

UNCLO - Working Papers - Commissions & Technical Committees - Rapporteur's Report

15 June 1945

30 June 1945

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17  
Sir Francis Drake Hotel,  
SAN FRANCISCO.

19th June, 1945.

Your Excellency,

May I raise two small points on the draft report on Chapter X (Secretariat) to be discussed by Commission I tonight. ✓

Paragraph 15 - I suggest that the drafting of the second sentence requires amendment. The "they" would seem to refer to the Sponsoring Governments, whereas it is the opponents of their proposals who are intended.

Paragraph 22 - Was it not agreed in Committee that the Rapporteur's Report should make mention of the fact that the Secretary-General could depute these duties should occasion require? ✓

I have the honour to be, Sir,

Your Excellency's obedient servant,

Sgd. I V. W. J. S. ~

New Zealand Representative  
on Commission I Committee 2.

His Excellency the Representative  
of Saudi Arabia,  
Rapporteur for Commission I Committee 2,  
Fairmont Hotel,  
SAN FRANCISCO.

Miss Elizabeth Armstrong,  
Secretary to Comm. I/2.

NOTE TO TRANSLATORS

The Chairman of the Commission requests that the following translation of the first paragraph be used in the French version of this document.

AVERTISSEMENT: Le présent rapport n'a pu être discuté par le Comité. Il est communiqué aux membres de la Commission en vue de recueillir les observations écrites ou orales des Délégations. Il sera tenu compte des dites observations par le Rapporteur de la Commission à la Conférence dont le rapport sera soumis à l'approbation de la Commission au cours de sa dernière séance.

REPORT OF RAPPOREUR (GENERAL) OF COMMITTEE I/2  
ON CHAPTER X (THE SECRETARIAT)

Preamble

NOTICE: The following report has not been discussed in the Committee. It is submitted to the Members of the Commission in order that the comments of the Delegations may be communicated in writing or verbally.

Due attention will be paid to such observations by the Commission's Rapporteur in his report to the Conference as shall be submitted for approval at the final meeting of Commission I.



## COMMISSION I General Provisions

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### DRAFT REPORT OF RAPPORTEUR (GENERAL) OF COMMITTEE I/2

#### ON CHAPTER X (THE SECRETARIAT)

##### Introduction

1. Committee I/2 was charged with consideration of Chapter X of the Dumbarton Oaks Proposals, providing for the Secretariat of the Organization. In addition to the original three paragraphs of Chapter X, the Committee considered two amendments proposed by the sponsoring governments and other amendments proposed by Canada, Liberia, Mexico, New Zealand, Norway, Philippine Commonwealth, Uruguay, and Venezuela, and a joint amendment of Brazil, Dominican Republic and Mexico.

2. The Committee devoted seven sessions to consideration of Chapter X and its Subcommittee on this Chapter met three times. The Subcommittee was composed of the President of Commission I;

the Chairman of Committee I/2; the Rapporteur (General) of Committee I/2, ex officio; and the Delegates of Canada, China, Greece, Mexico, New Zealand, Norway, United States, Uruguay, and Venezuela.

3. In their consideration of provisions for the Secretariat of the Organization, the members of Committee I/2 <sup>quickly and</sup> ~~demonstrated~~ unanimous <sup>ly</sup> ~~agreed~~ <sup>agreed</sup> that the Secretariat should be of the highest quality and should be organized on a truly international basis. There was no dissension <sup>T</sup> from these principles, and such disagreement as did appear during the discussions was limited to the question of the extent to which specific detailed provision should be made in the Charter for the Secretariat.

4. The Committee took up the various features relating to the Secretariat separately, following a general outline which is used in this report.

#### Paragraph 1. The Secretariat

##### a. General Provisions

5. The first sentence of paragraph 1, Chapter X, of the Dumbarton



Oaks Proposals provides that: "There shall be a Secretariat comprising a Secretary-General and such staff as may be required."

There was no discussion of this provision, and the sentence was adopted with only one <sup>negative</sup> ~~contrary~~ vote.

b. Secretary-General

6. The second sentence of this paragraph provides that: "The Secretary-General shall be the Chief Administrative Officer of the Organization." Likewise, there was no discussion of this provision, and the sentence was adopted with only one <sup>negative</sup> ~~contrary~~ vote.

c. Election and Term of Office of the Secretary-General

7. At the outset of its consideration of the Secretariat, the Committee was advised that Committee II/1 had voted that the Secretary-General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council. The Committee agreed that in view of this situation it did not, ~~therefore~~, propose to enter into a further discussion of the matter. The approval of this resolution was understood as not constituting

approval of the substance of the decision of Committee II/1.

8. The Committee then proceeded to the question of the term of office and eligibility for re-election of the Secretary-General.

The Dumbarton Oaks Proposals <sup>contained</sup> ~~made~~ no provisions~~x~~ for these questions, but an amendment of the sponsoring governments provided that the term of office of the Secretary-General should be three years and that he should be eligible for re-election. Several delegates opposed any reference in the Charter to the term of office. They argued that the Organization should not be bound <sup>by</sup> ~~in~~ the Charter in this matter, but should be free to determine the length of office as conditions warranted.

9. Delegates answering these views held that the three year term associated with the eligibility of the incumbent Secretary-General for re-election provided an adequate method of attracting outstanding candidates for the position and at the same time protecting the Organization from the lengthy tenure of an unsuitable Secretary-General.



10. The Committee voted in favor of a provision for the eligibility of the Secretary-General for re-election and for a three year term of office.

11. Subsequent to these decisions, the Committee was advised that the vote of Committee II/1 on the election of the Secretary-General had been referred by the Steering Committee to Committee III/1, and that the latter Committee had reversed the decision of Committee II/1 and had accepted the original text of the Dumbarton Oaks Proposals, namely, that the Secretary-General should be

elected by the General Assembly, on recommendation of the Security

*Council, i.e., including the unanimous vote of the permanent members.*

12. In view of this <sup>new</sup> situation affecting the election of the Secretary-General, the Delegate of the Netherlands <sup>supported by the Delegates of New Zealand and Belgium</sup> proposed that

the earlier decisions of the Committee adopting a three year term of office be rescinded and that the Committee accept the original Dumbarton Oaks text, that is, the third sentence of paragraph 1, with the exception of the clause "for such term and under such

conditions as are specified in the Charter." He stated that the necessity of unanimous agreement of the permanent members of the Security Council for the re-election of the Secretary-General every three years would either deprive him of his independence or force him to leave at his office at a time when his experience would be most useful to the Organization. If there was hesitation on this point in the Committee, he suggested that the determination of the term of office might be left as a matter of later agreement between the Security Council and the General Assembly. It was understood by the Committee that the unanimity of the permanent members would be required in the decision of the Security Council on this matter.

The Delegate of the Netherlands also proposed that the word "appointed" be substituted for "elected" in order to emphasize the administrative nature of the Secretary-General's office. The Committee adopted, with only one negative vote, the Netherlands motion to accept the following



text:

"The Secretary-General shall be appointed  
by the General Assembly, on recommendation of  
the Security Council."



d. Deputy Secretaries-General

13. The Dumbarton Oaks Proposals made no reference to deputy secretaries-general. The sponsoring governments, however, proposed an amendment to Chapter X providing that there should be four deputies to be elected by the General Assembly on recommendation of the Security Council for a period of three years.

The debate on this matter revolved about two questions:

First, whether provision should be made in the Charter for deputy secretaries-general; and

Second, if provision were made for deputy secretaries-general, whether the number of such officers should be specified in the Charter.

14. The delegates opposing specific reference to deputies stated that it was impossible at this time to foresee the needs of the Organization with regard to deputies. They explained that the Assembly would be in a better position to estimate these needs at subsequent times. They felt that the

number of deputies would depend upon the distribution of functions within the Secretariat. *They*

15. ~~The Delegate of the Soviet Union~~ proposed that the amendment of the sponsoring governments should be revised to provide for five deputies instead of four. ~~In arguing against~~

~~the amendment of the sponsoring governments, numerous dele-~~  
~~gates~~ contended that *adoption* *four* ~~specification~~ of the number, and the mode of election of the deputies might jeopardize the international character of the Secretariat. Some delegates also indicated that they favored the appointment of the deputies by the Secretary-General instead of *their* ~~by~~ election by the Assembly upon the nomination of the Security Council. They felt that the method proposed by the sponsoring governments might render difficult the proper relationship between the Secretary-General and the deputies and might not be conducive to the efficient functioning of the Secretariat.

*one of the objections raised,*  
16. Those who supported the amendment of the sponsoring governments argued that five deputies would be needed--one

to act as alternate to the Secretary-General and one to serve each of the four principal organs. They stated that the international character of the Secretariat would be protected by the method of election of the deputies, which would parallel the method of election of the Secretary-General. These delegates also explained that the method of election would give considerable prestige to the deputies.

17. The Committee voted 15 in favor to 13 opposed on the question of referring specifically in the Charter to deputy secretaries-general. The Chairman ruled that since provisions of the text of the Charter require a two-thirds majority to be adopted, this vote was not sufficient for adoption.

18. Following this vote the Steering Committee requested Committee I/2 to reconsider the matter of deputies, and to vote on specific proposals. The Committee then ~~rejected~~ by *failed to adopt* a vote of 20 in favor to 19 against the proposal of the Soviet Union to provide in the Charter for five deputies.



The Committee also rejected by a vote of 22 in favor to 18

*to adopt*  
~~against~~ the amendment of the sponsoring governments to provide for four deputies. The Committee then adopted by a vote of 40 in favor to 1 against, the first two sentences of paragraph 1, Chapter X, of the Dumbarton Oaks Proposals, as noted above in this report.

19. The Delegate of the Soviet Union subsequently proposed

that the first and third sentences of paragraph 1 be modified,

*so as to include reference to deputies but without specification as to number. His amendment would have modified that the paragraph read as follows:*

"There shall be a Secretariat comprising a Secretary-General, deputies and such staff as may be required. The Secretary-General shall be the chief administrative officer of the Organization. The Secretary-General and his deputies shall be elected by the General Assembly, on recommendation of the Security Council."

This motion of the Soviet Delegate was rejected by a vote of

24 opposed to 12 in favor.

Paragraph 2, Functions of the Secretary-General

20. Paragraph 2 was considered by the Subcommittee on the Secretariat. The Subcommittee considered a proposal made by the Delegate of Mexico that registration of treaties and other agreements made between members of the Organization should be included among the main functions of the Secretariat, and a similar amendment submitted by the Delegation of the Philippine Commonwealth. The recommendation of the Subcommittee <sup>was</sup> that, since the Charter would provide elsewhere for the registration of treaties, it was unnecessary to include enumeration of this function in Chapter X, was agreed to by the full Committee. The Committee likewise accepted the Subcommittee's recommendation that the language of paragraph 2 should be kept sufficiently broad to cover all of the functions of the Secretariat, and that no attempt should be made to enumerate therein specific functions which are provided in other chapters of the Charter.

21. In view of the fact that Committee ~~III/4~~ <sup>II/4</sup> had provided for



a Trusteeship Council, Committee I/2 agreed to amend the original paragraph 2 by inserting reference to this Council in respect to the functions of the Secretary-General.

22. Committee I/2 unanimously accepted the following text of paragraph 2, Chapter X, recommended by its Subcommittee:

"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 or may be entrusted to him by the Organization. The Secretary General shall make an annual report to the General Assembly on the work of the Organization."

Paragraph 3, Functions of the Secretary-General

23. The Subcommittee and the full Committee considered at length paragraph 3, providing that the Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security. The Subcommittee discussed a suggestion that the word right in the first line of paragraph 3 should be changed to duty. It was agreed that the authority to bring to the attention of the Security Council any matter which in his opinion



might threaten international peace and security should be exercised at the discretion of the Secretary-General and should not be imposed upon him as a duty. The Committee agreed to this recommendation.

24. The Subcommittee and the Committee considered an amendment to paragraph 3 proposed by Venezuela which would permit the Secretary-General to bring to the attention of the General Assembly, as well as to the Security Council, any matter which in his opinion might threaten international peace and security. The Venezuelan Delegate explained that his amendment was intended to give the Secretary-General discretionary power to bring certain matters to the attention of either the General Assembly or the Security Council. He contended that this function did not place too great a burden on the Secretary-General. Its advantage was to keep the General Assembly informed of certain situations which states themselves might not bring to the attention of the Assembly.

25. Some delegates in opposing the Venezuelan amendment discussed the difficulty in which the Secretary-General might be

placed in having to decide between the General Assembly and the Security Council in presenting matters concerning peace and security. It was argued further that the Secretary-General would be exercising powers which are not even possessed by the member states. The Committee rejected the Venezuelan amendment by a vote of 18 to 11.

26. The Delegate of Uruguay proposed to amend paragraph 3 by providing that in addition to matters which in his opinion might threaten international peace and security, the Secretary-General could bring to the attention of the Security Council any matters which constitute an infringement or violation of the principles of the Charter. The Delegate of Uruguay contended that the Secretary-General should take into account matters which would not necessarily threaten international peace but which would constitute violations of the principles of the Charter. He suggested that there should be some provision by which infringements or violations of the principles of the Charter by the member within its own country should be brought to the attention of

the Organization. Delegates opposing this amendment argued that as in the case of the Venezuelan amendment, it would place <sup>a</sup> ~~a~~ <sup>too</sup> heavy burden upon the Secretary-General. This amendment was rejected by a vote of 16 to 13.

27. The Committee unanimously adopted the text of paragraph

3, Chapter X of the Dumbarton Oaks Proposals, as follows:

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



Paragraph 4, Characteristics of the Secretariat

28. In considering provisions regulating the composition and character of the Secretariat the Subcommittee and Committee considered an amendment proposed by the Sponsoring Powers and similar amendments of Canada and New Zealand. Paragraphs 4 and 5 of the Canadian amendment were used ~~as the basis of~~ <sup>discussed</sup> ~~the discussion~~ by the Subcommittee because it was felt that they were somewhat broader than the others. Members of the Subcommittee were of the opinion that although the matter might be covered in staff regulations, provision should be made in the Charter that the Secretariat should not seek or receive instructions from any government or from any other authority external to the Organization. Such a provision would be of assistance to the Secretariat and the General Assembly, and would strengthen the position of the Secretariat. The Subcommittee accordingly unanimously recommended the following text of paragraph 4, Chapter X:

"In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They 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. Each member 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."

29. The question was raised by a member of the Subcommittee *as to* whether paragraph 4 covered the risk which might be faced by a member of the Secretariat as the result of taking an oath of allegiance to the Organization. In answer to this question it was pointed out that the experience of the League of Nations demonstrated that there was no practical difficulty in this matter except in the case of the Fascist states. It was agreed by the Subcommittee, however, to refer this matter to Committee IV/2 for such action as it might deem necessary.



30. The question also was raised whether this paragraph covered the risk which might be faced by a member of the Secretariat who participated in the preparation of military plans for possible use against his own state. It was pointed out that if a member of the Secretariat were to become aware of such military plans, he might be liable to heavy penalty under the laws of his own state for failure to reveal them to his own government. Members of the Subcommittee agreed that this highly important matter could not properly be dealt with in Chapter X of the Charter, but that it likewise should be considered by Committee IV/2 for such action as it might deem necessary. It was felt by members of the Subcommittee that the question of the liability of members of the Secretariat for military service to their own states would be settled by administrative arrangements when the problem arose.

The text of paragraph 4 recommended by the Subcommittee was adopted unanimously by Committee I/2.

Paragraph 5, Character of the Secretariat.

31. The Subcommittee recommended to the full Committee an additional paragraph of Chapter X which constituted a revision of the last paragraph of the Canadian amendment, as follows:

"The staff shall be appointed by the Secretary-General under regulations established by the General Assembly. 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 staff on as wide a geographical basis as possible."

32. During the discussion of this recommendation by Committee I/2 several delegates expressed the opinion that this paragraph was concerned with minor technical details and should not accordingly appear in the Charter. It was also contended that in addition to the Secretariat, the other organs of the Organization would require staff, and that it



would not be logical to limit the provisions proposed in paragraph 5 to the Secretariat alone.

33. A number of delegates agreed that the Charter should not contain excessive detail, but contended that the paragraph in question was concerned with matters of principle and not of detail; that in fact the paragraph contained no more than general principles to guide the General Assembly when it established detailed regulations governing the staff of the Secretariat. It was contended by several delegates that the provisions of paragraph 5 would apply to the staffs of the Security Council, the Economic and Social Council, and other organs since the Secretariat itself would serve all these organs. Attention was called to the fact that the unanimous recommendation of the Subcommittee arose from the fact that the language for this paragraph was based upon various international incidents establishing international organizations already accepted by many of the participants

in this Conference. Similar provisions appear in the constitutions of the Food and Agricultural Organization of the United Nations, the Bretton Woods documents and other international agreements.

34. The Committee unanimously agreed, upon the motion of the Delegate of Brazil, that positions in the Secretariat, as one of the principal organs of the Organization, would be open to men and women on an equal basis. It was emphasized that provision for such participation on an equal basis had been provided in paragraph 3, Chapter IV, adopted by this same Committee.

35. The Committee agreed that the question of the juridical status of members of the Secretariat should not be covered by a provision of Chapter X, since it was under consideration by Committee IV/2.



## ANNEX

### CHAPTER X. THE SECRETARIAT

1. There shall be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General shall be the chief administrative officer of the Organization. The Secretary-General shall be elected by the General Assembly, on recommendation of the Security Council.

2. 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 or may be entrusted to him by the Organization. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

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

4. In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They 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. Each member 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.

5. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly. The paramount consideration in the employment of the staff and in the determination of 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 staff on as wide a geographical basis as possible.



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## COMMISSION I      General Provisions

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### DRAFT REPORT OF RAPPORTEUR (GENERAL) OF COMMITTEE I/2

#### ON CHAPTER X (THE SECRETARIAT)

##### Introduction

1. Committee I/2 was charged with consideration of Chapter X of the Dumbarton Oaks Proposals, providing for the Secretariat of the Organization. In addition to the original three paragraphs of Chapter X, the Committee considered two amendments proposed by the sponsoring governments and other amendments proposed by Canada, Liberia, Mexico, New Zealand, Norway, Philippine Commonwealth, Uruguay, and Venezuela, and a joint amendment of Brazil, Dominican Republic and Mexico.

2. The Committee devoted seven sessions to consideration of Chapter X and its Subcommittee on this Chapter met three times. The Subcommittee was composed of the President of Commission I;



the Chairman of Committee I/2; the Rapporteur (General) of Committee I/2, ex officio; and the Delegates of Canada, China, Greece, Mexico, New Zealand, Norway, United States, Uruguay, and Venezuela.

3. In their consideration of provisions for the Secretariat of the Organization, the members of Committee I/2 <sup>quickly and</sup> ~~demonstrated~~ <sup>agreed</sup> unanimously ~~agreed~~ that the Secretariat should be of the highest quality and should be organized on a truly international basis. There was no dissension ~~from~~ from these principles, and such disagreement as did appear during the discussions was limited to the question of the extent to which specific detailed provision should be made in the Charter for the Secretariat.

4. The Committee took up the various features relating to the Secretariat separately, following a general outline which is used in this report.

#### Paragraph 1, The Secretariat

##### a. General Provisions

5. The first sentence of paragraph 1, Chapter X, of the Dumbarton

Oaks Proposals provides that: "There shall be a Secretariat comprising a Secretary-General and such staff as may be required."

There was no discussion of this provision, and the sentence was adopted with only one <sup>negative</sup> ~~contrary~~ vote.

b. Secretary-General

6. The second sentence of this paragraph provides that: "The Secretary-General shall be the Chief Administrative Officer of the Organization." Likewise, there was no discussion of this provision, and the sentence was adopted with only one <sup>negative</sup> ~~contrary~~ vote.

c. Election and Term of Office of the Secretary-General

7. At the outset of its consideration of the Secretariat, the Committee was advised that Committee II/1 had voted that the Secretary-General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council. The Committee agreed that in view of this situation it did not, ~~therefore~~ propose to enter into a further discussion of the matter. The approval of this resolution was understood as not constituting

approval of the substance of the decision of Committee II/1.

8. The Committee then proceeded to the question of the term of office and eligibility for re-election of the Secretary-General.

The Dumbarton Oaks <sup>Contained</sup> Proposals ~~made~~ no provisions~~/~~ for these questions, but an amendment of the sponsoring governments provided that the term of office of the Secretary-General should be three years and that he should be eligible for re-election. Several delegates opposed any reference in the Charter to the term of office. They argued that the Organization should not be bound <sup>by</sup> ~~in~~ the Charter in this matter, but should be free to determine the length of office as conditions warranted.

9. Delegates answering these views held that the three year term associated with the eligibility of the incumbent Secretary-General for re-election provided an adequate method of attracting outstanding candidates for the position and at the same time protecting the Organization from the lengthy tenure of an unsuitable Secretary-General.



10. The Committee voted in favor of a provision for the eligibility of the Secretary-General for re-election and for a three year term of office.

11. Subsequent to these decisions, the Committee was advised that the vote of Committee II/1 on the election of the Secretary-General had been referred by the Steering Committee to Committee III/1, and that the latter Committee had reversed the decision of Committee II/1 and had accepted the original text of the Dumbarton Oaks Proposals, namely, that the Secretary-General should be elected by the General Assembly, on recommendation of the Security Council.

12. In view of this <sup>new</sup> situation affecting the election of the Secretary-General, the Delegate of the Netherlands <sup>supported by the Delegates of New Zealand and Belgium</sup> proposed that the earlier decisions of the Committee adopting a three year term of office be rescinded and that the Committee accept the original Dumbarton Oaks text, that is, the third sentence of paragraph 1, with the exception of the clause "for such term and under such

conditions as are specified in the Charter." He stated that the necessity of unanimous agreement of the permanent members of the Security Council for the re-election of the Secretary-General every three years would either deprive him of his independence or force him to leave at his office at a time when his experience would be most useful to the Organization. If there was hesitation on this point in the Committee, he suggested that the determination of the term of office might be left as a matter of later agreement between the Security Council and the General Assembly. It was understood by the Committee that the unanimity of the permanent members would be required in the decision of the Security Council on this matter.

The Delegate of the Netherlands also proposed that the word "appointed" be substituted for "elected" in order to emphasize the administrative nature of the Secretary-General's office. The Committee adopted, with only one negative vote, the Netherlands motion to accept the following



text:

"The Secretary-General shall be appointed  
by the General Assembly, on recommendation of  
the Security Council."



d. Deputy Secretaries-General

13. The Dumbarton Oaks Proposals made no reference to deputy secretaries-general. The sponsoring governments, however, proposed an amendment to Chapter X providing that there should be four deputies to be elected by the General Assembly on recommendation of the Security Council for a period of three years.

The debate on this matter revolved about two questions:

First, whether provision should be made in the Charter for deputy secretaries-general; and

Second, if provision were made for deputy secretaries-general, whether the number of such officers should be specified in the Charter.

14. The delegates opposing specific reference to deputies stated that it was impossible at this time to foresee the needs of the Organization with regard to deputies. They explained that the Assembly would be in a better position to estimate these needs at subsequent times. They felt that the

number of deputies would depend upon the distribution of functions within the Secretariat. *They*

15. ~~The Delegate of the Soviet Union~~ proposed that the amendment of the sponsoring governments should be revised to provide for five deputies instead of four. ~~In arguing against the amendment of the sponsoring governments, numerous dele-~~

*gates* contended that <sup>*adoption*</sup> ~~specification~~ of the number <sup>*four*</sup> and the mode of election of the deputies might jeopardize the international character of the Secretariat. Some delegates also indicated that they favored the appointment of the deputies by the Secretary-General instead of <sup>*their*</sup> ~~by~~ election by the Assembly upon the nomination of the Security Council. They felt that the method proposed by the sponsoring governments might render difficult the proper relationship between the Secretary-General and the deputies and might not be conducive to the efficient functioning of the Secretariat.

*As the delegate of the Soviet Union, in order to meet one of the objections raised,*

16. Those who supported the amendment of the sponsoring governments argued that five deputies would be needed--one

to act as alternate to the Secretary-General and one to serve each of the four principal organs. They stated that the international character of the Secretariat would be protected by the method of election of the deputies, which would parallel the method of election of the Secretary-General. These delegates also explained that the method of election would give considerable prestige to the deputies.

17. The Committee voted 15 in favor to 13 opposed on the question of referring specifically in the Charter to deputy secretaries-general. The Chairman ruled that since provisions of the text of the Charter require a two-thirds majority to be adopted, this vote was not sufficient for adoption.

18. Following this vote the Steering Committee requested Committee I/2 to reconsider the matter of deputies, and to vote on specific proposals. The Committee then rejected, by a vote of 20 in favor to 19 against, the proposal of the Soviet Union to provide in the Charter for five deputies.



The Committee also rejected by a vote of 22 in favor to 18 against the amendment of the sponsoring governments to provide for four deputies. The Committee then adopted by a vote of 40 in favor to 1 against, the first two sentences of paragraph 1, Chapter X, of the Dumbarton Oaks Proposals, as noted above in this report.

19. The Delegate of the Soviet Union subsequently proposed

that the first and third sentences of paragraph 1 be modified,

*so as to include reference to deputies but without specification as to number. This amendment would have made so that the paragraph read as follows:*

"There shall be a Secretariat comprising a Secretary-General, deputies and such staff as may be required. The Secretary-General shall be the chief administrative officer of the Organization. The Secretary-General and his deputies shall be elected by the General Assembly, on recommendation of the Security Council."

This motion of the Soviet Delegate was rejected by a vote of

24 opposed to 12 in favor.

Paragraph 2, Functions of the Secretary-General

20. Paragraph 2 was considered by the Subcommittee on the Secretariat. The Subcommittee considered a proposal made by the Delegate of Mexico that registration of treaties and other agreements made between members of the Organization should be included among the main functions of the Secretariat, and a similar amendment submitted by the Delegation of the Philippine Commonwealth. The recommendation of the Subcommittee <sup>was</sup> that, since the Charter would provide elsewhere for the registration of treaties, it was unnecessary to include enumeration of this function in Chapter X, was agreed to by the full Committee. The Committee likewise accepted the Subcommittee's recommendation that the language of paragraph 2 should be kept sufficiently broad to cover all of the functions of the Secretariat, and that no attempt should be made to enumerate therein specific functions which are provided in other chapters of the Charter.

21. In view of the fact that Committee <sup>II/4</sup> ~~III/4~~ had provided for

a Trusteeship Council, Committee I/2 agreed to amend the original paragraph 2 by inserting reference to this Council in respect to the functions of the Secretary-General.

22. Committee I/2 unanimously accepted the following text of paragraph 2, Chapter X, recommended by its Subcommittee:

"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 or may be entrusted to him by the Organization. The Secretary General shall make an annual report to the General Assembly on the work of the Organization."

Paragraph 3, Functions of the Secretary-General

23. The Subcommittee and the full Committee considered at length paragraph 3, providing that the Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security. The Subcommittee discussed a suggestion that the word right in the first line of paragraph 3 should be changed to duty. It was agreed that the authority to bring to the attention of the Security Council any matter which in his opinion



might threaten international peace and security should be exercised at the discretion of the Secretary-General and should not be imposed upon him as a duty. The Committee agreed to this recommendation.

24. The Subcommittee and the Committee considered an amendment to paragraph 3 proposed by Venezuela which would permit the Secretary-General to bring to the attention of the General Assembly, as well as to the Security Council, any matter which in his opinion might threaten international peace and security. The Venezuelan Delegate explained that his amendment was intended to give the Secretary-General discretionary power to bring certain matters to the attention of either the General Assembly or the Security Council. He contended that this function did not place too great a burden on the Secretary-General. Its advantage was to keep the General Assembly informed of certain situations which states themselves might not bring to the attention of the Assembly.

25. Some delegates in opposing the Venezuelan amendment discussed the difficulty in which the Secretary-General might be

placed in having to decide between the General Assembly and the Security Council in presenting matters concerning peace and security. It was argued further that the Secretary-General would be exercising powers which are not even possessed by the member states. The Committee rejected the Venezuelan amendment by a vote of 18 to 11.

26. The Delegate of Uruguay proposed to amend paragraph 3 by providing that in addition to matters which in his opinion might threaten international peace and security, the Secretary-General could bring to the attention of the Security Council any matters which constitute an infringement or violation of the principles of the Charter. The Delegate of Uruguay contended that the Secretary-General should take into account matters which would not necessarily threaten international peace but which would constitute violations of the principles of the Charter. He suggested that there should be some provision by which infringements or violations of the principles of the Charter by the member within its own country should be brought to the attention of

the Organization. Delegates opposing this amendment argued that as in the case of the Venezuelan amendment, it would place a heavy burden upon the Secretary-General. This amendment was rejected by a vote of 16 to 13.

27. The Committee unanimously adopted the text of paragraph 3, Chapter X of the Dumbarton Oaks Proposals, as follows:

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



Paragraph 4, Characteristics of the Secretariat

28. In considering provisions regulating the composition and character of the Secretariat the Subcommittee and Committee considered an amendment proposed by the Sponsoring Powers and similar amendments of Canada and New Zealand. Paragraphs 4 and 5 of the Canadian amendment were used as the basis of the discussion by the Subcommittee because it was felt that they were somewhat broader than the others. Members of the Subcommittee were of the opinion that although the matter might be covered in staff regulations, provision should be made in the Charter that the Secretariat should not seek or receive instructions from any government or from any other authority external to the Organization. Such a provision would be of assistance to the Secretariat and the General Assembly, and would strengthen the position of the Secretariat. The Subcommittee accordingly unanimously recommended the following text of paragraph 4, Chapter X:

"In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They 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. Each member 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."

29. The question was raised by a member of the Subcommittee *as to* whether paragraph 4 covered the risk which might be faced by a member of the Secretariat as the result of taking an oath of allegiance to the Organization. In answer to this question it was pointed out that the experience of the League of Nations demonstrated that there was no practical difficulty in this matter except in the case of the Fascist states. It was agreed by the Subcommittee, however, to refer this matter to Committee IV/2 for such action as it might deem necessary.

30. The question also was raised whether this paragraph covered the risk which might be faced by a member of the Secretariat who participated in the preparation of military plans for possible use against his own state. It was pointed out that if a member of the Secretariat were to become aware of such military plans, he might be liable to heavy penalty under the laws of his own state for failure to reveal them to his own government. Members of the Subcommittee agreed that this highly important matter could not properly be dealt with in Chapter X of the Charter, but that it likewise should be considered by Committee IV/2 for such action as it might deem necessary. It was felt by members of the Subcommittee that the question of the liability of members of the Secretariat for military service to their own states would be settled by administrative arrangements when the problem arose.



The text of paragraph 4 recommended by the Subcommittee was adopted unanimously by Committee I/2.

Paragraph 5, Character of the Secretariat.

31. The Subcommittee recommended to the full Committee an additional paragraph of Chapter X which constituted a revision of the last paragraph of the Canadian amendment, as follows:

"The staff shall be appointed by the Secretary-General under regulations established by the General Assembly. 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 staff on as wide a geographical basis as possible."

32. During the discussion of this recommendation by Committee I/2 several delegates expressed the opinion that this paragraph was concerned with minor technical details and should not accordingly appear in the Charter. It was also contended that in addition to the Secretariat, the other organs of the Organization would require staff, and that it

would not be logical to limit the provisions proposed in paragraph 5 to the Secretariat alone.

33. A number of delegates agreed that the Charter should not contain excessive detail, but contended that the paragraph in question was concerned with matters of principle and not of detail; that in fact the paragraph contained no more than general principles to guide the General Assembly when it established detailed regulations governing the staff of the Secretariat. It was contended by several delegates that the provisions of paragraph 5 would apply to the staffs of the Security Council, the Economic and Social Council, and other organs since the Secretariat itself would serve all these organs. Attention was called to the fact that the unanimous recommendation of the Subcommittee arose from the fact that the language for this paragraph was based upon various international incidents establishing international organizations already accepted by many of the participants

in this Conference. Similar provisions appear in the constitutions of the Food and Agricultural Organization of the United Nations, the Bretton Woods documents and other international agreements.

34. The Committee unanimously agreed, upon the motion of the Delegate of Brazil, that positions in the Secretariat, as one of the principal organs of the Organization, would be open to men and women on an equal basis. It was emphasized that provision for such participation on an equal basis had been provided in paragraph 3, Chapter IV, adopted by this same Committee.

35. The Committee agreed that the question of the juridical status of members of the Secretariat should not be covered by a provision of Chapter X, since it was under consideration by Committee IV/2.



## ANNEX

### CHAPTER X. THE SECRETARIAT

1. There shall be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General shall be the chief administrative officer of the Organization. The Secretary-General shall be elected by the General Assembly, on recommendation of the Security Council.

2. 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 or may be entrusted to him by the Organization. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

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

4. In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They 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. Each member 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.

5. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly. The paramount consideration in the employment of the staff and in the determination of 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 staff on as wide a geographical basis as possible.