for which it has been created unless the peoples of the world are fully informed of its aims and activities.

Therefore

The Technical Advisory Committee on Information makes the following recommendations :

1. A Department of Public Information should be established under an Assistant Secretary-General.

2. The activities of the Department of Public Information should be so organized and directed as to promote to the greatest possible extent an informed understanding of the work and purposes of the United Nations among the peoples of the world. To this end the Department should primarily assist and rely upon the co-operation of the established governmental and non-governmental agencies of information to provide the public with information about the United Nations. The Department of Public Information should not engage in "propaganda." It should on its own initiative engage in positive informational activities that will supplement the services of existing agencies of information to the extent that these are insufficient to realize the purpose set forth above.

3. The United Nations should establish as a general policy that the press and other existing agencies of information be given the fullest possible direct access to the activities and official documentation of the Organization. The rules of procedure of the various organs of the United Nations should be applied with this end in view.

4. Subject to the general authority of the principal organs of the United Nations, responsibility for the formulation and execution of information policy should be vested in the Secretary-General and under him in the Assistant Secretary-General in charge of the Department of Public Information.

5. When negotiating an agreement with a specialized agency the Economic and Social Council should be requested to take into consideration the matter of co-ordinated information services and of a common information policy, and to consult with the Secretary-General concerning each individual agreement.

6. In order to ensure that peoples in all parts of the world receive as full information as possible about the United Nations, the Department of Public Information should consider the establishment of branch offices at the earliest practicable date.

7. The functions of the Department of Public Information appear to fall naturally into the following categories: press, publications, radio, films, graphics and exhibitions, public liaison and reference.

8. The Department should provide all the services for the daily, weekly and periodical press, both at the headquarters of the United Nations and through its branch offices, that may be required to ensure that the press is supplied with full information about the activities of the United Nations.

9. The Department should prepare and publish pamphlets and other publications on the aims and activities of the United Nations, within the limits of the criteria set forth in Recommendation 2.

10. The Department should actively assist and encourage the use of radio broadcasting for the dissemination of information about the United Nations. To this end it should, in the first instance, work in close co-operation with radio broadcasting organizations of the Members. The United Nations should also have its own radio broadcasting station or stations at headquarters with the necessary wavelengths, both for communication with Members and with branch offices, and for the origination of United Nations programmes. The station might also be used as a centre for national broadcasting systems which desire to co-operate in the international field. The scope of the radio broadcasting activities of the United Nations should be determined after consultation with national radio broadcasting organizations.

11. In addition to assisting the newsreel and photographic press agencies, the Department of Public Information should also promote and where necessary participate in the production and non-commercial distribution of documentary films, film strips, posters and other graphic exhibits on the work of the United Nations.

12. The Department and its branch offices should actively assist and encourage national information services, educational institutions and other governmental and non-governmental organizations of all kinds interested in spreading information about the United Nations. For this and other purposes it should operate a fully equipped reference service, brief or supply lecturers, and make available its publications, documentary films, film strips, posters and other exhibits for use by these agencies and organizations.

13. The Department and its branch offices should also be equipped to analyse trends of opinion throughout the world about the activities of the United Nations and the extent to which an informed understanding of the work of the United Nations is being secured.

14. Consideration should be given to the setting up of an Advisory Committee to meet periodically at the seat of the United Nations to discuss and forward to the Secretary-General observations regarding the information policy and programme of the United Nations. This Advisory Committee would be composed of experts appointed on the basis of broad geographical representation, personal qualifications and experience. They would be representative of the various media of information of the Members, and would be in a position to reflect to the Secretary-General the needs and desires of the general public of the Members in the matter of public information about the aims and activities of the United Nations.

15. In order that the Advisory Committee may be as widely representative as possible and receive the maximum support from the information organizations of all Members, the Secretary-General might, in consultation with the governments of the Members, communicate with the representative officers of the leading organizations of the press, radio, film and other media and government information services of the Members on the establishment of such an Advisory Committee.

16. If it is found possible to set up an Advisory Committee, then at a later stage consideration should be given to establishing similarly composed national or regional advisory committees working in touch with the branches of the Department of Public Information.

CHAPTER IX

BUDGETARY AND FINANCIAL ARRANGEMENTS

Section 1: Recommendations Concerning Budgetary and Financial Arrangements

i

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.

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

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. arrangements should be made on the basis of the general principles set out in Section 2 of this chapter for budgetary procedures, the collection and custody of funds, the control of disbursements, and the auditing of accounts ;

2. the Budget of the United Nations should be on an annual basis and the financial year should coincide with the calendar year, 1 January to 31 December ;

3. the Secretary-General, as chief administrative officer, should formulate and present to the General Assembly the Budget of the United Nations ;

4. to facilitate the consideration of administrative and budgetary questions by the General Assembly and its Administrative and Budgetary Committee, the General Assembly should appoint an Advisory Committee on Administrative and Budgetary questions of seven members, at least two of whom shall be financial experts of recognized standing, described in paragraphs 6 to 9, Section 2 of this chapter, with the following functions :

(a) to examine and report on the Budget submitted by the Secretary-General to the General Assembly ;

(b) to advise the General Assembly concerning any administrative and budgetary matters referred to it ;

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

(d) to consider and report to the General Assembly on the auditor's reports on the accounts of the United Nations and of the specialized agencies.

5. the General Assembly should 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 12 to 14 of Section 2 of this chapter, for consideration at the Second Part of the First Session ;

6. the contributions of Members should be assessed and paid in the currency of the state in which the United Nations has its headquarters.

ii

With a view to the integration of the administrative and budgetary planning for the Organization

THE PREPARATORY COMMISSION RECOMMENDS that :

7. the General Assembly at the First Part of the First Session should advise the Secretary-General to appoint at an early date a small advisory group of experts similar to that appointed by the Executive Secretary, maintaining, as far as is desirable, continuity in the composition of the group. The group should have the functions described in paragraphs 23 to 26 of Section 2 of this chapter.

iii

Having made a general examination of the Draft Provisional Financial Regulations submitted by the Advisory Group of Experts :

THE PREPARATORY COMMISSION RECOMMENDS that :

8. the Draft Provisional Financial Regulations, and the observations of certain Delegations thereupon, reproduced in the Annex to this chapter should be referred to the General Assembly as a working paper for its consideration.

iv

Pending the adoption of the first annual Budget of the United Nations, means must be found of meeting and controlling the interim expenditure of the United Nations. The Preparatory Commission has instructed the Executive Secretary, assisted by the Advisory Group of Experts appointed by him, to prepare for submission by the Secretary-General to the First Part of the First Session of the General Assembly, a provisional budget covering the financial period ending 31 December, 1946, including the items of expenditure laid down in paragraphs 18 and 19 of Section 2 of this chapter.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

9. the General Assembly during the First Part of the First Session should approve the provisional budget, and should establish a Working Capital Fund in the manner described in paragraphs 19 and 20 of Section 2 of this chapter.

v

Since the conduct of the budgetary affairs of the United Nations should be placed on a regular basis as early as possible

THE PREPARATORY COMMISSION RECOMMENDS that :

10. the General Assembly, during the Second Part of the First Session, should examine and approve :

- (a) the first annual Budget of the United Nations ;
- (b) the financial report of the Secretary-General on the expenditures of the provisional period ;
- (c) the scale of apportionment proposed by the Committee on Contributions (referred to in Recommendation 5 above) ; and
- (d) the draft financial regulations submitted by the Secretary-General ;

11. the General Assembly during the Second Part of the First Session should appoint the Advisory Committee on Administrative and Budgetary questions referred to in Recommendation 4 above.

vi

The opportunities of Members to participate in the activities of the United Nations should be equalized as far as possible.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

12. for each Member the actual travelling expenses of not more than five representatives or their alternates to and from meetings of the General Assembly should be borne by the United Nations Budget, in accordance with the conditions laid down in paragraph 15 of Section 2 of this chapter.

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 Organization, 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. The budget of the United Nations should be on an annual basis and the financial year should coincide with the calendar year, 1 January to 31 December (Section 1, Recommendation 2).

4. Experience 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. There would appear to be, therefore, *prima facie*, some grounds for fixing 1 October as the beginning of the financial year. On the other hand, more powerful considerations weigh definitely in favour of 1 January. Sufficient time must be given to Members to review the budget voted by the General Assembly before taking the action required to make contributions available to the Organization. Many Members normally consider their annual estimates during the first half of the calendar year. If, therefore, 1 October were chosen, a large portion of the contributions might not actually become available until too late in the Organization's financial year. For these reasons the financial year 1 January to 31 December is to be preferred.

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 Organization 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 Assistant Secretary-General at the head of the Administrative and Financial Services, which would include the Budget Office, will advise the Secretary-General upon these estimates.

Advisory Committee for Administrative and Budgetary Questions

6. Before the budget is considered by the General Assembly, it should be examined on their behalf by a small expert body. A large body like the General 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 General Assembly. The committee would deal with personnel matters only in their budgetary aspects. The members should be selected on the basis of broad geographical representation, personal qualifications and experience, and should serve for relatively long terms.

7. The General Assembly should therefore appoint an Advisory Committee for Administrative and Budgetary Questions :

(a) to examine and report on the budget submitted by the Secretary-General to the General Assembly ;

(b) to advise the General Assembly concerning any administrative and budgetary matters referred to it ;

(c) to examine, on behalf of the General Assembly, the administrative budgets of specialized agencies and proposals for financial arrangements with these agencies ;

(d) to consider and report to the General Assembly on the auditor's reports on the accounts of the United Nations and of the specialized agencies.

8. The Committee should be composed of seven members, at least two of whom should be financial experts of recognized standing ; no two members should be nationals of the same state. Members of the Committee should normally serve for three years, commencing on 1 January in order to coincide with the financial year of the United Nations. In the first instance two members might be elected for one year, two for two years, and three for three years. Members should retire in rotation, and be eligible for re-election ; but the two financial experts should not retire at the same time. Representatives of the staff should have the right to be heard by the Committee.

9. The Advisory Committee for Administrative and Budgetary Questions should be elected by the General Assembly during the second part of the First Session.

The Collection and Management of Funds

10. It would be desirable to study the question of establishing common services for the United Nations and the specialized agencies brought into relationship with the United Nations in regard to the collection and management of funds and also whether such a development would be in the interest both of the Organization and the specialized agencies.

The Currency of Account

11. The greater part of the expenditure of the United Nations will be incurred in the state in which the Organization has its headquarters, and therefore in the currency of that state. If a special internationalized 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 transacted. Considerable parts of the budget and accounts of the Organization 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 Organization for other currencies would only be obtained after consultation with the currency authorities of the Governments concerned.

The Apportionment of Expenses

12. The General Assembly has under Article 17 (2) of the Charter, the duty of apportioning the expenses of the United Nations among Members. After agreeing on certain broad principles, the General 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 General 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 nationals of the same state.

13. The expenses of the United Nations 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. Other factors which should be taken into account in order to prevent anomalous assessments include the following :

- (a) comparative income per head of population, *e.g.*, in the case of populous states with low average income per head ;
- (b) temporary dislocation of national economies arising out of the second world war ;
- (c) the ability of Members to secure foreign currency.

Two opposite tendencies should also be guarded against : some Members may desire unduly to minimise their contributions, 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 contributions and its capacity to pay. 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. Once a scale has been fixed by the General 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.

14. Other functions of the Committee would be :

- (a) to make recommendations to the General Assembly on the contributions to be paid by new Members ;
- (b) to consider and report to the General Assembly on appeals by Members for a change of assessment ; and
- (c) to consider and report to the General 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 Delegates to the General Assembly

15. In principle the actual travelling expenses of representatives or their alternates to and from meetings of the General Assembly should be borne by the United Nations budget, provided that the number of persons whose expenses will be so paid is limited to five in all per Member. The maximum travelling allowances should be restricted to the equivalent of first-class accommodation by recognized public transport *via* an approved route from the capital city of a Member to the place where the General Assembly is meeting, and should not include the payment of subsistence, except where this is included as an integral part of the regular posted schedule for first-class accommodation for recognized public transport. Actual travelling expenses to and from the meetings of the General Assembly of representatives or their alternates should be reimbursed to each Member by means of an adjustment in the Member's annual contribution.

B: Provisional Arrangements

Provisional Budget estimates

16. The first annual budget should be voted by the General Assembly at the Second Part of the First Session.

17. Pending the voting of the first annual budget of the United Nations by the General Assembly, which may not take place before May or June, 1946, it will be necessary to find means of meeting and controlling the interim expenditures of the Organization. In view of the lapse of time required before contributions to the first annual budget would actually be received, the provisional period for which it will be necessary to make financial arrangements (*see* paragraphs 19 and 20 below) should be taken

to cover the whole of the financial period up to 31 December, 1946. Most 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 should be approved by the Assembly during the first part of the first session. Estimates of expenditure might be divided into two portions, the first to cover the period to 30 June, 1946, and the second the period 1 July to 31 December, 1946. The provisional budget would be superseded by the first annual budget at the time of its adoption by the General Assembly at the second part of its first session.

18. As the Secretary-General will not be appointed early enough during the First Part of the First Session of the General Assembly to prepare the provisional budget estimate in time for its approval, the Preparatory Commission has entrusted this task to its Executive Secretary, assisted by the Advisory Group of Experts appointed by him. The estimate should cover the amount likely to be required in the provisional period under suitable broad heads, *e.g.*, salaries, wages, travelling expenses, incidental expenses, rent of buildings, office equipment, library, and contingencies. When the provisional budget had 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 referred to above, up to the total approved in the budget in accordance with the provisional financial regulations to be approved by the General Assembly in the first part of the first session.

Working Capital Fund

19. *The necessary funds should be provided out of a Working Capital Fund. The fund should be fixed at a figure sufficient to cover the following:—

- (a) expenditure of the Organization for the calendar year 1946.
- (b) the cost of the Preparatory Commission; and
- (c) the costs incidental to the convening of the first meeting of the General Assembly incurred prior to 31 December, 1945.

As the first annual budget of the United Nations could not be approved by the General Assembly until the second part of its first session and action could not be taken by members to make the necessary appropriations until after that time, delays may occur before substantial contributions would be actually received from Members. The fund should therefore be large enough to cover the expenditure to be incurred in 1946, with a suitable margin.

20. The Working Capital Fund should consist of advances which would stand to the credit of Members and eventually be set off against the assessed contributions. These advances could be provided in instalments from time to time as funds are required in accordance with a schedule to be determined. The schedule of advances should be reviewed by the General Assembly at its Second Session in September, 1946, in the light of actual expenditures and the budgetary requirements of 1947. From the outset the principle of proportionate allocation of advances among all Members should be established, broadly according to capacity to pay. For this purpose the scale of the Food and Agriculture Organization should be taken.† It should, however, be stressed that the use of the Food and Agriculture Organization scale is merely a matter of convenience and in no sense a precedent for the assessment of contributions. This scale will be superseded as soon as the General Assembly has adopted a scale for the allocation of contributions to the first annual budget.

* The Technical Committee of the Preparatory Commission which prepared this report agreed in principle to paragraphs 19 to 21 on the express understanding that they do not prejudice the financial obligations to be undertaken by the Members at the General Assembly.

† It will be for the General Assembly to determine whether the scale adopted by the F.A.O. for its first or for its second year should be used.

Reservations in regard to the use of the F.A.O. scale were entered on behalf of certain states which were not included in the F.A.O. scales.

21. The need for Working Capital is not limited solely to the provisional period. A Working Capital Fund should form an essential feature of the permanent financial arrangements of the Organization in order to insure means for financing various contingencies.

22. 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 should be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requested, shared by other governments. All such advance should be deductible from the contribution of the Governments concerned to the first annual budget. The gap should be covered by some similar arrangements.

Advisory Group on Administrative, Personnel and Budgetary Matters

23. The General Assembly should advise the Secretary-General immediately after his taking office that he should appoint an advisory group of experts maintaining, as far as is desirable, continuity in personnel with the group of experts appointed by the Executive Secretary. The Advisory Group would assist the Secretary-General in elaborating :

- (a) budgetary and administrative plans ;
- (b) personnel plans ; and
- (c) financial regulations.

Further, it should assist him in the preparation of the first annual budget of the United Nations. It should also tender advice on provisional administrative and budgetary, and personnel arrangements. Members of the Advisory Group should normally be available for advice and assistance to the Secretary-General.

24. The Advisory Group would cease to function at the time of the appointment of the Advisory Committee for Administrative and Budgetary Questions during the second part of the First Session of the General Assembly.

25. The Advisory Group should be selected on the basis of broad geographical representation, personal qualifications and experience, as well as special knowledge of budgetary administrative and personnel problems. It is understood that the Secretary-General when selecting the experts would consult the governments concerned. No two expert advisers should be nationals 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 provisional period in so far as these persons are in Government employment. Their travelling expenses and subsistence should be borne by the United Nations.

26. The foregoing proposals have two principal advantages ; they would ease the transition from the Preparatory Commission stage to the General Assembly stage 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 organizational period of the United Nations.

Financial Planning by the Secretary-General during the provisional period

27. The Secretary-General, after consultation with the Advisory Group referred to above, should be prepared to recommend to the General Assembly during the Second Part of the First Session necessary action on administrative and budgetary questions, including the following :

- (a) the form of the budget ;
- (b) procedure for the examination of the budget by the Advisory Committee for Administrative and Budgetary Questions, and for submission of the Committee's report to the General 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 the submission of the auditor's report to the Advisory Committee and the General Assembly.

**Annex : Draft Provisional Financial Regulations for the
United Nations***

THE FINANCIAL YEAR

Regulation 1

The Financial Year shall be the calendar year, 1 January to 31 December.

THE PROVISIONAL BUDGET

Regulation 2

The Secretary-General shall submit to the first part of the First Session of the General Assembly a provisional budget for the Financial Year 1946. The provisional budget as adopted by the General Assembly shall remain in force pending its substitution by the adoption of the first annual budget of the Organization by the General Assembly during the second part of the First Session.

Regulation 3

Estimates of expenditure to be incurred under the provisional budget shall be divided into two separate parts : the Secretariat and the organs served by it ; the International Court of Justice. The first part shall be divided into general broad headings of expenditure, such as Salaries, Wages, Travelling Expenses, Incidental Expenses, Rent of Buildings, Office Equipment, Library, and Contingencies, and shall be presented in a form to be determined by the Secretary-General after consultation with the Advisory Group of Experts.

Regulation 4

The provisional budget shall cover expenditures for the calendar year 1946, the costs of the Preparatory Commission and the costs incidental to the convening of the First Meeting of the General Assembly incurred prior to 31 December, 1945.

Regulation 5

Transfers by the Secretary-General within the Budget will be permitted during the provisional period and shall be effected only by his written authority.

WORKING CAPITAL FUND

Regulation 6

Expenditures under the provisional budget shall be financed by a Working Capital Fund, to consist of advances made by Members in accordance with a scale of allocation determined by the General Assembly.

Regulation 7

After the General Assembly has adopted the provisional budget, and established the total of the Working Capital Fund, the Secretary-General shall

- (a) inform Members of their maximum commitments in respect of the Working Capital Fund ;
- (b) request them to remit their advances in amounts and at times as may be determined ;
- (c) call upon Members thereafter, from time to time, as funds are required, to remit outstanding instalments of the advances agreed upon.

Regulation 8

All advances to the Working Capital Fund shall be calculated and paid in the currency of the state in which the United Nations is situated.

FIRST ANNUAL BUDGET

Regulation 9

The Secretary-General shall submit the first annual Budget of the United Nations to the General Assembly during the second part of the First Session. He shall arrange for this budget to be examined beforehand by the Advisory Group of Experts.

* A summary of observations on these draft regulations, made by members of the Administrative and Budgetary Committee, is appended.

Regulation 10

Estimates of expenditure to be incurred under the first annual budget should be divided into separate parts and under broad headings of general expenditure as indicated in Article 3. The exact form of estimates shall be determined by the Secretary-General after consultation with the Advisory Group of Experts.

The budget shall be accompanied by :

- (a) a summary of the estimated expenditure under the separate parts divided into the appropriate general headings ;
- (b) a statement of total income ; and
- (c) a statement showing the amount to be contributed by each member in accordance with the approved scale of contributions.

Regulation 11

After the General Assembly has adopted the budget and the total amount voted has been apportioned among Members on the scale agreed upon, the Secretary-General shall transmit all relevant documents to Members and request them to remit their contributions as soon as possible.

CURRENCY OF THE CONTRIBUTION

Regulation 12

The contributions of Members shall be assessed and paid in the currency of the state in which the United Nations has its headquarters.

APPROPRIATION OF FUNDS

Regulation 13

The adoption of the Budget by the General Assembly shall constitute an authorization to the Secretary-General to incur expenditures for the purposes for which credits have been voted up to the amounts so voted. The Secretary-General shall allot in writing the appropriations voted by the General Assembly to the various headings of expenditure prior to the incurring of obligations, commitments or expenditures therefore. He shall keep a record of such allotments and all liabilities incurred showing at all times the amount available under each heading. Transfer by the Secretary-General within the budget shall be effected only by his written authority.

INTERNAL CONTROL

Regulation 14

The Secretary-General shall :

- (a) establish detailed financial rules and budgetary procedure in order to ensure effective financial administration and the exercise of economy ;
- (b) cause an accurate record to be kept of all capital acquisitions and all supplies purchased and used ;
- (c) render to the auditors with the accounts a statement as at 31 December, 1946, showing the supplies in hand and the assets and liabilities of the Organization ;
- (d) cause all payments to be made on the basis of supporting vouchers and other documents which insure that the services or commodities have been received and that payment has not previously been made.
- (e) designate the officials who may incur liabilities and make payments on behalf of the Organization.
- (f) maintain an internal financial control which shall provide for an effective current examination or review of financial transactions in order to ascertain :
 - (i) the regularity of the receipt, disposal and custody of all funds and other financial resources of the Organization ;
 - (ii) the conformity of all expenditure with the estimates voted by the General Assembly ; and
 - (iii) any uneconomic use of the resources of the Organization.

Regulation 15

Where in the discretion of the Secretary-General it seems desirable, tenders for supplies shall be invited by advertisement.

THE ACCOUNTS

Regulation 16

The accounts of the Organization shall be kept in the currency of the state in which the United Nations has its headquarters.

Regulation 17

The accounts shall consist of :

- (a) Budget Accounts showing within the appropriations :
 - (i) the original allotments ;
 - (ii) the allotments after modification by any transfers ;
 - (iii) the actual obligations or expenditures incurred ; and
 - (iv) the unobligated balance of allotments.
- (b) the actual disbursements made ;
- (c) a working capital fund account ;
- (d) property records showing :
 - (i) capital acquisitions ;
 - (ii) equipment and supplies purchased and on hand ; and
- (e) a record which will provide a statement of assets and liabilities at 31 December, 1946.

APPOINTMENT OF EXTERNAL AUDITORS

Regulation 18

Auditors, who shall be persons not in the service of the United Nations, shall be appointed in a manner to be determined by the General Assembly during the second part of its First Session. The auditors shall be appointed for the purpose of auditing the accounts for the period ending 31 December, 1946.

CUSTODY OF FUNDS

Regulation 19

The Secretary-General shall, in consultation with the Advisory Group, designate the bank or banks in which the funds of the Organization shall be kept.

SUMMARY OF OBSERVATIONS ON THE DRAFT PROVISIONAL FINANCIAL REGULATIONS

Article 3

1. Mr. Dao (China) felt that a clarification of " Costs of the Preparatory Commission " was advisable. The Advisory Group of Experts had recommended in another paper (PC/AB/28) that salaries and allowances of staff loaned by Members to the Preparatory Commission should not be reimbursed by the United Nations. He wished it made clear whether " costs " included reimbursement for such seconded staff. The Interim Arrangements had provided that the Preparatory Commission might ask Members to share in the expenses of the Commission, and perhaps the Commission would need to decide whether Members who loaned staff were entitled to reimbursement on the same basis as the Government of the United Kingdom.

2. The Chairman of the Advisory Group explained that the phrase in the financial regulations was intended to be general and not restrictive, and that it would, in effect, be defined by action of the General Assembly when it approved the interim budget.

Article 7

3. Mr. Pitblado (U.K.) believed that it would facilitate consideration of the first annual budget by the United Nations if the budget could be sent, perhaps in provisional form, to Members a little in advance of the second part of the first session. He did not suggest that the Article should specifically lay this down, since he realized that this first budget was in a special category and that there might not be time for what should be the normal procedure.

4. Mr. Ganem (France) expressed agreement with the observations of the Delegate from the United Kingdom.

5. Mr. Biddle (Chairman of the Advisory Group) called attention to the fact that the first annual budget, in replacing the provisional budget, would represent mainly redressive action by adjusting the provisional expenditure estimates in the light of experience.

Article 13

6. Mr. Hugesson (Canada) observed that the auditing provisions covered only expenditures to the end of 1946. The Chairman of the Advisory Group explained that permanent financial regulations would replace the provisional regulations at the second part of the first session of the Assembly or at its second session.

CHAPTER X

THE PERMANENT HEADQUARTERS OF THE UNITED NATIONS

Section 1 : Recommendations Concerning the Location of the Headquarters of the United Nations

The United Nations should have its permanent headquarters located in a site which offers the greatest facilities and the best environmental conditions for the setting up of its organs and the discharge of their duties under the Charter.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. the permanent headquarters of the United Nations should be located in the United States of America ;
2. the site of the permanent headquarters should be in the east of the United States of America ;
3. the specific site should be determined by the First Part of the First Session of the General Assembly on the basis of recommendations to be prepared by the Interim Committee established by the Preparatory Commission (Section 2 of this chapter) ; and
4. the agreement to be entered into between the competent authorities of the United States of America and the Secretary-General of the United Nations should be negotiated with reference to the general principles set forth in the Draft Convention on Privileges and Immunities and in the Draft Treaty with the United States of America, which are transmitted as working papers for consideration by the General Assembly in Appendices B and C of Chapter VII.

Section 2 : Report Concerning the Establishment of an Interim Committee for the Selection of a Definite Site

THE PREPARATORY COMMISSION REPORTS to the General Assembly that it did not find it possible to prepare a final recommendation as to any particular site owing to the fact that it had received a large number of spontaneous invitations from states, municipalities and public-spirited citizens of the United States of America to establish the permanent headquarters of the United Nations in their respective communities, and that new offers and suggestions were still forthcoming.

In order to give due and equitable consideration to these invitations and offers, the Preparatory Commission resolved on 23 December, 1945, that :

1. the hearings of deputations and the reception of further offers by the Preparatory Commission should terminate forthwith ;
2. the material which has been collected both in the hearings and by the Secretariat, should be handed over to an Interim Committee, which should begin its work immediately after the final meeting of the Preparatory Commission ;
3. there should be set up forthwith an Interim Committee, of not more than 12 members, representing the following states : Australia, China, Cuba, France, Iran, Iraq, the Netherlands, Poland, the Soviet Union, the United Kingdom, Uruguay and Yugoslavia ;
4. the Interim Committee should determine the qualifications and standards for the choice of the site, as closely as possible on the basis of the criteria set forth in Section 2 of Chapter X of the Report by the Executive Committee ;
5. the Interim Committee should have the following terms of reference :
 - (a) to establish the qualifications and standards for the choice of the site for the permanent headquarters of the United Nations in the light of the criteria set forth in Section 2 of Chapter X of the Report by the Executive Committee and of the decision to locate the permanent headquarters in the east of the United States of America ;

(b) to examine the material which has so far been received, in the light of the qualifications and standards mentioned above ;

(c) to eliminate from consideration those cities and localities which do not satisfy the established qualifications and standards ;

(d) to receive new offers and, whenever it feels it desirable, invite deputations or suggest additional cities and localities on its own initiative ;

(e) to inspect, at its discretion, any cities or areas before making its final selection ;

(f) to report on a list of not more than six cities or areas, as early as possible during the First Part of the First Session of the General Assembly ; and

(g) to examine and prepare a revised draft of the proposed treaty between the United States of America and the United Nations, for eventual submission to the General Assembly.

For the purpose of determining the precise character of any legal questions which may arise in connection with the choice of a definite site and the effect of this choice upon the terms of the Draft Treaty and General Convention and other agreements which may have to be concluded with the competent authorities of the United States of America, the Interim Committee may consult with representatives of these authorities.

Section 3: Recommendations Concerning the Establishment of a Planning Commission

The Secretary-General will require technical advice in deciding upon the temporary facilities required by the United Nations immediately upon the designation of a definite site by the General Assembly. He will also require the co-operation of experts in planning the most modern and efficient permanent installations for the Organization.

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that :

1. the General Assembly should authorize the Secretary-General to make, in consultation with a Planning Commission, the necessary material arrangements for holding the Second Part of the First Session of the General Assembly. The duty of the Planning Commission would be to advise the Secretary-General on all matters connected with the adequate housing of the General Assembly, and other principal organs, pending the construction by the United Nations of its own premises ;

2. should the General Assembly so decide, the Government of the United States of America might be asked to designate the architects and experts in office equipment, acoustics, construction, city planning and other related matters, who should constitute the Planning Commission ;

3. should the recommendation in paragraph 2 not be carried out the members of the Planning Commission should be nominated by the Secretary-General and approved by the General Assembly. The Chairman should be a high official of the Secretariat, appointed by the Secretary-General ;

4. the Planning Commission should present definite recommendations regarding the temporary and permanent buildings and the material facilities to be provided for the United Nations in the United States of America ; and

5. the report on the buildings and material facilities required for the headquarters of the United Nations (contained in Section 4, Chapter X, of the Report by the Executive Committee) should be transmitted to the Planning Commission through the Secretary-General.

CHAPTER XI

THE LEAGUE OF NATIONS

THE ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE OF NATIONS AND THE TRANSFER TO THE UNITED NATIONS OF THE ASSETS OF THE LEAGUE

Section 1 : Functions and Powers Belonging to the League of Nations under International Agreements

THE PREPARATORY COMMISSION RECOMMENDS that the General Assembly of the United Nations should, during the First Part of its First Session, adopt the following resolution regarding the assumption by the United Nations of certain functions and powers hitherto exercised by the League of Nations which it may be considered desirable to assume on terms to be arranged.

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 the continuance of which after the dissolution of the League, it is, or may be, desirable that the United Nations should provide.

Certain Members of the United Nations, which are parties to some of these instruments and are members of the League of Nations, have informed the General Assembly that at the forthcoming session of the Assembly of the League they intend to move a resolution whereby the members of the League would, so far as this is necessary, assent and give effect to the steps contemplated below.

Therefore

1. The General Assembly reserves the right to decide, after due examination, not to assume any particular function or power, and to determine which organ of the United Nations or which specialized agency brought into relationship with the United Nations should exercise each particular function or power assumed.

2. The General Assembly records that those Members of the United Nations which are parties to the instruments referred to above assent by this Resolution to the steps 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.

3. The General Assembly declares that the United Nations is willing, in principle and subject to the provisions of this Resolution and of the Charter of the United Nations, to assume the exercise of certain functions and powers previously entrusted to the League of Nations, and adopts the following decisions, set forth in A, B, and C below.

A. Functions pertaining to a Secretariat

Under certain of the instruments referred to at the beginning of this Resolution, the League of Nations has, for the general convenience of the parties, undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions, pertaining to a secretariat, which do not affect the operation of the instruments and do not relate to the substantive rights and obligations of the parties. These functions include: the receipt of additional signatures and of instruments of ratification, accession and denunciation; receipt of notice of extension of the instruments 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; the issue of certified copies; and the circulation of information or documents which the parties have undertaken to communicate to each other. Any interruption in the performance of these functions would be contrary to the interests of all the parties. It would be convenient for the United Nations to have the custody of those instruments which are connected with activities of the League of Nations and which the United Nations is likely to continue.

Therefore

The General Assembly declares that 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 functions, pertaining to a secretariat, formerly entrusted to the League of Nations.

B. Functions and Powers of a Technical and Non-Political Character

Among the instruments referred to at the beginning of this Resolution 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. Certain of these instruments are intimately connected with activities which the United Nations will or may continue.

It is necessary, however, to examine carefully which of the organs of the United Nations or which of the specialized agencies brought into relation with the United Nations should, in the future, exercise the functions and powers in question, in so far as they are maintained.

Therefore

The General Assembly is willing, subject to these reservations, to take the necessary measures to ensure the continued exercise of these functions and powers.

C. Functions and Powers under Treaties, International Conventions, Agreements and Other Instruments having a Political Character

The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character.

Section 2: Non-Political Functions and Activities of the League of Nations other than those Mentioned in Section 1

THE PREPARATORY COMMISSION RECOMMENDS that:

1. the General Assembly should request the Economic and Social Council to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations in order to determine which of them should, with such modifications as are desirable, be assumed by organs of the United Nations or be entrusted to specialized agencies which have been brought into relation with the United Nations. Pending the adoption of the measures decided upon as the result of this examination, the Council should, on the dissolution of the League, assume and continue provisionally the work hitherto done by the following League departments: the Economic, Financial and Transit Department, particularly the research and statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the secretariats of the Permanent Central Opium Board and Supervisory Body;

2. provision should be made for taking over and maintaining in operation the Library and Archives and for completing the League of Nations Treaty Series; and

3. the General Assembly should express to the Secretary-General the opinion that it is also desirable to engage for the work, referred to in paragraphs 1 and 2 above, on appropriate terms, such members of the experienced personnel by whom it is at present being performed as the Secretary-General may select.

THE PREPARATORY COMMISSION BELIEVES that the foregoing recommendations cover all the parts of the Report by the Executive Committee relating to the transfer of functions, powers and activities of the League of Nations, with the exception of paragraph 9 which deals with the assumption by the United Nations of functions and powers connected with public loans issued with the assistance of the League of Nations. The Preparatory Commission makes no recommendation on this subject; it considers that it can be brought by any interested government before the Economic and Social Council.

Section 3: Recommendation Concerning the Transfer of the Assets of the League of Nations to the United Nations

On 18 December, 1945, the Preparatory Commission set up a committee to enter, on its behalf, into discussion with the League of Nations Supervisory Commission, which has been duly authorized by the members of the League of Nations, for the purpose of establishing a common plan for the transfer of the assets of the League of the United Nations on such terms as are considered just and convenient. This plan will be subject, so far as the United Nations is concerned, to approval by the General Assembly.

The committee consists of one representative designated by the Delegations of each of the following eight Members: Chile, China, France, Poland, South Africa, the Soviet Union, the United Kingdom and the United States of America.

The committee should consult the duly authorized representatives of the International Labour Organization on questions connected with the transfer which affect that organization. The committee was instructed to have regard to the views expressed in paragraphs 24, 25, 28-31 of the "Report on the Transfer of Certain Functions, Activities and Assets of the League of Nations" (Report by the Executive Committee, pages 112-114).

Therefore

THE PREPARATORY COMMISSION RECOMMENDS that the plan developed as a result of these discussions be submitted for approval to the General Assembly, if possible during the First Part of the First Session.

APPENDIX I

(a) Language Rules Adopted at San Francisco by the Steering Committee of the United Nations Conference on International Organization**Extract from Rules of Procedure****VI. Languages**

1. English, Russian, Chinese, French and Spanish shall be the official languages of the Conference.

2. English and French shall be the working languages of the Conference.

3. At Plenary Sessions of the Conference addresses in English or French shall not be interpreted into the other language unless the speaker so requests, but a translation will appear subsequently in the Verbatim Minutes.*

Delegates shall be free to use any other language besides English or French, but in this case they shall provide interpretations thereof into either English or French at their choice. Interpretations will be provided by the Secretariat into the other of these two languages if the speaker so requests. As regards meetings of Commissions, Technical Committees, and Sub-Committees, interpretations from English into French and from French into English will be provided. Delegates shall be free in these bodies also to speak in any other language, but shall provide their own interpretations into either English or French at their choice; the Secretariat will provide interpretations into the other of these two languages if the speaker so requests.

4. The Dumbarton Oaks Proposals, as supplemented at the Crimea Conference and by the Chinese Proposals agreed to by all of the Sponsoring Governments, will be issued in each of the five official languages as the first document of the Conference.

5. The final text of the Charter will be prepared and opened for signature in each of the five official languages. If time does not permit the completion of the texts in each of these languages before the closing of the Conference, the texts which have not been completed by that time shall be opened for signature at a later date.

6. All Conference documents, records, and the official *Journal* will be issued in the two working languages of the Conference.

7. The following categories of documents will be published (i.e., issued in printed, mimeographed, hectographed, or other appropriate form) upon request in any or all of the five official languages in addition to English and French.

(a) All proposals presented to the Conference or its subordinate bodies.

(b) All decisions of plenary sessions, commissions, or committees.

(c) Summaries or records of meetings of the committees or sub-committees.

(b) Language Rules Proposed in the Report by the Executive Committee to the Preparatory Commission**General Assembly****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.

* In order to facilitate prompt publication in the Verbatim Minutes, delegates addressing the Plenary Sessions are requested to furnish to the Secretary-General the text of their addresses, preferably with an English or French translation, at least twenty-four hours in advance.

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.

Security Council**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.

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.

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.

(c) Extract from the Summary Record of the Twelfth Meeting of the Technical Committee on the General Assembly, at which Language Rules were Discussed

Chairman : Mr. Erik COLBAN (Norway).

Provisional Rules of Procedure for the General Assembly: Chapter 1, section 3 of the Report by the Executive Committee.

Rules 57 to 66

In initiating the discussion of the Rules on Languages, the CHAIRMAN suggested that the Committee might either accept the proposal of the Steering Committee that " the Rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided " (PC/GA/25, page 5), or adopt, with or without modification, Rules 57 to 66 on Languages, as unanimously put forward by the Executive Committee.

Mr. PARRA VELASCO (Ecuador) emphasized the importance of defining the precise nature of the San Francisco rules, and the Delegates for EGYPT, CUBA, the LEBANON and CHILE supported this view. It was emphasized that the practice of the San Francisco Conference in the matter of languages was as important in the determination of policy as were the written rules themselves.

As a matter of practice, official languages other than French and English had in fact been used at San Francisco, and when used they had been translated into both working languages.

Several Delegates declared that the terms of *Rules 57 to 66 of the Report* were almost identical with those of the San Francisco rules, whilst others pointed out variations which were in reality in accordance with the practice of the San Francisco rules.

Mr. NOEL-BAKER (United Kingdom) explained that the issue had been fraught with so many difficulties that the Steering Committee had wisely concluded to recommend the use of the San Francisco rules. In this way, the Committee felt that the issue could be kept in a fluid state until the United Nations could make a more comprehensive study of the whole problem.

It was, therefore, not a question of the relative merits of the San Francisco rules and the rules contained in the *Report*, but rather a hope that, in accepting the rules and practice of the San Francisco Conference, it would be possible to approach the problem anew.

The Delegates for BELGIUM, UKRAINIAN S.S.R., UNITED KINGDOM and CHINA, among others, pointed to the danger of re-opening the debate upon the substance of the question, and the desirability, therefore, of accepting the proposal of the Steering Committee, which, as the Delegate for BRAZIL expressed it, was designed not to prejudice that fuller application of the Charter regarding the use of languages which the Delegate for Ecuador and other Delegates had desired.

DECISION: Following an appeal by the CHAIRMAN for a unanimous decision, it was unanimously agreed to adopt the proposal of the Steering Committee, without prejudice to subsequent consideration in the General Assembly of the language rules as put forward by the Executive Committee.

A suggestion by the Delegate for ECUADOR that the words "in usage" should be substituted for "adopted" was withdrawn on the understanding that the present record be incorporated in the report by Committee I to the Preparatory Commission, along with an interpretation by the Chairman of the San Francisco rules and practice.

Statement by the Chairman on San Francisco Language Rules

The Chairman said during the debate in Committee I on language rules that the Rules adopted at the San Francisco Conference regarding languages comprised not only the written Rules, but also the practice of that Conference with regard to languages. He further stated that the reference to the San Francisco Rules in no way implied the rejection of the language rules included in the Report by the Executive Committee. These Rules remained open for consideration in the light of further experience.

(d) Extract from the Summary Record of the Eighth Meeting of the Technical Committee on the Security Council, at which Language Rules were Discussed

Discussion on Rule 18 of the Provisional Rules of Procedure of the Security Council and consideration of the decision of the Steering Committee concerning the question of languages (PC/ST/12, page 6).

In the document referred to (PC/ST/12) the Steering Committee recommended that the language rules for each organ recommended in the Report by the Executive Committee should be replaced in each case by the following paragraph:

"The Rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided".

The Chairman read the relevant decision of the Steering Committee, and said that Committee I had unanimously accepted the rule suggested by the Steering Committee. It had been understood in Committee I that the rule would be interpreted in a liberal manner, and the matter would be settled by the General Assembly.

The Delegate for the UNITED KINGDOM moved that Rules 17 to 25 inclusive be deleted and replaced by the following rule: "The rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided." He said that the Delegate for Ecuador had made a valuable contribution to the debate of Committee I in pointing out that the San Francisco practice was more liberal than the San Francisco rules. That fact had been noted in the summary record of Committee I. The suggested rule did not pre-judge the question of principle, which was left open for decision by the Security Council. It was, however, necessary to formulate a provisional rule to operate until the Security Council was able to make permanent provisions.

The Delegate for ECUADOR said that the decision of the Steering Committee had been made on the assumption that the language practice as well as the language rules adopted at San Francisco would constitute the model to be followed. When the decision of Committee I was forwarded, the General Assembly would be informed of the reasons for the adoption of the language rule. Similarly the summary record of the debate on languages in Committee 2 should be forwarded.

The proposal made by the Delegate for the United Kingdom was supported on the ground that it would enable the Security Council to start its work without delay. In favour of Rules 17-25 it was observed that they had the merit of being clear, and that they provided a code of the San Francisco rules.

The Delegate for the SOVIET UNION said that the question of working languages was especially important for the proceedings of the Security Council. In settling this question, one must bear in mind not only its practical side, referred to in the Executive Secretary's paper PC/ST/8, but above all the question of principle. The Soviet Union and China were permanent members of the Security Council, which would also probably include Spanish-speaking countries; for this reason, French and English should not be given a preferential position. The use of English and French as working languages in the preparatory stages of the United Nations was perhaps rational, but different considerations applied once the permanent organs had been set up, more particularly in the case of the Security Council, in view of the limited number of its members. The procedure of the Security Council must be considered quite apart from that of the General Assembly. The whole section of the rules dealing with languages should be consequently referred to the Security Council itself, for decision at its first meetings.

In support of this proposal it was argued that in practice the San Francisco rules had not resulted in equality between the official languages. In any event, the Security Council would at one of its first meetings have to examine its rules of procedure, including those relating to languages.

In opposition to the Soviet motion to insert no rules whatsoever, it was argued that the compromise rule unanimously agreed upon by the Steering Committee already left the language question to be decided by the Security Council. In any event, Article 30 of the Charter provided that the Security Council would itself decide its rules of procedure. All that the Steering Committee had desired was to provide a rule of procedure for the beginning of the Security Council. Several items appeared on its agenda before the rules of procedure; and provisional rules of procedure as to the use of languages were necessary to enable the Security Council to deal with these items.

The Committee agreed with the Soviet Delegate that the rule proposed by the Steering Committee implied that the Security Council itself should decide its own rules on languages at one of its first meetings. On this understanding the Delegate for the U.S.S.R. agreed to accept the United Kingdom motion.

DECISION: It was unanimously agreed to delete Rules 17 to 25 inclusive, and to replace them, in accordance with the motion of the Delegate for the United Kingdom, by the rule recommended by the Steering Committee.

It was also agreed that a copy of the present Summary Record be transmitted to the Security Council.

APPENDIX II

Report of Mr. Gerig (U.S.A.), Chairman of the Sub-Committee on the General Committee of the General Assembly

The sub-committee on the General Committee of the General Assembly presents to Committee I the following report on the efforts of the sub-committee to develop a generally acceptable formula for the functions and composition of this Committee. The members of the sub-committee were Brazil, Cuba, South Africa, Syria, the Soviet Union, the United Kingdom, the United States of America, and Yugoslavia.

1. Functions

The sub-committee unanimously recommends for the consideration of Committee I the following revised Rule 33 defining more exactly the functions of the General Committee.

Rule 33

The General Committee shall at the beginning of each session consider the provisional Agenda, together with the supplementary list, and shall make a report thereon 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 and the General Assembly in drawing up the Agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all Committees of the General Assembly. Finally, it shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President.*

* The Delegate for Belgium presented a motion for the inclusion in this Rule of the following sentence: "The General Committee cannot decide any political question." As the vote on this motion was 24 for and 17 against, the necessary two-thirds majority was not attained.

Certain members of the sub-committee, including particularly the Cuban Delegate, agreed to support this definition of functions in view of the statements regarding the functions of the Committee in the record of Committee 1 (Eighth Meeting, Journal No. 12 of 7 December, 1945), in particular the following :—

“ The Delegate for the United States of America emphasized that the General Committee reported back to the General Assembly, the supreme authority. Its functions were mainly those of administrative management, and the plenary session retained complete control over policy.”

“ The Delegate for the United Kingdom emphasized that the General Committee remained in all things the servant of the General Assembly. It was not the ‘ secret caucus ’ which some Delegations appeared to fear ; it dealt with matters of procedure, and, if any attempt were made to hide under the cloak of procedure any political manipulations, the General Assembly must and would stop it. It was not a political organ, and any guarantees could be inserted in the text to make this point absolutely definite, if it was thought that the functions as at present described were capable of misinterpretation.”

“ The Delegate for the Soviet Union agreed that the General Committee did not take any decisions of political importance. Its recommendations were submitted to the approval of the General Assembly. There had been no difference of opinion in the Executive Committee on the functions of the General Committee, but merely on the manner of its constitution.”

The whole sub-committee agreed that it should be understood that the General Committee cannot take decisions on important political questions.

2. Composition

On the basis of the consensus of opinion on the functions of the General Committee, the sub-committee agreed to recommend for the consideration of Committee 1 provisions for the composition of the General Committee as set forth below.

The General Committee shall consist of fourteen members, no two of whom shall be nationals of the same state, and shall be so constituted as to ensure its representative character. It shall comprise :

- (a) The President of the General Assembly, who shall preside ;
- (b) Seven Vice-Presidents, who shall be elected on the basis of ensuring the representative character of the Committee ; and
- (c) The Chairmen of the six Main Committees, who shall be nominated and elected by the Committees on the basis of equitable geographical distribution, experience and personal competence.*

Consequential changes in some of the Rules follow :—

Rule 26

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 on the basis of ensuring the representative character of the General Committee.

Rule 95

Each Committee shall elect its own Chairman, Vice-Chairman and Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence.

* It is suggested that it may be desirable to have the election of the Chairmen of the Main Committees take place before the election of the Vice-Presidents, in order to provide for a wider choice in the selection of the Chairmen.

APPENDIX III

Extract from the Summary Record of the Fourth, Sixth and Seventh Meetings of the Technical Committee on the Security Council, concerning Rule 31 of the Rules of Procedure

(In the Report by the Executive Committee Rule 31, which corresponds to the present Rule 24, read as follows :

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. On the expiry of this period the record shall be considered as approved, 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.

(At the fourth meeting, the Delegation of Syria submitted an amendment to this Rule.)

FOURTH MEETING

The amendment provided that the last sentence of Rule 31 should read as follows :—

“ The Members of the United Nations shall at all times have the right to consult the record of private meetings at the Secretariat. The Security Council, whenever its deliberations deal with persons or with the application of the sanctions provided for by the Charter, may decide to limit the right to consult such record to those Members represented on the Council.”

Mr. ZEINEDDINE (Syria) said that Rule 31 as drafted by the Executive Committee denied access to the summary of a private meeting to Members of the United Nations not represented on the Security Council ; to Members elected to the Security Council after the meeting in question ; and even to Members represented on the Security Council but not present at the meeting in question. Although this was partly a question of procedure, it also involved issues of substance. Since the Security Council was an organ of the United Nations acting on behalf of all Members, they should have the opportunity and right to be acquainted with its proceedings. This did not imply a right to control its work. There was no suggestion that Members lacked confidence in the wisdom of the Security Council. Since some questions would be considered simultaneously by the General Assembly and the Security Council, such proceedings, in particular, should be well known to Members, even if they took place in private meetings. It was necessary, however, that the Security Council should have the right to limit access to records of meetings dealing with persons, or with the application of sanctions.

Mr. BLAISDELL (Acting Chairman of Committee 2 of the Executive Committee) said that many of the rules adopted by the Executive Committee had been debated at great length. There had been much discussion as to whether the Preparatory Commission should recommend provisional rules of procedure, or whether they should be formulated *ab initio* by the Security Council. The rules recommended by the Executive Committee were a compromise between those who desired more comprehensive rules and those who considered the whole subject should be left to the Security Council. The view had been expressed that unless the right of access were limited, freedom of discussion in the Security Council might be restricted. Under Articles 31 and 32, Members might be invited to participate in the discussions of the Security Council. Although it was a matter for interpretation, such Members might, under the present Rule 31, have access to summary records of meetings they attended. Committee 2 was attempting to provide rules which, if accepted by the Security Council, would make the minimum provision necessary for the prompt commencement of its business. Rule 31 should not be amended, and, if the Security Council thought the rule was inequitable, it could be reviewed at the proper time.

In opposing the amendment, other Delegates submitted that the present Rule 31 was likely to be accepted by the Security Council, which should be spared the trouble of a debate on rules of procedure at its early meetings. A Delegate agreed with Mr. Blaisdell as to the rights of Members participating

in discussions under Articles 31 and 32. He proposed that those rights be made clear by the insertion of the words "or States" after the word "Members" in the third and sixth lines of Rule 31. He also proposed that the summary record be available for inspection by members of the Security Council who had the right to take part in the meetings in question. It was agreed that these amendments should be circulated.

In favour of the amendment, it was argued that decisions of the Security Council might demand serious sacrifices from Members. (In reply to this argument Article 44 was cited.) As to the danger of limiting discussion, the amendment restricted access to records of discussions involving persons or the application of sanctions. Although the matter had been carefully considered in the Executive Committee, the views of all fifty-one nations must be expressed at the present stage. The formulation of rules likely to be accepted by the Security Council was not the sole purpose of the Preparatory Commission. It was entitled to express the opinions of its members. The United Nations were attempting to minimize secret diplomacy. Members making honest and sincere decisions had no reason for fearing that other Members should know their convictions. The task of the United Nations was to create a spirit of peace, but Rule 31 would undermine the confidence of the people of the world.

DECISION: Further discussion of the amendment was postponed until the next meeting.

SIXTH MEETING

Discussion of Amendments to Rule 31 Submitted by the Delegations of Syria (PC/SC/7) and Canada (PC/SC/13)

Mr. WARD (United Kingdom) said that more had been read into Rule 31 than the facts justified. Any idea of secret diplomacy had been far from the minds of the Executive Committee. Rule 31 had been regarded merely as a routine article of rather minor importance. Since six of the eleven seats of the Security Council were elective, the question of secret diplomacy could hardly arise. The Security Council would determine for itself how its archives were to be handled, and its discretion could not be limited. He preferred the Canadian amendment since it left the distribution of records of meetings in the discretion of the Security Council, and did not prevent the Security Council from opening records to inspection by any Member of the United Nations.

Mr. SOBOLOWESKI (Poland) agreed with these remarks.

Mr. WATT (Australia) said that perhaps none of the suggested forms of Rule 31 were entirely satisfactory. Rule 31 was defective in that it limited access to records by future members of the Security Council. The rule proposed by the Delegate of Syria was perhaps inconsistent with rules concerning private meetings previously adopted. He proposed, as a compromise, that the last sentence of Rule 31 be omitted, and that it be left entirely in the discretion of the Security Council to decide how far the records should be made available.

Mr. SABA (Egypt) said that the Security Council would be called upon to take extremely important decisions involving sacrifices on the part of Members of the United Nations not represented upon it. In reply to Mr. Watt, he said that at public meetings the Press could give all necessary information; but representatives of Members of the United Nations should have access to the records concerning private meetings. The Delegate of Brazil had cited Article 44, but this must be read in conjunction with Article 43. Invitations to meetings of the Security Council under Article 44 would take place after the actual decisions had been made. In any event, the Syrian amendment contained a safety valve, in the exception relating to discussions concerning persons or the application of sanctions. Since the last two lines of the Syrian amendment might be taken to limit the access to records of States participating under Articles 31 and 32, he suggested that Rule 31 be amended to comprise the first sentence of the Syrian amendment and the last sentence of the Canadian amendment.

Mr. Escott REID (Canada) said that Articles 31 and 32 should be taken into consideration. The Syrian amendment was most restrictive. Its second sentence would not permit the representatives of States participating under Articles 31 and 32 to consult the record of a secret meeting in which they had participated. The Canadian amendment provided that any State participating under Articles 31 and 32 could consult records of the meeting in which they had participated. The Canadian amendment also rectified an unintentional error in Rule 31 by substituting the word "States" for "Members". It was explained in paragraphs 21 and 22 of document PC/SC/14. The exclusion of new members from consulting records of meetings in which they had not participated would not after all have any importance until September 1946

when new members might be elected. In answer to a question, Mr. Escott Reid explained that "consultation of the record" implied access to the record both of the discussion and the vote.

Mr. VERZIJJ (Netherlands) supported the Canadian proposal. Secrecy might be desirable in other cases than those provided for in the Syrian proposal.

Mr. FAUSTO SOTO (Chile) supported the Canadian proposal. He pointed out that the rules of procedure were provisional, and could at any time be changed by the Security Council. The Canadian proposal was preferable to Rule 31, since it clarified the position of representatives participating under Articles 31 and 32.

Mr. ENTEZAM (Iran) said that he was in full sympathy with the Syrian proposal, as he felt that records of private meetings of the Security Council should be accessible to all Members of the United Nations. Nevertheless, the acceptance of this view would not be furthered if the Syrian proposal was rejected after a vote. For that reason the Canadian proposal was preferable, but, there again, its rejection would tend to limit future access to records of states not members of the Security Council. On the whole he thought it desirable to accept the Australian suggestion that the last sentence of Rule 31 be deleted. He suggested that in the Canadian proposal the phrase "other Nations not Members of the United Nations" should be used in lieu of the phrase "Members of the United Nations which are not members of the Security Council." If this were done, it would be logical that Members of the United Nations should also have access to the records, if they had taken part in the deliberations of the Security Council. He recalled that decisions taken in private in the League of Nations had not been binding unless subsequently confirmed in public meeting. He asked whether this procedure was to be followed in relation to the Security Council.

Mr. CISNEROS (Cuba) agreed in principle that the United Nations should have no secret documents. If, however, it was decided that some of the records should be private, such privacy should extend only to the conclusions reached, and not to details of debate. Records were needed not by Members participating in meetings, but by Members who had not been present.

Mr. THOMMESSEN (Norway) pointed out that Rules 27-28 concerning private meetings had been passed unanimously. If the Syrian proposal were adopted, discussion on delicate issues would take place between members of the Security Council, or some of them, in informal meetings. This would tend to even greater secrecy.

Mr. WILSON (New Zealand) agreed with these remarks, and felt that the resultant informal meetings would greatly hinder the working of the Security Council in accordance with the Charter.

Mr. CHAMOUN (Lebanon) suggested that the verbatim record of the proceedings of the Security Council should be kept private at the discretion of the Security Council. He suggested, however, that decisions reached should be made available to all Members.

Mr. ZEINEDDINE (Syria) replied to a number of arguments that had been raised in opposition to his proposal. Reluctant though he was to disturb a compromise that had been reached in the Executive Committee, he considered that effect should be given to the right of Members of the United Nations to know what was being done in their name. As to the suggestion that Rule 31 would make for freedom of discussion in the Security Council, he pointed out that the record which would be made available was merely a summary, and not verbatim. This itself provided a certain latitude. If eleven nations could take decisions on behalf of the United Nations, and not permit Members in whose name those decisions were being taken to be acquainted with the proceedings, such a situation could be described only as secret diplomacy. It was true that the Security Council had the power to determine its own rules of procedure, but the question at issue was a matter of substance. Even if the rules of procedure determined by the Preparatory Commission were provisional, they must carry weight with the Security Council as an expression of the will of the entire membership of the United Nations.

He commented further that the provisions of Article 31 were not relevant. Participation in the proceedings of the Security Council under that Article was conditional on invitation by the Security Council. All Members of the United Nations should have access to the records of the Security Council as of right. He could not agree that his amendment really limited the access of Members to the records in question. Moreover, except in the matter of sanctions, the Security Council would deal with the same questions as the General Assembly. If members of the General Assembly did not have access to the records of the Security Council, they would be seriously embarrassed in their work. Under the Charter the General Assembly had the broad function of reviewing all activities of the United Nations. It was *un organe de droit commun*.

The nature of the General Assembly was correctly summarized in paragraph 2 on page 32 of the English text of the Report by the Executive Committee : " 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 for making recommendations thereon. . . . "

He insisted that, even if Rule 31 were accepted by the Preparatory Commission and the Security Council, it would be unconstitutional and contrary to the provisions of the Charter. He proposed that the two sentences of his amendment should be voted upon separately. If the amendment were rejected, he would present further suggestions.

In answer to the Delegate of Norway he pointed out that private and public meetings differed in the facilities afforded the Press, and that was the distinction which had been approved by Committee 2. In any event, if other rules were affected by the present amendment they could be clarified. Informal discussions of members of the Security Council could not be avoided in any event. In order to avoid a deadlock he would consider accepting the Australian proposal to omit the last sentence of Rule 31. This would be conditional on the insertion of an explanation in the report submitted to the General Assembly why the last sentence of Rule 31 had not been acceptable.

The Committee agreed that a vote should be taken at the next meeting.

SEVENTH MEETING

Discussion of Amendments to Rule 31 Submitted by the Delegations of Syria (PC/SC/7) and Canada (PC/SC/13)

The Delegate for U.S.S.R. said that Rule 31 contained no implication of secret diplomacy. Its purpose was to create favourable conditions for the Security Council in its discussion of such important questions as military matters and sanctions. The Canadian amendment did not clearly indicate which governments were entitled to participate in the discussions of the Security Council and would, if that amendment were accepted, be entitled to consult its summary records. This lack of clarity would lead to a demand by all Members of the United Nations to consult all the summary records of the Security Council, and, in particular, to acquaint themselves with decisions taken. Such an amendment would not tend to facilitate the procedure of the Security Council. All governments which in accordance with the provisions of the Charter have attended certain private meetings of the Security Council should have the right to see summary records of these meetings. Representatives of members of the Security Council who for various reasons did not attend a private meeting of the Council should clearly have the right to see the summary record of this meeting. He supported the Australian motion that the last sentence of Rule 31 be deleted. He understood the Syrian Delegation to be willing to accept the Australian motion.

The Delegate for Syria desired his amendment to be voted upon. If the question were left entirely to the decision of the Security Council, Committee 2 would be allowing the Security Council unconstitutionally to dispose of a right of all Members, since under the Charter the General Assembly had the broad function of reviewing all the activities of the United Nations, and it could not carry out that function if it were ignorant of the proceedings of the Security Council. Further, the Security Council would probably decide in favour of secrecy of summary records. The issue before the Committee was an issue of substance of the greatest importance. In reply to the previous speaker, he pointed out that the Syrian amendment provided for exceptions in relation to sanctions.

In support of the Syrian amendment, it was argued that if the world was to have confidence in the United Nations, all Members should know the decisions taken by all its organs. Article 32 showed that it was in the spirit of the Charter that all Members should know the decisions of the Security Council whenever a dispute interested several nations. In opposition to the Syrian amendment it was submitted that persuasive arguments for both positions could be based on the terms of the Charter. In some situations secrecy would be essential, but knowledge shared by fifty-one people could hardly be said to be a secret. The question should be settled by the Security Council on the basis of experience.

The Chairman then put the various motions before the Committee to the vote.

Decision : The first sentence of Rule 31 was approved. It read :

" The Security Council may decide that, for a private meeting, a summary record in a single copy shall alone be made."

The Delegate for Ecuador wished his dissent recorded.

After discussion, the Delegate for Canada agreed to accept the following version of the second sentence of Rule 31 :

" This record shall be kept by the Secretary-General, and the representatives of states who have taken part in the meeting may have corrections made in their own speeches within a period of ten days."

In opposition to this wording, it was submitted that, in the future, states which had been the enemies of present Members would be admitted. There would be opposition to affording equal rights to such states. In reply it was explained that the wording quoted above related only to corrections made by representatives to their own speeches, and this right should be extended to states participating under Article 32. The word " member," as used in these Rules of Procedure, referred only to members of the Security Council, but the word " states " was more comprehensive.

Decision : The wording quoted above was approved by twenty-four votes to three, with one abstention.

Decision : The third sentence of Rule 31 was approved without objection. It read :

" On the expiry of this period the record shall be considered as approved, and shall be signed by the Secretary-General."

Decision : In accordance with the Australian motion, the last sentence of Rule 31 was deleted by twenty-three votes to five. It read :

" 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."

A substitute text was then considered.

The Delegate for Canada suggested that the above sentence be re-inserted using the capital " M " in the word " members," to indicate that the rule applied not only to members of the Security Council, but to any Members of the United Nations who had taken part in the meeting in question, under the provisions of Article 44. This suggestion found some support. The Delegates for Australia and Czechoslovakia wished to make it clear that they had favoured the deletion of the original wording, not because they opposed the consultation of the record in question, but because they wished the matter to be decided by the Security Council.

The Delegate for the U.S.A. suggested that the words " who shall have taken part in the meeting " be deleted, so that new members of the Security Council would have the right of access to past summary records.

The Delegate for Egypt renewed the proposal he had made at the previous meeting, that the Syrian amendment be accepted with one proviso : that the Security Council might, in any particular case, limit access to the records to the delegations which had attended the meeting in question.

The first sentence of the Syrian amendment was put to the vote. It read :

" The Members of the United Nations shall at all times have the right to consult the record of private meetings at the Secretariat."

Decision : The amendment was rejected by seventeen votes to nine, with five abstentions.

The Delegate for Syria withdrew the second sentence of his amendment. The Delegate for Canada withdrew the part of his amendment which had not been voted on. He wished it recorded that his Delegation attached importance to the provision that Members of the United Nations not members of the Security Council participating under Article 44, should have the right to consult the relevant record of the Security Council.

The Delegates for Belgium, Chile, Brazil, Netherlands and France wished to be associated with that statement. The Delegate for Egypt agreed, and said the same principles applied to participation under Article 31.

Decision : The Chairman ruled that special steps be taken to draw the attention of the Security Council to the record of discussion on Rule 31. This action was taken in view of the importance of the issues involved in the discussion at those meetings.

Decision : The following wording of Rule 31 was approved by twenty-three votes to one :

" 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 states who have taken part in the meeting may have corrections made in their own speeches within a period of ten days. On the expiry of this period the record shall be considered as approved and shall be signed by the Secretary-General."

APPENDIX IV

Observations on the Organization of the Statistical Work of the Secretariat

(a) An Observation by the Committee of the Executive Committee on the Economic and Social Council

"The Committee emphasizes the importance and the diversity of the statistical work of the Secretariat. Statistical work will be required in almost every field throughout the organization, but the bulk of the statistical work will undoubtedly be in the economic and social field.

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 two departments for economic and social work were set up, and as a separate division in case a single economic and social department were set up; or

(b) as a separate unit, directly under the Secretary-General."

(b) Observations by the Delegation of the United States of America 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 emphasized 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 Organizations

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 specialized agencies.

(e) Statistical Publications

6. Periodical publications of officially recognized 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 Organizations

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 Organization, 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 Organization 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 organized 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 "decentralized" form of organization 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 organized within the Office could not be determined until the general organizational 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 organization suggested above. In the present case, however, it would appear that the statistical activities of the Organization could be most effectively developed within the framework provided by the *second alternative*.

APPENDIX V

(a) Report of the Advisory Group of Experts to the Administrative and Budgetary Committee

1. The Administrative and Budgetary Committee of the Preparatory Commission instructed the Advisory Group of Experts :

(a) to assist the Executive Secretary in the preparation of a draft provisional budget ;

(b) to prepare draft provisional financial regulations ;

(c) to consider the financial year to be adopted ;

(d) to consider emergency financial arrangements ;

(e) to consider travelling expenses of delegations to the General Assembly, of members of commissions and committees, and expert advisers ;

(f) to study staff grading, salary scales and allowances, and a staff pensions scheme ;

(g) to report on the technical aspects of the proposed assignment of " staff units " of the Secretariat, *i.e.*, budget office, personnel office, comptroller's office, and other administrative services ; and

(h) to consult with its sub-committee on the staff regulations and staff rules.

2. Item (a) (the *draft provisional budget*) requires further study, but the Advisory Group have submitted reports on items (b) to (h) inclusive as follows.

3. Item (b) (the *financial regulations*), item (c) (the *financial year*) and item (d) (*emergency financial arrangements*) are inter-related. In making their recommendations the Advisory Group have been especially impressed with considerations outlined in paragraphs 9 to 25 below.

4. Item (e) (*travelling expenses of delegations, etc.*), which has definite budgetary implications, was not the subject of any specific recommendation in Part II of the Report by the Executive Committee, though the Committee in Part III of the Report (Chapter VII, Section 2, paragraph 18, page 99) did express agreement in principle with the idea that travelling expenses of delegations to the General Assembly should under certain conditions be borne by the Organization. The Advisory Group, therefore, regarded their recommendations on this matter as conditional on the acceptance by the Preparatory Commission of that principle, and, therefore, subject to any express recommendation which might be made by that body. The subject of travelling expenses for members of commissions and committees and expert advisers has been deferred by the Advisory Group pending consideration of travel allowances for members of the staff of the Secretariat.

5. Item (f) (*staff grading, salaries and allowances*) and *staff pension scheme*, has been discussed in three papers of the Advisory Group. PC/AB/34 contained the Advisory Group's recommendations on staff grading and salaries, together with suggested revisions for the related paragraphs of the Executive Committee Report (Part III, Chapter VI, Section 2, paragraphs 36 to 56). Two additional papers completed the suggestions of the Advisory Group on staff grading, selection, appointments, and conditions of employment in Section 2 of Chapter VI of the Executive Committee's Report ; these papers were PC/AB/44 and PC/AB/48.

6. Item (g) (*the organization of the staff agencies of the Secretariat*) was covered in paper PC/AB/57 which contained the joint results of deliberations of the Advisory Group with an *ad hoc* sub-committee of the Administrative and Budgetary Committee.

7. Item (h) (*consultation with the sub-committee on staff regulations, and staff rules*) has been reported in papers PC/AB/47 and PC/AB/49 which contain the recommendations of the sub-committee on Staff Regulations and Staff Rules appointed by the Administrative and Budgetary Committee to divide the draft provisional staff regulations recommended by the Executive Committee into two categories ; provisional staff regulations and provisional staff rules. The Advisory Group consulted with the sub-committee in respect to the above papers.

8. For the sake of convenience the main body of the following report of the Advisory Group in respect to the financial questions referred to it by the Administrative and Budgetary Committee is arranged under three sub-headings to deal respectively with the following papers :

" The Financial Year " (PC/AB/29) ;

" Draft Provisional Financial Regulations " (PC/AB/31) ; and

" Working Capital Fund " (PC/AB/30, Rev. 4).

The Financial Year

9. Notwithstanding the arguments put forward by the Executive Committee in its Report (Part III, Chapter VII, Section 2, paras. 3 and 4, p. 97) in favour of choosing 1st October as the beginning of the financial year of the Organization, the Advisory Group came to the conclusion that there were still stronger reasons for choosing 1st January, in order :

(a) to afford sufficient time to Members to take action required to make contributions actually available to the Organization ; and

(b) to avoid a situation in which contributions would only become available very late in the financial year of the Organization.

The paper on The Financial Year (PC/AB/29) develops this discussion more fully.

Draft Provisional Financial Regulations

10. In drafting the provisional financial regulations the Advisory Group have been impressed by the consideration that wide latitude in financial and budgetary matters should be given to the Secretary-General during the organizational stage. They have, therefore, drafted the proposed Provisional Financial Regulations with a view to providing a set of basic general principles deemed essential to form the basis of adequate financial administration and control during the provisional period.

11. The choice of a financial year coincident with the calendar year has a definite bearing on the length of the "interim period" (Executive Committee Report, Chapter VII, Section 2, page 97) for which special financial provisions must be made, and consequently on the size of the Working Capital Fund and the nature of the provisional budget. The adoption of the first annual budget and the scale of allocation of expenses by the General Assembly could not under the most favourable hypotheses take place earlier than May or June, 1946. Ample allowance must then be made for the time which will elapse before Members' contributions for the first annual budget are actually received. Many national governments normally consider their annual estimates and appropriations during the first half of the calendar year, and since the amount of their contributions could not be known until late in that period, it is probable that considerable time will be needed by them to make the requisite appropriations.

12. The Advisory Group consider that the "interim budget" referred to in the Executive Committee's Report should be renamed the "provisional budget" and should cover the whole of the financial period up to 31 December, 1946.

13. There would thus be two budgets covering the same financial period which ends 31 December, 1946.

(a) A *Provisional Budget* to be passed by the General Assembly in the first part of the first session ; and

(b) The first *Annual Budget* of the Organization, to be passed in the second part of the first session, which will at the time of its adoption by the General Assembly replace the Provisional Budget.

These budgets should provide for the expenditures of the Preparatory Commission and those incidental to the convening of the first session of the General Assembly, incurred up to 31 December, 1945. An advantage of this arrangement would be that it would afford Members at the earliest opportunity an idea of their total commitment in respect of the Organization up to the end of 1946.

14. The Provisional Budget would of necessity have to be calculated on uncertain factors and no great degree of accuracy can be expected at this stage. It might be divided into two sections,* the first covering estimated expenditures up to 30 June, and the second from 1 July to 31 December.

15. The Provisional Budget might theoretically be taken to include salaries and expenses of officials loaned by Members to the Secretariat of the Preparatory Commission. However, the Advisory Group recommend, if only on administrative grounds, that no reimbursement of these expenses and salaries should be made.

16. Under Article III of the Draft Provisional Financial Regulations it is provided that the budget shall contain an estimate of the expenditures for the International Court of Justice. As this body may not be brought into existence before the submission of the Provisional Budget to the General Assembly, the Advisory Group feel that it will not be possible to do more than provide a global figure for its estimated expenditure in the Provisional Budget.

* See Article III of the Draft Provisional Financial Regulations (Annex to Chapter IX).

17. The Advisory Group will, at a later date, supplement their provisional regulations by a detailed set of financial rules, to be transmitted to the Secretary-General for his guidance, during the initial period of operations.

18. The appointment of external auditors is a question which will have to be determined by the General Assembly during its First Session, and the Advisory Group draw attention to the following considerations. The type of external audit required should not be merely a commercial audit of the kind that is normally carried out for private business by a professional firm, but something more of the nature of the audit carried out by Governments. With this in view, the General Assembly may wish to establish the principle of a panel of auditors drawn from the Government services of Members, one or more of whom would be selected in turn to audit the annual accounts.

Working Capital Fund

19. The Advisory Group agree with the opinion expressed by the Executive Committee that the expenditures of the provisional period pending the receipt of the contributions to the first annual budget should be financed by means of a Working Capital Fund consisting of advances which would stand to the credit of Members and eventually be set off against the assessed contributions in a manner to be determined by the General Assembly.

20. In approaching this problem the Advisory Group have confined their consideration mainly to the following factors :

- (a) the Working Capital requirements of the Organization ; and
- (b) means by which these can be met.

With regard to (a) they have been impressed by these considerations :

- (i) that the first annual budget of the United Nations for 1946 could not be approved by the General Assembly until May or June ;
- (ii) that action could not be taken by Members to make their contributions available for the first annual budget until after that time ; and therefore ;
- (iii) that delay may occur before substantial sums are received in the form of Members' contributions to the first annual budget of the United Nations.

The Advisory Group have therefore reached the conclusion that the interim or provisional period referred to in Chapter VII, paragraph 20, must be taken to cover the whole of the financial period up to 31 December, 1946.

21. Considering the fact that the provision of emergency working capital must be sufficient to cover the full period of the Organization's expenditure ending 31 December, 1946, the Advisory Group have been strongly impressed by the desirability of establishing from the outset the principle of proportionate allocation among all Members broadly according to capacity to pay.

22. The Advisory Group are of the opinion that such proportionate allocation cannot be determined with precision until the matter has been fully considered by the Contributions Committee and approved by the General Assembly at the second part of the First Session. The problem is, therefore, to find a temporary working basis for allocation of Members' advances to the Working Capital Fund which should be regarded as in the nature of loans.

23. In view of the fact that the scale adopted for the second financial year of the Food and Agricultural Organization includes all except three of the Members of the United Nations and since it is the most recently adopted scale of allocation of costs of an international organization among its members, the Advisory Group have recommended the adoption of this scale as a temporary expedient.* The adoption of some ready-made scale at this stage is essential and the Advisory Group strongly stress that it should not in any way form a precedent for the assessment of contributions. This scale would be superseded when the General Assembly adopted a scale for the allocation of contributions for the first annual budget.

* The Administrative and Budgetary Committee of the Preparatory Commission when considering these recommendations of the Advisory Group of Experts decided to recommend that the General Assembly at the First Part of its First Session should then determine whether the F.A.O. scale adopted for this purpose should be that applying to the first or the second financial year of that organization.

24. The Advisory Group consider, however, that the need for working capital is not limited to the provisional period. A Working Capital Fund should form an essential feature of the permanent financing arrangements of the Organization. The Advisory Group consider that a Working Capital Fund should be maintained out of which contingency and emergency expenditures would be met. Moreover the choice of 1 January as the opening of the financial year renders it desirable that the Working Capital Fund should be large enough to meet expenditures voted by the General Assembly in September for new or expanded projects requiring implementation before the beginning of a new financial year.

25. The amount of a permanent Working Capital Fund, as well as the process by which it is to be built up, will also need to be determined by the General Assembly. At this stage the Advisory Group have suggested a method by which these objectives might be effected.

26. The Advisory Group accordingly are of the opinion that Members should forgo the setting off of their advances to the Working Capital Fund for a short period in order that the Fund could be maintained provisionally at its original figure by the reception of the contributions to the first annual budget.

27. They further suggest that the General Assembly consider at its Second Session in September, 1946, the figure at which the Working Capital Fund should be maintained during the financial year 1947, and that provision be made in the budget for 1947 for the maintenance of the fund at the figure determined by the General Assembly.

28. The effect of these proposals would be that the Members would pay their contributions under the first annual budget in full and would forgo the setting off of their advances to the Working Capital Fund against contributions, pending the decision as to the size of the Working Capital Fund determined by the General Assembly at its Second Session in September, 1946.

29. Should the amount of the Working Capital Fund then determined by the General Assembly be less than the original figure of the Working Capital Fund determined by the General Assembly at the *first* part of its First Session, adjustments should then be made so that the advances to the Working Capital Fund made by Members in 1946 would to that extent be set off against their contributions for the financial year 1947.

30. Should the figure determined by the General Assembly be equal to the original figure determined at the first part of its First Session no adjustments in Members' contributions would have to be made in respect to this item, etc.

(b) Proposed Alternative Basis for Allocation of Advances by Members to Working Capital Fund

Food and Agriculture Organization Scale

Nation.	First Financial Year—F.A.O. (per cent).	Second Financial Year—F.A.O. (per cent.)
**Argentina	—	—
Australia	3.33	2.50
Belgium	1.28	1.41
Bolivia .. .. .	.29	.22
Brazil	3.46	2.60
*Byelo-Russian S.S.R.	—	—
Canada	5.06	3.80
*Chile	1.15	.86
China	6.50	6.50
Colombia .. .. .	.71	.53
*Costa Rica .. .. .	.05	.05
Cuba .. .. .	.71	.53
Czechoslovakia	1.40	1.54
Denmark .. .. .	.62	.68
Dominican Republic .. .. .	.05	.05
Ecuador .. .. .	.05	.05
Egypt	1.73	1.30
*El Salvador .. .. .	.05	.05
*Ethiopia .. .. .	.29	.22
France	5.69	5.69
Greece .. .. .	.38	.42
Guatemala .. .. .	.05	.05
Haiti .. .. .	.05	.05
Honduras .. .. .	.05	.05
***Iceland .. .. .	.05	.05
India	4.25	4.67
*Iran .. .. .	.71	.53
Iraq .. .. .	.44	.33
Lebanon .. .. .	.05	.05
Liberia .. .. .	.05	.05
Luxembourg .. .. .	.05	.05
Mexico	1.87	1.40
Netherlands	1.38	1.52
New Zealand	1.15	.86
Nicaragua .. .. .	.05	.05
Norway .. .. .	.62	.68
Panama .. .. .	.05	.05
*Paraguay .. .. .	.05	.05
Peru .. .. .	.71	.53
Philippines .. .. .	.25	.27
Poland	1.19	1.31
**Saudi Arabia	—	—
Syria .. .. .	.20	.20
South Africa	2.31	1.73
**Turkey	—	—
**Ukrainian S.S.R.	—	—
*U.S.S.R.	8.00	10.00
United Kingdom	15.00	15.00
United States	25.00	25.00
*Uruguay .. .. .	.58	.44
Venezuela .. .. .	.58	.44
Yugoslavia .. .. .	.71	.78
Provision for other New Members	1.75	4.81
	100.00	100.00

* A Member of the United Nations. Not a Member of F.A.O. at time these scales were issued, but listed in the scales.

** A Member of the United Nations. Not a Member of F.A.O. at time these scales were issued and not listed in F.A.O. scales.

*** Not a Member of the United Nations; a Member of F.A.O.

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 Sayed Jamil Dawoud, First Secretary, Royal Legation of Saudi Arabia, London.

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Alternate Delegates : Mr. Hector McNeil, M.P., Parliamentary Under-Secretary of State, Foreign Affairs.
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 Mr. Eric Beckett, Legal Adviser, Foreign Office.

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Acting Delegate : The Hon. Adlai E. Stevenson.
Alternate Delegates : Mr. John C. Ross, Deputy Director, Office of Special Political Affairs, Department of State.
 Mr. Benjamin Gerig, Chief, Division of Dependent Area Affairs, Adviser, Division of International Organization Affairs, Department of State.
 Mr. A. H. Feller, Department of State.
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Delegate : H.E. Dr. Stoyan Gavrilovic, Under-Secretary of State for Foreign Affairs.
Alternate Delegate : H.E. Dr. Vladimir Rybar, Minister Plenipotentiary.

Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organization

The Governments represented at the United Nations Conference on International Organization in the city of San Francisco,

Having determined that an international organization 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 Organization, 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 specialized intergovernmental organizations and agencies and the Organization ;

(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 Organization ; and

(g) make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

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 Organization.

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 Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization 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 Organization, at which time its property and records shall be transferred to the Organization.

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 authorized 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.

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CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international

disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a

Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. 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.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.

2. 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, 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.

3. 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.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions

due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

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

CHAPTER V

THE SECURITY COUNCIL

Composition

Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, 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 Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on 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.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Se-

curity Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to inter-

national friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be

employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not

represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Mem-

ber of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or

agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and inter-

national cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in

the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General

Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67

1. Each member of the Economic and Social Council shall have one vote.

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

Procedure

Article 68

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.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrange-

ments may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system,

in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories

will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the

administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with

regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86

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; and

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.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

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.

Article 100

1. In the performance of their duties the Secre-

tary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes 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.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. 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. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of

this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization 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 fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

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.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin

the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 1

THE INTERNATIONAL COURT OF JUSTICE established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as

those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list

in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to

discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to peri-

odic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber

for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among

those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by

the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid

down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the

International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III PROCEDURE

Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the

case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of par-

ties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.
2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the

Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.