

UNCO-Working papers - commissions & technical committees
- Commission II (general)

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Copy for Mr. Gilchrist

June 12, 1945

TO: Mr. C. Easton Rothwell

FROM: W. A. Brown, Jr.

This is a draft of the summary you asked me to make.

There are a number of minor omissions and some gaps where the text has not been established, even tentatively.

The whole needs extremely careful checking and must be regarded as preliminary in every sense.

with fine text

The Charter of the United Nations

Preamble of the Charter

The Charter is introduced by a Preamble which recites the determination of the peoples of the United Nations to prevent future wars, to reaffirm faith in human rights and dignity, to establish conditions in which justice and respect for international law and treaties can be maintained, and to promote social progress in larger freedom. It states in general terms the rules of international conduct and the methods of international cooperation which the peoples of the United Nations are determined to follow in order to achieve these objectives. These are made specific in the first chapter of the Charter itself, which states the purposes and principles of the Organization.

Purposes of the Organization

The purposes of the Organization are, 1) to preserve international peace and security by taking collective measures to remove threats to the peace and ~~to~~ suppress acts of aggression and by settling international disputes in accordance with principles of international law and justice; 2) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; 3) to achieve international cooperation in solving economic, social, cultural and humanitarian problems, and to encourage respect for human rights and fundamental freedoms for all; and 4) to be a center for harmonizing the actions of nations in achieving these ends.

Principles Governing the Actions of the Organization and of Its Members

The Organization is based on the principle of the sovereign equality of all its members. The member states undertake 1) to fulfill the obligations assumed by them in accordance with the Charter; 2) to settle their international disputes by peaceful means in such a manner that international peace, security and justice are not endangered; 3) to refrain from the threat or use of force against the territorial integrity or political independence of any member or state or in any other manner inconsistent with the purposes of the Organization; 4) to give every assistance to the Organization in any action undertaken by it in accordance with the Charter; 5) to refrain from assisting any state against which preventive or enforcement action is being undertaken by the Organization. The Organization itself is responsible for insuring that non-member states observe these principles to the extent necessary to maintain the peace.

The Organization is not to intervene in matters essentially within the domestic jurisdiction of any state and is not to require members to submit such matters to settlement under the Charter. It is, however, expressly stated in the Charter that this does not prejudice the application of provisions which make it the duty of the Organization to determine threats to the peace or acts of aggression and which give it specific powers to keep the peace.

Principal and Subsidiary Organs of the United Nations

The Charter establishes as the principal organs of the United Nations:

- (1) A General Assembly
- (2) A Security Council
- (3) An Economic and Social Council
- (4) An International Court of Justice
- (5) A Secretariat

The membership of the principal organs is established partly by express stipulation of the Charter, partly by election by the General Assembly, and partly by joint action of the General Assembly and the Security Council. The Charter provides for the creation of subsidiary organs by some of the principal organs, but once these various bodies have been created, they become organs of the United Nations as a whole.

Composition and Membership of the Principal Organs of the United Nations

(1) General Assembly

Every member of the United Nations is a member of the General Assembly. The original members are those states which have signed and ratified the Charter (check with ratification clause when completed). New members may be admitted by the General Assembly on the recommendation of the Security Council, and membership is open to all peace loving states which in the judgment of the Organization are able and ready to accept and carry out the obligations contained in the Charter. (A sentence should be added here when the suspension and expulsion clauses have been established.)

(2) Security Council

The Security Council is a body of eleven members of whom five, the United States, the United Kingdom, the Soviet Union, China, and France, are designated as permanent members by express stipulation of the Charter. The

remaining six members are elected for a term of two years by the General Assembly with due regard to their contribution to the maintenance of international peace and security and to equitable geographical distribution. The non-permanent members may not be reelected immediately after their terms have expired.

(3) Economic and Social Council

The Economic and Social Council consists of eighteen members elected by the General Assembly for three year terms and eligible for reelection at any time.

(4) Permanent Court of International Justice

All members of the United Nations are by the Charter made parties to the Statute of the International Court of Justice. States not members of the United Nations may become parties to the Statute under conditions determined in each case by the General Assembly on the recommendation of the Security Council. The General Assembly and the Security Council both participate in the election of the Judges of the Court.

(5) The Secretariat

The Secretary-General (and his deputies) is (are?) elected by the General Assembly on recommendation of the Security Council (to be completed when the paragraphs on Secretary-General are completed).

The General Assembly

Procedures and Voting

The General Assembly meets in annual sessions and in special sessions at the request of the Security Council or of a majority of the member states. It elects its president for each session. Each member has one vote, but the right to vote is suspended if a member falls two years in arrears in its financial obligations to the Organization. On certain important questions a two-thirds majority is required, but otherwise decisions are taken by majority vote.

Duties, Responsibilities and Powers

The General Assembly can discuss any matter within the sphere of international relations. With one exception, it can make recommendations on any such matters to the Security Council, the member states, or both. When the Security Council, in the discharge of its special responsibilities, is dealing with a dispute or situation which

may endanger the peace, the General Assembly can not make recommendations to it. In other respects the Assembly's right of recommendation is as broad as its right of discussion. It includes the right to recommend measures for the peaceful adjustment of any situation regardless of origin which the Assembly thinks is likely to impair the general welfare of friendly relations among nations. It also includes the right to make recommendations on the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments.

The Assembly has the right to call the attention of the Security Council to situations likely to endanger international peace, but when action is necessary it must refer them to the Security Council.

The General Assembly receives and considers annual and special reports from the Security Council. The Charter specifies that these reports shall include an account of the measures taken by the Council to maintain international peace and security. (This paragraph to be completed when final action is taken on Dumbarton Oaks, Chapter V, Section B, Para. 8.)

The General Assembly is responsible for initiating studies and making recommendations to assist in the realization of human rights and basic freedoms for all and to promote the development and codification of international law. In addition, it may initiate studies and make recommendations for international cooperation in many other fields: political, economic, social, cultural and educational. It may enter into agreements with specialized agencies in these fields and can make recommendations for the coordination of the policies of such agencies. It can examine their administrative budgets and make recommendations concerning them.

The Security Council

Principal Function--Maintenance of Peace and Security

The Charter calls on all States to settle their disputes by peaceful means and if they fail to do so, to refer them to the Security Council. Any state, whether a member of the United Nations or not, may bring to the attention of the Security Council any international dispute, or any situation which may lead to international friction or give rise to an international dispute, provided that the non-member States accept in advance the obligation of peaceful settlement which the Charter imposes on member States.

The member States confer on the Security Council primary responsibility for the maintenance of international peace

and security, and agree that in discharging this responsibility it acts in their behalf. The Council has broad powers under the Charter to deal with threats to or breaches of the peace whether or not these are referred to it by States or by the General Assembly. It must act in accordance with the principles and purposes of the United Nations in fulfilling its responsibilities and the members agree to accept and carry out its decisions in accordance with the provisions of the Charter.

Procedures

Unlike the Assembly, the Security Council is a continuously functioning body. Its members will be permanently represented at the headquarters of the Organization but it can if it wishes meet elsewhere. It decides the method of electing its President and fixes its own rules of procedure.

If the Council thinks that the interests of any member of the Organization are specially affected by any question brought before it, that member has the right to take part in the discussion of the question. Members of the Assembly have the right to participate in the discussion by the Security Council of disputes to which they are parties. The Charter provides that the same privilege shall be extended to States which are not members of the Organization but in that case the Security Council lays down the conditions governing the participation of the non-member country.

Voting

Each member of the Security Council has one vote. On procedural matters decisions are made by an affirmative vote of seven members. On other matters decisions are made by an affirmative vote of seven members, including the concurring votes of the permanent members. No member which is a party to a dispute may vote on decisions concerning the peaceful settlement of such a dispute or its reference to regional agencies for settlement. (Check last phrase with text when established.)

Specific Powers and Duties--Peaceful Settlement of Disputes

(Based on draft text of Drafting Subcommittee of Committee III/1 of June 8, 1945.)

It is the duty of the Security Council to call upon States which are parties to disputes to seek a solution by negotiation, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Council can investigate any dispute or situation in order to determine whether it endangers international peace. At any stage it may recommend appropriate procedures or methods of adjustment. ~~If the parties fail to reach an adjustment by peaceful means they are obligated to refer the dispute to the Council.~~

If the Council believes that the continuation of the dispute will in fact threaten the peace it can, as an alternative to recommending procedures and methods of adjustment, itself recommend terms of settlement which it deems appropriate.

If all the parties to any dispute so request the Security Council may make recommendations with a view to a settlement in accordance with the principles of the United Nations.

Specific Powers and Duties--Enforcement Action

It is the duty of the Security Council to determine the existence of any threat to the peace, breach of peace or act of aggression. It if decides that such a situation exists, its first responsibility is to call on the parties to comply with provisional measures to prevent an aggression of the situation. It must then make recommendations and decide on measures to be taken to maintain or restore peace and security.

The Council is empowered first to call on the members to apply such measures, not involving the use of armed force, as it considers necessary to make its decisions effective. These may include the complete or partial interruption of all forms of communication and the severance of diplomatic and economic relations. If the Council considers such measures inadequate, it can take such action by air, naval, and land forces as may be necessary to maintain or restore peace and security. This may include demonstrations, blockade and other operations by the air, sea, or land forces of the member States.

Force Available to the Security Council

The Charter provides for the negotiation between the Security Council and the member States of special agreements under which the members undertake to provide, at the call of the Council, the armed force and facilities, including rights of passage, necessary for the maintenance or restoration of peace and security. These agreements will 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. They will be subject to ratification by the signatory States in accordance with their constitutional practice.

National air force contingents, within the limitation of these agreements, will be held immediately available by the members of the Organization for combined international enforcement action. Their strength and degree of readiness will be determined by the Security Council assisted by the Military Staff Committee.

The Military Staff Committee

The Charter establishes a Military Staff Committee to advise the Council and to assist it in making plans for the

employment of armed force. This Committee will be in in strategic comment of any armed forces at the disposal of the Council. It will be composed of Chiefs of Staff of the permanent members of the Security Council or their representatives. Other members will participate in its work when this is required for the effective discharge of its responsibilities. With the authorization of the Security Council and after consultation with regional agencies, this Committee may establish regional subcommittees.

Enforcement Action by the Council--Duties, Responsibilities and Rights of Member and Non-Member States

All members are obligated to join in mutual assistance in carrying out the measures decided upon by the Security Council, but the Council itself determines how the responsibility for enforcement action is to be distributed among the members. Any member State which is not a member of the Security Council has the right to participate in the decisions of the Council concerning the employment of contingents of its armed forces, and any State, whether it is a member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of measures decided on by the Security Council has the right to consult with the Council as to the solution of these problems.

If an armed attack occurs against a member State the Charter does not impair the inherent right of individual and collective self-defense until the Security Council has acted. Measures taken in self-defense, however, must be reported to the Council and do not affect its authority or responsibility for taking action to maintain or restore peace and security.

Relation of the Security Council to Regional Arrangements

(Based on skeleton Charter and guide to amendments.)

Regional arrangements or agencies for the maintenance of international peace and security are not precluded by the Charter. They must, however, be consistent with the purposes and principles of the United Nations. The Security Council will encourage peaceful settlements of local disputes through such arrangements. It will also utilize them where appropriate for enforcement action under its authority. The Charter provides, however, that no enforcement action shall be taken under such arrangements or through such agencies without the authorization of the Security Council except in the case of measures against enemy States in this war. This exception is made until such time as the Organization may at the request (?) of the governments concerned be charged with the responsibility for preventing further aggression by a State now at war with the United Nations.

The Economic and Social Council

(Based on skeleton Charter of June 4th, plus one additional paragraph approved by Committee II/3.)

The responsibility for promoting the social, economic, cultural, and humanitarian objectives of the United Nations is vested by the Charter in the Assembly, and under it, in the Economic and Social Council, in which each member has one vote and in which decisions are taken by a simple majority.

All the member states are pledged to take joint and separate action in cooperation with the Organization for the promotion of 1) higher standards of living, full employment and economic and social progress; 2) solution of international economic, social, health and related problems and international cultural and educational cooperation; and 3) universal respect for and observance of human rights and freedoms for all without distinction of race, language, religion or sex.

The Economic and Social Council is authorized to make on its own initiative recommendations for promoting respect for human rights and freedoms and their protection, and a wide range of responsibility is entrusted to it with respect to international economic, social, cultural, educational, health, and other related matters. It carries out the recommendations of the Assembly in all these fields, makes and initiates studies and reports, and coordinates the activities of specialized international agencies. These are brought into relationship with the Organization on terms agreed upon between them and the Economic and Social Council. The Council may arrange to have representatives of these agencies participate without vote in its deliberations and its own representatives may participate in the deliberations of these agencies. The Council may make recommendations to the agencies themselves, to the General Assembly, or to the member States when it is authorized to obtain reports as to the steps taken to carry out these recommendations and to comment thereon to the Assembly. It also receives regular reports from the specialized agencies.

The Economic and Social Council may initiate international conferences, prepare draft international conventions, and set up commissions in the fields of its responsibility. Its permanent staff is part of the United Nations.

Finally, the Council provides information to the Security Council and may assist if requested. Subject to the approval of the General Assembly, it is authorized to perform services in all fields of its interest at the request of the member States or of the specialized agencies.

The International Court of Justice

The International Court of Justice functions as the principal judicial organ of the United Nations under a statute which is annexed to and forms an integral part of the Charter, but this does not prevent the submission of international differences to other tribunals if the parties so agree.

The Secretariat

The Secretaria

The Chief administrative officer of the United Nations is the Secretary General, who, together with his staff, is responsible only to the Organization. The members are pledged to respect the international character of the Secretary General and his staff.

The Secretary General acts as such at all meetings of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council. In addition to his administrative responsibilities he may call to the attention of the Security Council any matter, which in his opinion, may threaten international peace and security.

Dependent Territories and International Trusteeship Arrangements

(Based on Working Paper as of June 9, 1945.)

Dependent Territories--General Policy

The members of the United Nations which have responsibilities for administering dependent areas are pledged in the Charter to ensure political, economic, social and educational advancement of the peoples of these territories, to develop self-government and to further international peace and security. They accept these obligations as a sacred trust of civilization, and they agree to base their policy in these territories on the general principle of good neighborliness with due respect to the social, economic, and commercial interests of other countries.

(Additional provisions may still be added by Committee III/4.)

Territorial Trusteeship System

The Charter lays down the principles of, and provides the machinery for, a system of territorial trusteeship under which certain kinds of territories may be placed by subsequent agreements. The territories to which this system applies are: 1) territories now under mandate; 2) territories which may be detached from enemy states as a result of this war; and 3) territories voluntarily placed under the system by states responsible for their administration. In each case a Trusteeship Arrangement must be negotiated between the powers directly concerned and approved by the United Nations. They lay down the terms under which the territory is to be administered and designate the administering state or states. They may provide that the United Nations shall administer the territory.

These arrangements may also designate strategic areas within the territories. All the functions of the United Nations related to such areas including the approval of the Trusteeship Arrangements are vested in the Security Council. The responsibility of the United Nations in regard to all other aspects of the Trusteeship Arrangements are entrusted to the General Assembly.

The basic objectives of the Trusteeship system are to further international peace and security, to promote political, economic, social, and educational advancement, of the trust territories and their inhabitants and their development toward self government or independence, to encourage respect for human rights and fundamental freedoms for all, and to ensure equal treatment for all members of the United Nations and their nationals.

Trusteeship Council

The Charter provides for a Trusteeship Council to assist the General Assembly, to be composed of specially qualified representatives designated one each by states administering trust territories, one each by the permanent members of the Security Council not administering trust territories, and one each by a sufficient number of other states named by the General Assembly to bring the total number of representatives to the point where it is equally divided between administering and non-administering states.

The Trusteeship Council, under authority of the General Assembly, has the power to consider reports from the administering states, to make periodic visits to the territories, and to take other actions in conformity with the trusteeship arrangements. The administering authorities are obligated to make an annual report to the General Assembly on the basis of a questionnaire formulated by the Trusteeship Council.

Registration of Treaties

Treaties and international agreements entered into by members of the Organization after the Charter comes into effect are to be registered with the Secretariat and published. No party to any such treaty or agreement which has not been registered may invoke that treaty or agreement before any organ of the Organization.

Transitional Arrangements

(To be added when text of Chapter XII is established.)

Amendments and Ratification

(To be added when text is established.)

DRAFT Prepared by the Secretariat of Committee II/1
for consideration by Mr. Kiselev.

MEETING OF COMMISSION II
May, 1945

Statement of Work by Committee II/1

Kuzma V. Kiselev (Byelorussian Soviet Socialist Republic)

Committee I of Commission 2 has been charged with drafting those sections of Chapter V which deal with the structure and procedures of the General Assembly, ^{namely} ~~namely~~, Chapter V Section A, Section B, paragraphs 2, 4 and 5, and Section C and D.

The Committee held its first meeting on May 5 and has had a total of 11 meetings. It has completed the consideration of all the Sections assigned to it, but there are a number of matters on which it has been unable to act until other competent committees have established the text of certain other parts of the Charter.

The Committee makes the following recommendations to Commission II:

Composition of the Assembly (Chapter V, Section A of the Dumbarton Oaks Proposals)

All members of the Organization should be members of the General Assembly and should be represented by a delegation of not more than 5 members.

In fixing the number of representatives ^{at} of not more than five, the Committee felt that a proper distribution of work could be achieved and that member states, especially those with many shades of political opinion, could secure the advantages of consultation ^{within} their delegations.

Admission of New Members (Chapter V, Section B, paragraph 2, of the Dumbarton Oaks Proposals)

The Committee recommends that new members be admitted by the General Assembly upon recommendation of the Security Council. In supporting the acceptance of this principle many delegates emphasized that the purpose of the Charter is primarily to provide security against a repetition of the present war and that therefore, the Security Council should assume the initial responsibility of suggesting new participating states.

Elections by the General Assembly (Chapter V, Section B, paragraph 4)

The Committee recommends that the General Assembly should elect the non-permanent members of the Security Council and members of the Economic and Social Council. The Committee discussed the problem of whether the adoption by Committee III/1 of the ^afour-power amendment providing two general criteria by which the General Assembly shall be guided in electing non-permanent members of the Security Council would require any consequential amendments in Chapter V, Section B, paragraph 4. It was suggested that it might be desirable to provide that the election of non-permanent members of the Security Council should be in accordance with rules established by the General Assembly. This viewpoint has been communicated to the Coordinating Committee, but no qualifying words have been incorporated in the text recommended by Committee II/1. text?

The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made ^{by} upon an affirmative vote of ^{seven} 7 members.

INSERT A
(P 3)

Insert A (Page 3)

The Committee discussed the question of whether the Deputy Secretaries should be elected by the General Assembly. Although the Committee agreed that this subject was within its competence, its discussions developed the fact that the central issue involved related to the method by which the Deputy Secretaries General would be recommended to the General Assembly by the Security Council. The Committee therefore agreed not to take any action on this question, but referred it to Committee III/1.

It is the intent of the Committee that the majority stipulated shall be a majority of any ^{seven} 7 members and need not include the ~~Concurrent~~ ^{the five} current votes of 5 permanent members of the Security Council.

The Committee also voted that the Secretary General should be elected for a period of 3 years and should be eligible for re-election. It was suggested to Committee I/2 that this provision be incorporated in Chapter X, paragraph 1. / INSERT A

INSERT
A The Committee recommends that the judges of the International Court of Justice be elected by the General Assembly in accordance with the statute of the Court. It notes, however, that if Commission IV should decide ^{that} the authority to elect judges should not be exclusively ^{entrusted} interpreted in the Charter to the Assembly, but should be shared by the Security Council. ^{it} It will be necessary to alter the reference to the election of judges to some such phrase as "participate in the election of judges".

Apportionment of Expenses and Approval of the Budget (Chapter V, Section B, paragraph 5)

The majority of the Committee considered it unwise to specify in the Charter the basis for allocating expenses among the members and to set forth detailed procedures regarding the preparation and approval of the budget. ^{The Committee, therefore, recommends that the} ~~and recommends to the General Assembly powers to~~ ^{be empowered to apportion the expenses among the members and to} ~~proportion expenses and approve the budget should be granted in the~~ ^{approve the budgets of the Organization} Charter, as proposed in the Dumbarton Oaks text.

Voting Rights (Chapter V, Section C, Paragraph 1)

The Committee recommends that each member State shall have one vote in the General Assembly. It recommends also that States failing to fulfill their financial obligations should be deprived of all

voting rights in the Assembly as long as they are in arrears. In its discussions of this matter, the experience of the League of Nations was cited as indicating the need for such a penalty.

The Committee agreed that the Charter should specify the period which should elapse before a member in arrears should be subject to this penalty, and has asked Committee I/2 to decide this question and also to consider whether the Assembly should have power to make exceptions to this rule when a member is in default through no fault of its own.

The Committee earnestly discussed the question of whether members should be deprived of voting rights in the Assembly if they fail to carry out the obligations which are contemplated in Chapter VII, Section B, Paragraph 5. Action was deferred until the text of this paragraph is finally established.

Voting Majorities (Chapter V, Section 5)^C

The Committee recommends that the following important questions should be decided in the Assembly by a two-thirds majority.

1. Recommendations with respect to the maintenance of international peace and security.
2. Election of members to the Security Council.
3. Election of members to the Economic and Social Council.
4. Admission of members.
5. Suspension of the exercise of the rights and privileges of members.
6. Budgetary questions.

It was the view of many members of the Committee that either there should be no reference to the expulsion of members in Chapter V or that the expulsion of members should not be included in the list of important questions to be decided by a two-thirds majority. This question, however, was not fully discussed since the Committee agreed to postpone consideration of ^{the} ~~the majority~~ vote on this question until Committees I/2 and II/2 ^{have} ~~had~~ made the final recommendations on the general question of expulsion.

The Committee discussed the question of adding to the list of important questions the restoration of the rights of members. It was urged by several members that the restoration and suspension of rights were closely related questions and should be dealt with by the Assembly in the same manner.

It was also pointed out that in the Dumbarton Oaks Proposals only the Security Council has the right to restore the rights of members. This question was referred to Committee II/2 and in the event that the Assembly is given authority in this matter will be taken up again by this Committee.

Procedures (Chapter V, Section D of the Dumbarton Oaks Proposals)

The Committee recommends that the General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. It ~~recommends~~ also that the method of convening such special sessions shall be specified in the Charter. It recommends that such sessions shall be convened by the Secretary General at the request of the Security Council or of a majority of the members of the Organization.

The Committee recommends that the General Assembly should adopt its own rules of procedure and elect its president for each session.

The Committee recommends that the General Assembly should be empowered to set up such bodies and agencies as it deems necessary for the performance of its functions.

Recommended Texts (Chapter V, Section B)

⁴
~~Recommended Texts~~ in English and French embodying all of the ^{recommended} above decisions have been approved by the Committee and submitted to the Coordinating Committee.

Matters Pending Before the Committee

The unfinished business of the Committee includes the possibility of reconsideration of its recommendations concerning the budget. This matter may be raised by a reference from Committee II/3.

In addition to the specific questions which have been deferred until other committees have acted and which are indicated earlier in this report. ^{There} ~~There~~ are a number of amendments pending in other ^{Committees} ~~countries~~ which grant new powers to the Assembly and also suggest that decisions on additional questions be made by special majorities. Should these amendments be adopted, Committee II/1 will consider the question of the voting majorities.

Among these questions are the revision of inapplicable treaties and requests by the General Assembly for advisory opinions from the Court of International Justice.

There is also pending before Committee III/4 a proposal for the creation of a Trusteeship Council. This proposal provides for the

nomination of certain countries by the General Assembly to be represented on this Council. Should this be adopted, Committee II/1 may have to consider the method by which these nominations may be made.

May 22, 1945

MEMORANDUM

TO: Mr. Gilchrist

FROM: William A. Brown, Jr.

The following summarizes the status of the work of Committee II/1:

1. Items dealt with in principle by the full Committee and drafted by the Drafting Committee. The status of these items which include Chapter V, Section A, ^{and} Chapter ~~IV~~^V, Section 2, 4, and 5, is summarized in my memorandum to the Executive Committee, of which a copy is attached. *B, paragraph*

2. Items on which action has been taken in principle by the full Committee and which have not yet been drafted by the Drafting Committee.

(a) Chapter V, Section C, Paragraph 1. The Committee has approved this Section without change.

(b) Chapter V, Section C, new Paragraph. The Committee has approved the insertion of a new paragraph providing that members in default on their financial obligations to the Organization should be deprived of all voting rights in the Assembly.

(c) Chapter V, Section C, Paragraph 2. The Committee has approved this paragraph, except for the question of expulsion and restoration of rights of members, and the last sentence.

3. Chapter V, Section D. This Section is on our agenda for tonight.

4. Items which have been held over or reopened, or referred to other Committees.

(a) Chapter V, Section B, Paragraph 5, Budget.
This paragraph is to be reopened at the request of Committee II/3. The communication from Committee II/3 is on our agenda for today.

When the Committee approved the addition of a new Paragraph which deprives members of their right to vote if they are in default of their financial obligations, it referred the question of the period of grace to another Committee. There appears to be no other Committee which is to deal with this question, so I am attempting to reopen it in our Committee.

(b) Chapter X, Section 1. Our Committee approved the term of office and the eligibility for re-election of the Secretary General. It also discussed the election of Deputies Secretary General, but referred this to another Committee.

The action of our Committee on these matters is described fully in the attached memorandum, which I sent to Miss Armstrong.

(c) There is pending an Australian amendment which deprives members of voting rights for failure to live up to their obligations under Chapter VIII, B5. This is to be taken up when the text of this Chapter is established.

(d) There are a certain number of consequential amendments, which may add to the list of questions to be voted on by two-thirds majority, still pending. It seems that one or ~~the most~~ ^{two} consequential of these will have to be acted on.

(e) Whether or not the General Assembly should vote on the expulsion of members by a two-thirds majority is still pending and is to be taken up when other Committees act on the general question of expulsion.

(f) The question of restoration of rights of members was discussed, and referred to Committee II/2. If the Assembly is given some authority over the restoration of rights, our Committee may wish to provide that action in the Assembly be by two-thirds vote.

(g) If the Committee on Trusteeships, ~~for instance,~~ ^{Committee III/4} sets up a Trusteeship Council as provided in the working paper, I think it would be necessary for our Committee to consider the method by which the Assembly is to name representatives of six countries to be nominated to serve on the Trusteeship Council.

June 20, 1945

NEW QUESTIONS FROM COMMITTEE II/1 CONCERNING TRUSTEESHIP
(and expulsion as this point is covered along with
the points concerning trusteeship)

REPORT OF THE RAPPORTEUR - Document 1092, pp. 2 and 3

- A. Election of the elective members of the Trusteeship Council by the General Assembly.
- B. Powers of the Assembly on questions of trusteeship.
- C. Voting majority on important questions.
 - 1. Election of the elected members of the Trusteeship Council.
 - 2. Questions relating to the operations of the trusteeship system.
 - 3. Expulsion of members from the Organization.

The President might refer to the Rapporteur's report on each point separately, call for discussion and announce approval of the recommendations if there is no need for separate debate or vote.

No exact text of the recommendation of the Committee has been given in the Rapporteur's report on these three questions. For the first and second questions, the language problem is a simple one and results clearly from the recommendation as given in the Rapporteur's report. As regards the second question, no text was inserted in the Rapporteur's report because no final text was agreed upon by the Technical Committee II/1 which preferred to leave this to the Coordination Committee. For the information of the President there is recorded here the text as approved by II/1.

"The General Assembly shall have power to approve the trusteeship agreements for areas not designated as strategic, and to perform such other functions as are assigned to it under Chapter _____."

This paragraph was approved with the recommendation to the Coordination Committee that it should be drafted finally to conform with Paragraph 10, section (b) of the Trusteeship chapter which also deals with this point.

Paragraph 10 as approved by Committee II/4 reads as follows:

"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."

Committee II/1 wished the Coordination Committee and the Jurists Committee to make it clear that the power of the General Assembly should be clearly understood to include both the power to approve and the power to reject the trusteeship agreements for areas not designated as strategic.

HG:jk

May 19, 1945

TO: Executive Committee

SUBJECT: Provisional Report - Committee II/1

Approval by drafting Subcommittee of texts of Chapter V, Section A, and Chapter V, Section B, paragraphs 2, 4 and 5.

The Chairman of the Drafting Subcommittee of Committee II/1 has instructed me as Secretary to inform the Executive Committee that the following draft text of the above Sections of the Charter have been approved by the Subcommittee for submission to the full Committee. The principles embodied in each of these texts have been approved by the full Committee.

The Drafting Subcommittee will not report to the full Committee ~~and~~ all the sections entrusted to its full Committee have been acted upon. This report is therefore provisional.

Chapter V, Section A,

"The General Assembly shall consist of representatives of the Members of the Organization. Each Member may have not more than five representatives."

Chapter V, Section B.

"Paragraph 2 - The General Assembly may admit new Members to the Organization upon the recommendation of the Security Council."

"Paragraph 4 - The General Assembly shall elect the non-permanent Members of the Security Council and the Members of the Economic and Social Council."

The Drafting Subcommittee calls the attention of the Coordinating Committee to the fact that another committee has established two definite criteria by which the Assembly shall be guided in electing the non-permanent Members of the Security Council and suggests that it may be necessary in the final draft to include some such phrase as "according to rules adopted by it" after the word "elect" in order to define more clearly the way in which the Assembly shall comply with the provisions of Chapter VI, Section A.

Chapter V, Section B.

Paragraph 4 (second sentence) - "It shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of 7 Members."

"The Drafting Subcommittee was in agreement that this wording was intended to mean that the majority of 7 Members should be a majority of any 7 Members, not requiring the concurrent votes of the 5 permanent Members, and that this was the intent of the full Committee with respect to the sentence.

Chapter V, Section B.

Paragraph 4 (last sentence) - "The General Assembly shall elect the Judges of the International Court of Justice in accordance with the Statute of the Court."

The Drafting Subcommittee calls attention to the discussion in progress in Commission IV which may result in a provision which does not give exclusive authority to the Assembly to elect Judges and to the possibility that a change may be necessary in the word "elect" in this sentence to "participate in the election of" should the action of Commission IV require such alteration.

Chapter V, Section B.

Paragraph 5 - "The General Assembly shall apportion the expenses among the Members of the Organization. The budgets of this Organization shall be submitted to the Assembly for consideration and approval."

Recommended for Inclusion in Chapter X.

The Subcommittee has approved the following text which it recommends for inclusion in Chapter X, paragraph 1: "The Secretary General shall be elected for a term of three years. He shall be eligible for reelection."

French Text

All the texts agreed upon by the Subcommittee for submission to the full Committee are both in English and French. A copy of the French text is appended.

ELECTION OF THE SECRETARY GENERAL OF THE ORGANIZATION
Conference Action on the Recommendation of Committee II/1
Concerning This Matter

1. Action by Commission II on the Report of the Rapporteur of Committee II/1 on This Question.

At its meeting of May 29, 1945, Commission II considered the following recommendation in the report of the Rapporteur of Committee II/1:

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The Russian Delegate, Mr. Novikov, asked that the action on this recommendation be postponed by Commission II since the question of the election of the Secretary General had been referred by the Delegation of the Soviet Union to the Steering Committee.

2. Action by the Executive Committee.

At its sixth meeting of June 6 the Executive Committee considered the action of Committee II/1 on this matter. It referred the matter to the Steering Committee with the recommendation that jurisdiction of the question of the voting procedure in the Security Council for nominating a Secretary General be transferred from Committee II/1 to Committee III/1.

3. Action by the Steering Committee.

At its sixth meeting of June 8 the Steering Committee took cognizance of this question and in agreement with the recommendation of the Executive Committee referred the matter of voting in the Security Council on the nomination of the Secretary General to Committee III/1.

4. Action by Committee III/1.

At its twenty-first and twenty-second meetings of June 13 and 14 Committee III/1 considered this matter and

reported as follows to the Secretary General of the Conference:

"1. It was agreed that, Committee II/1 having no jurisdiction over the voting procedure in the Security Council, its adoption of the words 'made by an affirmative vote of seven members' in paragraph 4, Section B, Chapter V, is null and void.

"2. No motion was made in the meeting of Committee III/1, which is alone competent to deal with this matter, to introduce the said words, or any other words, into Chapter V, Section B, paragraph 4.

"3. Committee III/1 therefore considers that the words 'made by an affirmative vote of seven members' do not constitute part of the said paragraph.

"4. No other amendment was presented in Committee III/1 respecting the language of this paragraph.

"5. It was agreed that the voting procedure for other than procedural matters approved by Committee III/1 at its 20th meeting on June 13, 1945, at 10:30 a.m. is applicable to the nomination of the Secretary-General."

Commission II General Assembly
Committee 1 Structure and Procedures

SUMMARY REPORT OF FIFTEENTH MEETING OF COMMITTEE II/1

Veterans Building, Room 303, June 18, 1945, 8:30 p.m.

The Chairman Mr. Hasan Saka (Turkey) opened the meeting at 8:30 p.m.

1. Apportionment of Expenses

The Committee considered and approved the following revised text of Chapter V, Section B, paragraph 5 of the Dumbarton Oaks Proposals referred to it by the Coordination Committee:

"The expenses of the Organization shall be borne by the members as apportioned by the General Assembly. The General Assembly shall consider and approve the budget of the Organization and any financial arrangements with specialized agencies brought into relationship with it."

In taking this action the Committee considered the view of the Advisory Commission of Jurists that a clear statement of the obligation of members to meet the expenses of the Organization should be found in the Charter.

2. Admission of New Members

The Committee considered the following text of Chapter V, Section B, paragraph 2 of the Dumbarton Oaks Proposals which were under consideration by the Coordination Committee:

"The admission of any state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

"L'admission de tout Etat comme membre des Nations Unies est prononcée par l'Assemblée Générale sur la recommandation du Conseil de Sécurité."

The Secretary reported that he had been advised by the Secretary of the Advisory Commission of Jurists that ~~the~~ *that*

Committee felt that these texts would not in any way weaken the original text adopted by the Committee. In the light of this interpretation the Committee approved the text.

3. Voting Majority on Expulsion

The Committee unanimously approved the inclusion of expulsion of members in the list of important questions requiring a two-thirds vote of the General Assembly.

4. Procedures of the General Assembly with Reference to the Trusteeship Council

The Committee unanimously agreed to amend the text of the first sentence of Chapter V, Section B, paragraph 4 by including the following italicized words:

"The General Assembly shall elect the non-permanent members of the Security Council, and the members of the Economic and Social Council and the elective members of the Trusteeship Council."

5. Voting Majority Required for Election of Elective Members of the Trusteeship Council

The Committee unanimously approved a recommendation of Committee II/4 that the election of elective members of the Trusteeship Council should be included in the list of important questions requiring a two-thirds vote in the Assembly.

6. Power of the Assembly to Approve Trusteeship Agreements and Perform other Trusteeship Functions

The Committee considered a recommendation of Committee II/4 for the insertion of a new paragraph in Chapter V granting the General Assembly power to approve Trusteeship Agreements and to perform other functions entrusted to it in the Chapter on Trusteeship. In reply to a question raised by the Delegate of Brazil as to whether the text as recommended by Committee II/4 precludes the power of the General Assembly to reject Trusteeship Agreements, a Representative of Committee II/4 who was present at the meeting, expressed the opinion that as the Charter provides elsewhere that the Assembly may alter or amend as well as approve Trusteeship Agreements, it goes without saying that the General Assembly would have the right to disapprove such agreements. Other members of the Committee were of the opinion that the text was clear, and that taking it in the context of the Chapter as a whole, the power to approve implies and includes the power to reject Trusteeship Agreements.

The Delegate of India felt that this implication was not fully carried by the word "approve" and moved that the text be amended to read "the General Assembly shall have the power to consider and to approve with or without alteration, and to reject the Trusteeship Agreements." The Delegate of Greece also moved that the words "to reject" be inserted in the paragraph.

The Delegate of the United Kingdom suggested that the wording of the text be left to the Coordination Committee and that Committee II/1 should inform the Coordination Committee of the views expressed.

The Delegate of India and other delegates stated that they were satisfied with this procedure.

The Delegate of the United Kingdom then said that in order to make his motion more precise he moved that the Committee recommend to the Coordination Committee that the text of the new paragraph should be brought into line with paragraph 10 of Section B of the working paper on Trusteeship Agreements as approved by Committee II/4 (Doc. 1044). He said that in this way the views of all the members who had spoken would be covered.

Decision: With the understanding that the suggestions made by the United Kingdom above be communicated to the Coordination Committee the Committee approved the text as follows:

177 "The General Assembly shall have power to approve the trusteeship agreements for areas not designated as strategic, and to perform such other functions as are assigned to it under Chapter ____."

7. Majority Vote on Decisions of the Assembly on Trusteeship Questions.

The Committee approved unanimously a recommendation of Committee II/4 that "questions relating to the ^{operations} ~~apportionments~~ of the Trusteeship system" be included in the list of important questions requiring a two-thirds vote of the Assembly (Chapter V, Section C, paragraph 2).

This concluded the work of the Committee and the Chairman thanked the members of the Committee, the Chairman of the Drafting Subcommittee, M. de Laveleye, the Rapporteur, Mr. Kiselev, the Secretary and his assistants and the interpreters for their respective contributions to the successful work of the Committee. The

Representative of the United States expressed the appreciation of all members of the Committee for the fairness and effectiveness with which the Chairman had presided over the labors of the Committee.

The Committee adjourned at 10:15 p.m.

(5) ✓

QUESTION POSTPONED BY COMMISSION II AT ITS
PREVIOUS MEETING (FROM II/1)

Item 3) on Agenda

Election of the Secretary General of the Organization

Suggested statement by the President of Commission II

When this Commission met last on May 29, the recommendation of Committee II/1 on this question was postponed as the U.S.S.R. Delegation had referred the matter to the Steering Committee which on the recommendation of the Executive Committee transferred the question of the voting procedure in the Security Council for the nomination of the Secretary General from Committee II/1 to Committee III/1.

Committee III/1 on June 14, 1945 decided that the voting procedure in the Security Council for other than procedural matters was applicable to the nomination of the Secretary General. The result is that the decision of the Security Council in regard to the nomination of the Secretary General should be made by an affirmative vote of seven members including the concurring votes of the permanent members.

advised by Com. II

The words "made by an affirmative vote of seven members" will, therefore, be dropped from the text recommended by Committee II/1 and no words will be added in their place as Committee III/1 has not suggested any additional text. The text of the recommendation of Commission II in regard to the election of the Secretary General will, therefore, read as follows:

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council."

If there is no comment on this matter, I declare that this recommendation is adopted by Commission II.

2) on
Agenda

(4) ~~3~~

NEW QUESTIONS FROM COMMITTEE II/1 CONCERNING
THE ORGANIZATION AS A WHOLE

REPORT OF THE RAPPORTEUR (Doc. 1092)

OPEN MEETINGS OF THE GENERAL ASSEMBLY

The President might refer to the text of the declaration which has been unanimously approved by his Committee.

The President might then call for any comments and subsequently announce the approval of the declaration by the Commission.

It is understood that the following delegations will wish to speak on this point:

Peru

EXPENSES OF THE ORGANIZATION

The President might refer to the Rapporteur's report, then call for any comments and subsequently announce the approval by the Commission of the recommendation of the Committee on this matter (Doc. 1092).

Speakers:

(ADMISSION OF NEW MEMBERS)

(It seems unnecessary for the Commission to take any action on this point and no need for the Rapporteur or the President to make any special reference to the matter.)

2

QUESTIONS CONCERNING COMMITTEE II/1

The President will probably wish to ask the officers of Committee II/1 to come to the rostrum below him while the Commission is considering the questions which have arisen from Committee II/1, namely:

2) 4
3) on
Agenda

The question of the election of the Secretary General (postponed from the previous meeting of Commission II) and

The new questions which have just been reported by Committee II/1 for the first time, namely: open meetings of the General Assembly and Expenses of the Organization.

The officers of Committee II/1 are:

Chairman - (His Excellency, The Minister for Foreign Affairs of Turkey, Hasan Saka)

Rapporteur - (The People's Commissar for Foreign Affairs, Byelorussian Soviet Socialist Republic, Kuzma V. Kiselev)

Secretary - (Mr. William Adams Brown, Jr. of the International Secretariat)

ELECTION OF THE SECRETARY GENERAL OF THE ORGANIZATION

Conference Action on the Recommendation of Committee II/1
Concerning This Matter

1. Action by Commission II on the Report of the Rapporteur
of Committee II/1 on This Question.

At its meeting of May 29, 1945, Commission II considered the following recommendation in the report of the Rapporteur of Committee II/1:

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The Russian Delegate, Mr. Novikov, asked that the action on this recommendation be postponed by Commission II since the question of the election of the Secretary General had been referred by the Delegation of the Soviet Union to the Steering Committee.

2. Action by the Executive Committee.

At its sixth meeting of June 6 the Executive Committee considered the action of Committee II/1 on this matter. It referred the matter to the Steering Committee with the recommendation that jurisdiction of the question of the voting procedure in the Security Council for nominating a Secretary General be transferred from Committee II/1 to Committee III/1.

3. Action by the Steering Committee.

At its sixth meeting of June 8 the Steering Committee took cognizance of this question and in agreement with the recommendation of the Executive Committee referred the matter of voting in the Security Council on the nomination of the Secretary General to Committee III/1.

4. Action by Committee III/1.

At its twenty-first and twenty-second meetings of June 13 and 14 Committee III/1 considered this matter and

reported as follows to the Secretary General of the Conference:

"1. It was agreed that, Committee II/1 having no jurisdiction over the voting procedure in the Security Council, its adoption of the words 'made by an affirmative vote of seven members' in paragraph 4, Section B, Chapter V, is null and void.

"2. No motion was made in the meeting of Committee III/1, which is alone competent to deal with this matter, to introduce the said words, or any other words, into Chapter V, Section B, paragraph 4.

"3. Committee III/1 therefore considers that the words 'made by an affirmative vote of seven members' do not constitute part of the said paragraph.

"4. No other amendment was presented in Committee III/1 respecting the language of this paragraph.

"5. It was agreed that the voting procedure for other than procedural matters approved by Committee III/1 at its 20th meeting on June 13, 1945, at 10:30 a.m. is applicable to the nomination of the Secretary-General."

June 14, 1945

The Secretary General

Chairman, Committee III/1

Subject: Method of Voting in Nomination of Secretary General by Security Council

1. On May 25, 1945, Committee II/1 adopted the following sentence for inclusion in Chapter V, Section B, Paragraph 4: "It (the General Assembly) shall elect the Secretary-General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members."

2. At its sixth meeting, on June 8, 1945, the Security Council agreed that jurisdiction over the question of voting procedure of the Security Council in connection with the nomination of the Secretary-General be transferred from Committee II/1 to Committee III/1. This recommendation refers to the words, made by an affirmative vote of seven members, in the proposed text of Chapter V, Section B, Paragraph 4, of the Charter of the United Nations as adopted by Committee II/1 on May 25, 1945.

3. Committee III/1 considered this matter at its 21st and 22nd meetings, held respectively on June 13 and 14, 1945, in regard to which the following report is made:

1. It was agreed that, Committee II/1 having no jurisdiction over the voting procedure in the Security Council, the adoption of the words "made by an affirmative vote of seven members" in Paragraph 4, Section B, Chapter V is null and void.

2. No motion was made in the meeting of Committee III/1, which is alone competent to deal with this matter, to introduce the said words, or any other words, into Chapter V, Section B, Paragraph 4.

3. Committee III/1 therefore considers that

the words "made by an affirmative vote of seven members" do not constitute part of the said paragraph.

4. No other amendment was presented in Committee III/1 respecting the language of this paragraph.

5. It was agreed that the voting procedure for other than procedural matters approved by Committee III/1 at its 20th meeting on June 13, 1945, at 10:30 a.m. is applicable to the nomination of the Secretary-General.

John Sofianopoulos

Chairman, Committee III/1

cc to:

Executive Officer of Commission III

Executive Officer of Commission II

QUESTION POSTPONED BY COMMISSION II AT ITS
PREVIOUS MEETING (FROM II/1)

Election of the Secretary General of the Organization

Suggested statement by the President of Commission II

When this Commission met last on May 29, the recommendation of Committee II/1 on this question was postponed as the U.S.S.R. Delegation had referred the matter to the Steering Committee which on the recommendation of the Executive Committee transferred the question of the voting procedure in the Security Council for the nomination of the Secretary General from Committee II/1 to Committee III/1.

Committee III/1 on June 14, 1945 decided that the voting procedure in the Security Council for other than procedural matters was applicable to the nomination of the Secretary General. The result is that the decision of the Security Council in regard to the nomination of the Secretary General should be made by an affirmative vote of seven members including the concurring votes of the permanent members.

The words "made by an affirmative vote of seven members" will, therefore, be dropped from the text recommended by Committee II/1 and no words will be added in their place as Committee III/1 has not suggested any additional text. The text of the recommendation of Commission II in regard to the election of the Secretary General will, therefore, read as follows:

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council."

If there is no comment on this matter, I declare that this recommendation is adopted by Commission II.

QUESTIONS CONCERNING COMMITTEE II/1

The President will probably wish to ask the officers of Committee II/1 to come to the rostrum below him while the Commission is considering the questions which have arisen from Committee II/1, namely:

The question of the election of the Secretary General (postponed from the previous meeting of Commission II) and

The new questions which have just been reported by Committee II/1 for the first time, namely: open meetings of the General Assembly and Expenses of the Organization.

The officers of Committee II/1 are:

Chairman - (His Excellency, The Minister for Foreign Affairs of Turkey, Hasan Saka)

Rapporteur - (The People's Commissar for Foreign Affairs, Byelorussian Soviet Socialist Republic, Kuzma V. Kiselev)

Secretary - (Mr. William Adams Brown, Jr. of the International Secretariat)

NEW QUESTIONS FROM COMMITTEE II/1 CONCERNING
THE ORGANIZATION AS A WHOLE

REPORT OF THE RAPPORTEUR (Doc. 1092)

OPEN MEETINGS OF THE GENERAL ASSEMBLY

The President might refer to the text of the declaration which has been unanimously approved by his Committee.

The President might then call for any comments and subsequently announce the approval of the declaration by the Commission.

It is understood that the following delegations will wish to speak on this point:

Peru

EXPENSES OF THE ORGANIZATION

The President might refer to the Rapporteur's report, then call for any comments and subsequently announce the approval by the Commission of the recommendation of the Committee on this matter (Doc. 1092).

Speakers:

(ADMISSION OF NEW MEMBERS)

(It seems unnecessary for the Commission to take any action on this point and no need for the Rapporteur or the President to make any special reference to the matter.)

I am having this translated into French
to give it to Hasan Saka of
Committee II/4 with an
understanding by Mr. Brown that it
raise this issue Wish

MEMORANDUM

TO: His Excellency Hasan Saka
FROM: William A. Brown, Jr.
Secretary of Committee II/1

Committee II/4 on Trusteeship is meeting tonight.

It is possible, though not probable, that they will discuss the question of whether the powers of the Assembly with regard to trusteeship agreements and reports and other trusteeship matters shall be exercised by a decision requiring a two-thirds vote.

If Committee II/4 does decide that a two-thirds vote will be required, it will be necessary to add to Chapter V, Section C, paragraph 2, some words which will include these questions in the list of important questions.

The Secretary of Committee II/4 will advise me in the course of our meeting tonight if Committee II/4 has taken up this question.

Would Your Excellency think it proper in order to avoid another meeting of our Committee to suggest that Committee II/4 send their recommendation directly to the Coordination Committee, and have any discussion of the provision take place in the meeting of Commission II when the final texts of Chapter V (a new Chapter IV) are submitted to it.

Commission II General Assembly
Committee I Structure and Procedure;

SECOND REPORT OF THE RAPPORTEUR OF COMMITTEE II/1
(CIRCULATED TO THE MEMBERS OF THE COMMITTEE FOR THEIR APPROVAL
June 16, 1945)

The first report of Committee I of Commission II was considered by Commission II at its meeting of May 30.

Since that time Committee II has held one meeting at which it discussed a proposal that the principle of free access to the sessions of the General Assembly by the public and press of the world be included in the Charter.

This proposal was supported by a ^{number} of delegations on the ground that the Assembly as an organ of world opinion should, from the moment of its establishment, declare its will to maintain with this world public opinion the most constant and close bonds. While expressing full agreement with the principle underlying this proposal, other delegations expressed the view that the question of open sessions should be dealt with as a procedural matter by the General Assembly itself.

The Committee adopted by unanimous vote the following motion:

"That the Rapporteur of this Committee be instructed to state in his report that this Committee is of the opinion that regulations to be adopted at the first session of the General Assembly shall provide that, save in exceptional cases, the sessions of the General Assembly shall be open to the public and the press of the world."

It now submits this declaration for the approval of the Commission.

4797

II/1

MEMORANDUM

TO: Charles Darlington, Secretary of Executive Committee

FROM: W. A. Brown, Jr., Secretary of Committee II/1

ELECTION OF THE SECRETARY GENERAL OF THE ORGANIZATION

1. Action by Commission II on the Report of the Rapporteur of Committee II/1 on this Question.

At its meeting of May 30, 1945, Commission II considered the following recommendation in the report of the Rapporteur of Committee II/1.

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The verbatim report of this meeting of Commission II will be found in Doc. 719 and the full text of the Rapporteur's Report in Doc. 666.

The Russian Delegate, Mr. Novikov, asked that action on this recommendation be postponed by Commission II since the question of the election of the Secretary General had been referred by the Delegation of the Soviet Union to the Steering Committee. The Chairman referred to rules of the Conference which provide that the Steering Committee shall consider any major policy or procedure question submitted to it during the Conference by the co-presidents or the chairman of any delegation, and ruled that action on the matter should be postponed by the Commission.

2. Previous Discussion and Action on the Question by Committee II/1.

At its meeting on May 12, 1945, Committee II/1 discussed at length alternative methods of election of the

Secretary General by the Security Council (See Doc. 295) and agreed to vote on these questions without further discussion at its next meeting.

At its meeting of May 14, 1945, (See Doc. 328) Committee II/1 took the following decision:

Decision:

The Committee approved a motion stating that the Secretary General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council.

At its meeting of May 16, 1945, (See Doc. 375) the Committee again discussed this question. The Delegate of the U. S. S. R. moved that the Committee reconsider its previous decision that the Secretary General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council. He moved that the words "by a majority of seven members" be deleted from the recommendation of the Committee on the ground that they were contrary to the agreements made at Yalta and that it was not within the competence of this Committee to discuss methods of voting within the Security Council. The Committee then took the following decision.

Decision:

The Committee agreed not to reconsider its action of the previous meeting relative to the election of the Secretary General, but to refer the question of the consistency of its decision with decisions taken by other committees to the Executive Committee for the Coordination Committee in the normal manner.

On May 25, 1945, the Drafting Subcommittee of Committee 2, submitted its report (See Doc. 560) in which it recommended the following text for insertion in Chapter V, Section B, paragraph 4:

"It ~~/The~~ General Assembly shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members."

The report of the Drafting Subcommittee added to this recommendation the following footnote:

"This wording is intended by the Committee to mean a majority of any seven members, not requiring the concurrent votes of the five permanent members."

At its 11th meeting on May 25, 1945, Committee II/1 considered the report of the Drafting Subcommittee on this matter (See Doc. 594). It was pointed out in the discussion of the report that the wording of the text proposed by the Drafting Subcommittee relative to the election of the Secretary General employed the phraseology of the Yalta formula, as given in Chapter VI, Section C, paragraph 2 of the Dumbarton Oaks Proposals (Voting on Procedural Matters).

The Committee, by a vote of 30-0, approved the text recommended by the Drafting Subcommittee.

On May 25, 1945 the Secretary of the Committee submitted this text officially to the Coordination Committee and attached the following footnote: "This wording is intended by the Committee to mean a majority of any seven members, not requiring the concurrent votes of the five permanent members."

At its 12th meeting on May 26, 1945 (See Doc. 631) the Committee gave preliminary consideration to the report of the Rapporteur. The Delegate of the Soviet Union suggested that the Rapporteur should add to his Report a reference to the fact that some delegates had pointed out that it would have been more reasonable for the Committee to refer this matter to Committee III/1 than to reach a decision which involved the procedures of the Security Council. Such a reference was included in the Report submitted to Commission II (See Doc. 666).

At its 13th meeting on May 28, 1945, (See Doc. 660) the Committee considered and approved unanimously the Report of the Rapporteur, including the language relative to the election of the Secretary General, as reported to the Commission by the Rapporteur, Mr. Kliselev, of the Byelorussian Soviet Socialist Republic.

STATUS OF THE WORK OF COMMITTEE II/1

June 2, 1945

1. WORK COMPLETED

On May 30th the Rapporteur of Committee II/1 presented the report of the Committee to the Commission. The report was approved with respect to:

- a. Chapter V, Section A
- b. Chapter V, Section B, Paragraph 2
- c. Chapter V, Section B, Paragraph 5
- d. Chapter V, Section C, Paragraph 1
- e. Chapter V, Section C, Paragraph 2
- f. Chapter V, Section D, Paragraphs 1, 2 and 3
- g. Chapter V, Section B, Paragraph 4 with the exception of the recommendation on the election of the Secretary General

All items in the report have been reported to the Coordination Committee.

2. PENDING BUSINESS

- a. An Australian amendment on loss of voting rights in the event of failure to fulfill obligation under Chapter VIII, Section B, Paragraph 5.
- b. An Norwegian amendment providing for 2/3 majority for requests for advisory opinions by the Assembly.

Certain other items may be raised in this Committee depending upon the action of other Committees including the Steering Committee. One or two at the most meetings will be required to complete the work of the Committee.

June 2, 1945

MEMORANDUM

TO: Frank L. Kidner
Executive Officer, Commission II

FROM: Wm. Adams Brown, Jr.
Secretary, Committee I

SUBJECT: Status of Work of Committee II/1, June 2, 1945

1. Work Completed

On May ³⁰29, 1945, the Rapporteur of Committee II/1 presented the report of the Committee to Commission II.

The recommendations of the Committee with regard to Chapter V, Section A (Composition of the Assembly), Chapter V, Section B, paragraph 2 (Admission of New Members), Chapter V, Section B, paragraph 5 (Apportionment of Expenses and Approval of Budgets), Chapter V, Section C, paragraph 1 (Voting Rights), Chapter V, Section C, paragraph 2 (Voting Majorities), Chapter V, Section D, paragraphs 1, 2 and 3 (Procedures) were all approved by the Commission.

The recommendations of the Committee with reference to Chapter V, Section B, paragraph 4 (Elections by the Assembly), were approved with the exception of the Committee's recommendation with regard to the election of the Secretary General.

Consideration by Commission II of the recommendation of the Committee with regard to the election of the Secretary General was not acted upon since this matter has been referred by the Chairman of the Soviet Delegation to the Steering Committee.

The text recommended by the Committee for all the Sections assigned to it have been transmitted to the Coordinating Committee, and several of these have been approved by the Coordinating Committee in a form which carries out the intent of the Technical Committee. Others are still under consideration by the Coordinating Committee.

2. Pending Business

There are several items which are yet to be considered by the Committee when other Committees have acted on other parts of the Charter. These include:

- a. An Australian Amendment proposing that the penalty of loss of voting rights in the Assembly be imposed upon members who fail to live up to their obligations under Chapter VIII, Section B, paragraph 5. *ready*
- b. A Norwegian Amendment providing that requests for advisory opinions by the Assembly should be approved by two-thirds majority vote. *within*
- c. There are two or three other possible questions which may come up with regard to the list of questions requiring a two-thirds vote of the Assembly, but it seems probable that the action of other Committees will eliminate these from the agenda of Committee II/1. *out*
- d. There is a possibility that the method of selecting countries to serve on the Trusteeship Council, if established, may come before the Committee. *}*

3. An Amendment by the Peruvian Delegation to provide that the meetings of the General Assembly of the Organization shall be open to the public and to the world press will probably be referred to this Committee by the Executive Committee. *ready*

4. Should it be finally decided that provision for expulsion will be included in the Charter, the procedure of the Assembly in voting on expulsion will come before this Committee. *?*

5. The question of including in the Charter a reference to Deputy Secretary General, which was eliminated by a vote in Committee I/2, has been taken by the Soviet Delegation to the Steering Committee. It is possible that the action of the Steering Committee may make some consideration of this problem by Committee II/1 necessary. *?*

6. The Committee's recommendation on the election of Secretary General may have to be reconsidered in the light of action on this question by the Steering Committee. *goes to Committee*

June 2, 1945

MEMORANDUM

TO: William Adam Brown, Jr.,
Secretary Committee II/1

FROM: C. F. Darlington, Executive Officer
Executive Committee

This is to inform you that the Executive Committee has approved consideration by the Conference, as a proposed amendment to the Dumbarton Oaks Proposals, the suggestion of the Delegation of Peru regarding public deliberations of the General Assembly. It is therefore appropriate that your committee proceed to discuss this proposal.

✓
copies to: Huntington Gilchrist, Executive Officer,
Commission II
Easton Rothwell
Robert Stewart

May 26, 1945

MEMORANDUM

TO: Mr. Frank L. Kidner,
Assistant Executive Officer, Commission II

FROM: William A. Brown, Jr.,
Secretary, Committee II/1

SUBJECT: Status of Work of Committee II/1 as of
May 26, 1945, 1 p.m.

I. Completed Work

Committee II/1 has approved and sent to the Coordinating Committee French and English texts of:

1. Chapter V, Section A (Composition of General Assembly)
2. Chapter V, Section B, Paragraph 2 (Admission of New Members)
3. Chapter V, Section B, Paragraph 4 (Elections by the Assembly)

II. Work Which May Be Completed at the Committee's
Meeting on May 26, 1945, 3:30 p.m.

The Committee will consider at this meeting a report of the Drafting Subcommittee which contains recommended English and French texts of the following sections of the Chapter:

1. Chapter V, Section B, Paragraph 5 (Apportionment of Expenses and Approval of the Budget)
2. Chapter V, Section C, Paragraph 1 (Voting Rights)
3. Chapter V, Section C, Paragraph 2 (Voting Majorities)
4. Chapter V, Section D, Paragraphs 1, 2 and 3 (Procedures)

All the above sections of the Charter have been acted on in principle by the Committee and there remains only for the text in Charter language to be approved at this meeting.

III. Unfinished Business

If the report of the Drafting Subcommittee as outlined above is approved at today's meeting, the Committee will have completed consideration of all the Sections entrusted to it unless action of other committees makes it necessary to make consequential changes in these paragraphs. The following still undecided questions may make this necessary:

1. Election of Deputy Secretaries General:

This matter is being discussed in Committee I/2 and Committee III/1. Committee II/1 has decided to take no further action on the question, but there is a possibility that the action of the other Committees may make some reconsideration and drafting changes necessary in Chapter V, Section B, Paragraph 4, and Section C, Paragraph 2.

2. Proposed penalty of loss of voting rights in the Assembly by members who fail to fulfil their obligations under Chapter VIII, Section B, Paragraph 5:

An amendment to this effect is pending before Committee II/1 and will be pressed. The Committee has deferred action until the exact text of Chapter VIII has been established.

3. Method of nominating countries to be represented in the Trusteeship Council:

This matter has not come before Committee II/1, but it may be necessary to provide in Chapter V for the method of nominating these countries. This is dependent entirely upon the action which Committee II/4 may take on the Trusteeship Council. method

4. Additions to Chapter V, Section C, Paragraph 2, which may be necessary if additional powers are given to the Assembly by other Committees:

There are three possible additions to the list of important questions to be decided by a two-thirds vote which the Committee has not yet considered and which are dependent on the action of other committees:

- (a) Advisory opinions from the permanent Court of International Justice;
- (b) Revision of inapplicable treaties; and

May 17, 1945

Mr. B. J. Fourie
South African Delegation
Fairmont Hotel, Room 622

Dear Mr. Fourie:

Attached hereto is a letter which Field Marshal Smuts might like to send to Senator Rolin if he agrees with its contents.

The note by Senator Rolin will now be circulated to Committees II/1 and II/2 with the explanatory statement contained on the slip enclosed with this letter. I imagine that this will be satisfactory to the Field Marshal.

Yours sincerely,

Huntington Gilchrist,
Executive Officer, Commission II.

SUMMARY REPORT OF EIGHTH MEETING OF COMMITTEE II/1Veterans Building, Room 303, May 17, 1945, 8:35 P. M.

The eighth meeting was called to order by the Chairman, Mr. Hasan Saka (Turkey), at 8:35 P. M.

1. Participation of Men and Women in the International Organization on Equal Terms

The amendment proposed by the Delegations of Brazil, Dominican Republic and Mexico on the participation of men and women in the International Organization on equal terms was withdrawn by the Delegate of the Dominican Republic, who stated that the principle had been incorporated in Chapter IV by Committee I/2 upon motion of the Delegate of Uruguay.

2. Voting Rights in the Assembly

Decision: The Committee unanimously approved Chapter V, Section C, paragraph 1 of the Dumbarton Oaks Text (each member to have one vote in the General Assembly).

3. Loss of Voting Rights in the General Assembly

The Committee considered the principle involved in the various amendments submitted by the Delegations of Australia, India, and the Netherlands (see Doc. 298) to impose a penalty of loss of voting rights in the General Assembly in the event that member states fail to fulfill their financial obligations to the International Organization. In support of the inclusion of the principle of the text, it was pointed out that the experience of confederations and the League of Nations would indicate that difficulties will arise if no differentiation is made by the members in arrears and those which are not. The Delegate from Norway, while supporting the principle, noted that a Norwegian amendment was under consideration in Committee I/2 empowering the General Assembly to suspend a state from the exercise of all rights if it fails to meet its financial obligations. The Delegate of Belgium favored the inclusion

of a fixed period of grace in the Charter and contended that this question should not be left to the determination of the General Assembly.

Decision: The Committee voted to approve an amendment to Chapter V, Section C, paragraph 1 of the Dumbarton Oaks text incorporating the principle that a member state should be deprived of all voting rights in the General Assembly if it is in arrears on the payment of contributions to the Organization.

The Committee agreed that the period of grace should be stipulated in the Charter but should be decided upon by another technical committee.

The Committee discussed an amendment proposed by the Australian Delegate that a member should be deprived of its voting rights in the General Assembly if it has failed to carry out its obligations, such as are contemplated in Chapter VIII, Section B, paragraph 5. While supporting as strong a penalty as possible against members who fail to cooperate, the Delegate of the United Kingdom raised the question whether an enforcement problem within the competence of another committee should be considered in this Committee. The Delegate of Belgium and various other delegations urged that each member should contribute its full share in every respect to the Organization and that any member refusing to participate in common action should be deprived of the right to vote. The Delegates of Canada and South Africa supported by other delegates suggested that a final decision be deferred until the exact text of Chapter VIII, Section B, paragraph 5 is established by the competent committee.

Decision: The Committee voted to postpone further discussion on the question of depriving a member of its voting rights in the General Assembly if it has failed to carry out its obligations contemplated in Chapter VIII, Section B, paragraph 5 until the proper technical committee has considered this portion of the text and made its recommendations.

The meeting was adjourned at 10:45 P. M.

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May 17, 1945

MEMORANDUM

TO: Miss E. H. Armstrong, Secretary of Committee I/11
FROM: William Adams Brown, Jr., Secretary of Committee II/1

The following action was taken by Committee II/1 concerning the election of the Secretary General of the Organization.

On May 14, 1945, at its fifth meeting Committee II/1 approved in principle an amendment to the Dumbarton Oaks Proposals stating that the Secretary General should be elected by the General Assembly upon nomination of a majority of seven members of the Security Council.

At its meeting of May 16, 1945, the Delegate of the U.S.S.R. moved that the Committee reconsider this decision and that the words "by majority of seven members" be deleted from the recommendation of the Committee concerning the election of the Secretary General on the ground that it is not within the competence of the Committee to discuss methods of voting within the Security Council.

The Committee agreed not to reconsider its action of the previous meeting relative to the election of the Secretary General but to refer the question of the consistency of its decision with decisions taken by other committees to the Executive Committee for the Coordinating Committee in the normal manner.

At its meeting of May 14 the Committee voted that the question of whether the Secretary General should be elected for a period of three years and be eligible for re-election was within its competence.

The Committee then voted approval of a proposal of the four sponsoring Governments that the Secretary General should be elected by the assembly for a period of three years and that he should be eligible for re-election.

Election of Deputies Secretary General

At its meeting of May 14 the Committee agreed that the question of whether the deputy Secretaries General should be

elected by the General Assembly was within its competence.

It discussed this question fully at this meeting and at its meeting of May 16.

At its meeting of May 17 the Committee voted to take no definite action on the question of the election of deputy Secretaries General and that the matter should be sent to Committee III/1 and Committee I/1, together with a resume of its discussion on the question.

In accordance with this action of the Committee, I am attaching for the information of the Committee, ^{I/2} copies of the minutes of Committee II/1, at which the question of selecting the deputy Secretaries General was discussed.

Representation and Participation in the Organization
by Men and Women on Unequal Basis

Committee II/1 briefly considered the amendment providing for equality of participation and representation in the Organization by men and women on an equal basis presented jointly by the Dominican Republic, Mexico and Brazil. Before the discussion had developed, the Committee adjourned on motion of the United States Delegate.

May 14, 1945

The Director General,
United Nations Relief and
Rehabilitation Administration,
San Francisco, California.

ATTENTION: Mr. A. H. Feller

Dear Sir:

On behalf of Committee I of Commission II which deals with the structure and procedures of the General Assembly, I have the honor to invite representatives of the United Nations Relief and Rehabilitation Administration to be present as observers when questions concerning the apportionment of the expenses and the approval of the budgets of the Organization are under consideration. The Committee has decided that observers at its meetings may be heard upon the invitation of the Chairman.

It would be appreciated if you, as Director General of the United Nations Relief and Rehabilitation Administration, will designate the persons who will represent you for this purpose. The persons thus designated will be issued the necessary Conference credentials for admission to the Committee meetings upon receipt of your reply.

Very truly yours,

Hasan Saka
Chairman, Committee II/1

May 14, 1945

Mr. Carter Goodrich,
Chairman, Governing Body,
International Labor Organization,
Californian Hotel,
San Francisco, California.

Dear Sir:

On behalf of Committee I of Commission II which deals with the structure and procedures of the General Assembly, I have the honor to invite representatives of the International Labor Organization to be present as observers when questions concerning the apportionment of the expenses and the approval of the budgets of the Organization are under consideration. The Committee has decided that observers at its meetings may be heard upon the invitation of the Chairman.

It would be appreciated if you, as Chairman of the Governing Body, will designate the persons who will represent the International Labor Organization for this purpose. The persons thus designated will be issued the necessary Conference credentials for admission to the Committee meetings upon receipt of your reply.

Very truly yours,

Hasan Saka
Chairman, Committee II/1

May 14, 1945

Mr. Sean Lester,
Secretary General, League of Nations,
Californian Hotel,
San Francisco, California.

Dear Sir:

On behalf of Committee I of Commission II which deals with the structure and procedures of the General Assembly, I have the honor to invite representatives of the League of Nations to be present as observers when questions concerning the apportionment of the expenses and the approval of the budgets of the Organization are under consideration. The Committee has decided that observers at its meetings may be heard upon the invitation of the Chairman.

It would be appreciated if you, as Secretary General of the League of Nations, will designate the persons who will represent the League for this purpose. The persons thus designated will be issued the necessary Conference credentials for admission to the Committee meetings upon receipt of your reply.

Very truly yours,

Hasan Saka
Chairman, Committee II/1

May 14, 1945

Mr. F. L. McDougall,
Representative of the Interim
Commission on Food and Agriculture,
Drake Wilshire Hotel,
San Francisco, California.

Dear Sir:

On behalf of Committee 1 of Commission II which deals with the structure and procedures of the General Assembly, I have the honor to invite representatives of the Interim Commission on Food and Agriculture to be present as observers when questions concerning the apportionment of the expenses and the approval of the budgets of the Organization are under consideration. The Committee has decided that observers at its meetings may be heard upon the invitation of the Chairman.

It would be appreciated if you, as Representative of the Interim Commission, will designate the persons who will represent the Commission for this purpose. The persons thus designated will be issued the necessary Conference credentials for admission to the Committee meetings upon receipt of your reply.

Very truly yours,

Hasan Saka
Chairman, Committee II/1

Le 14 mai 1945

Monsieur Sean Lester
Secrétaire Général, Société des Nations
Californian Hotel
San Francisco, California.

Monsieur,

J'ai l'honneur, au nom du Comité I de la Commission II, chargé d'étudier l'organisation et les procédures de l'Assemblée Générale, d'inviter des représentants de la Société des Nations à assister aux séances, à titre d'observateurs, lorsque des questions relatives à la répartition des frais et à l'approbation des budgets de l'Organisation seront à l'étude. Le Comité a décidé que les observateurs pourront, au cours des séances, prendre la parole sur l'invitation du Président.

Nous vous saurions gré de bien vouloir, en votre qualité de Secrétaire Général de la Société des Nations, désigner les personnes qui représenteront la Société à ces réunions. Dès que votre réponse nous sera parvenue, les personnes dont vous nous aurez communiqué les noms recevront des cartes d'admission aux séances du Comité.

Veuillez agréer, Monsieur, l'expression de mes sentiments distingués.

Hasan Saka
Président, Comité LI/1

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SPECIAL PROGRESS REPORT OF COMMITTEE II/1
May 14, 1945

Documentary Basis of Committee's Work

Committee II/1 on Structure and Procedures of the General Assembly was assigned Chapter V, Section B, paragraphs 2, 4, 5, Section C and Section D of the Dumbarton Oaks Proposals.

Progress so far on Adoption of Texts.

The Committee has approved the Dumbarton Oaks Proposals Chapter V, Section B, paragraph 2 without change. It has also approved the first sentence of Section B, paragraph 4 on the election of non-permanent members of the Security Council and members of Economic and Social Committee.

The Committee has approved the proposal that each member of the Organization should have no more than five representatives in the General Assembly. The exact text is to be worked out by a drafting committee.

Progress (General)

The Committee is discussing the comments and proposals of the participating governments on each of the sections assigned for its consideration. Progress was initially slow because of the difficulties in obtaining documents, especially French translations, for the Chairman (Hasan Saka of Turkey), who speaks no English. The work of the Committee was somewhat delayed by a question of jurisdiction between it and Committee I/2. After consideration this was resolved by assigning questions of procedure relating to the admission of new members to Committee II/1 and questions of the conditions on which states may become members to Committee I/2.

Work Still to be Done.

The Committee has still to consider the remainder of Chapter V, Section B, paragraph 4 relating to the election of the Secretary-General; paragraph 5 regarding the apportionment of expenses and approval of budget of the Organization; Section C on voting in the General Assembly and Section D on procedure.

Procedural Problems

The Committee has decided that changes in the text of Chapter V which may be made necessary by amendments made to other chapters by other committees should be considered by a drafting sub-committee of nine, which will make the necessary recommendations to the full committee.

Main Issues and Conflicts of Points of View of Substance.

The Committee is presently considering the method of electing the Secretary-General and the Deputy-Secretaries-General of the Organization. Amendments have been offered by Honduras, Egypt, Mexico, Australia, Uruguay and Venezuela intending to lessen the control of the Security Council over the selection of the Secretary-General of the Organization.

Regarding Section C on voting in the General Assembly, the Committee has before it many conflicting points of view. A number of amendments have been submitted to add to the list of questions requiring a special majority in the General Assembly and a smaller number of amendments have been submitted to delete the number of provisions requiring a special majority. The size of the majority on special questions has also been the subject of amendment. The suggestion that parties to a dispute shall abstain from voting is also a major question.

Time Considered Necessary to Complete Work.

Probably two weeks.

PRECIS -- COMMITTEE II/1

Veterans Building, Room 303, 8:35 p.m.

The Committee approved Chapter V, Section B, paragraph 1 of the Dumbarton Oaks text (each member state to have one vote in the General Assembly).

It approved inclusion of an amendment incorporating the principle that a member of the Organization be deprived of all voting rights in the General Assembly if it fails to fulfill its financial obligations to the organization within a stipulated period.

The Committee discussed at length the Australian proposal that a member should be deprived of its voting rights in the Assembly for failure to carry out obligations contemplated in Chapter VIII, Section B, paragraph 5. It was agreed that further consideration be postponed on this question until the Committee had learned the recommendations of the technical committee considering Chapter VIII, Section B, paragraph 5.

COMMISSION II, COMMITTEE 1

· ADVANCE PROGRESS REPORT

Second meeting of the Committee - May 9th, 1945

I. The Committee approved Chapter V, Section A of the Dumbarton Oaks Proposals with the amendment that each member state should be limited to a maximum of five delegates in the Assembly.

II. The committee has the following section of Chapter V of the Dumbarton Oaks Proposals under discussion:

Section B, paragraph 2, relating to admission of new members to the Organisation.

RTH.

South African Delegation

May 8, 1945

The Chairman of Committee 2 of Commission II.

Dear Chairman,

Senator Henri Rolin, President of the First Commission, has suggested to me that it might be preferable to ask Committee 2 of Commission I to consider questions of the conditions under which a member of the Organization might have its rights a) suspended or b) restored or c) might be expelled, in accordance with the provisions of Chapter V, B-3 of the Dumbarton Oaks Proposals on these points. In order to carry out this suggestion it would be necessary to transfer these points from Committee 2 of Commission II to which they have been allocated under the memorandum on the organization of the conference and the program supplementary thereto which was reviewed by the meeting of the officers of Commission II and its Committees on May 3, 1945. Senator Rolin agrees that questions of procedure in relation to these points should in any case remain allocated to Committee 2 of Commission II.

Would you be good enough to bring this matter to the attention of your Committee and advise me of its views. Senator Rolin informs me that Committee 2 of Commission I has already agreed to his suggestion in the matter.

Strictly speaking, this question should perhaps be finally dealt with in Plenary Session but if those directly concerned are in agreement I believe the position might simply be reported to the Steering Committee for its information and for such action, if any, as it might feel called upon to take.

Yours very sincerely,

J. C. Smuts,
President, Commission II.

cc: Executive Officer of Commission II

HG:jk

South African Delegation

May 8, 1945

The Chairman of Committee 2 of Commission II.

Dear Chairman,

Senator Henri Rolin, President of the First Commission, has suggested to me that it might be preferable to ask Committee 2 of Commission I to consider questions of the conditions under which a member of the Organization might have its rights a) suspended or b) restored or c) might be expelled, in accordance with the provisions of Chapter V, B-3 of the Dumbarton Oaks Proposals on these points. In order to carry out this suggestion it would be necessary to transfer these points from Committee 2 of Commission II to which they have been allocated under the memorandum on the organization of the conference and the program supplementary thereto which was reviewed by the meeting of the officers of Commission II and its Committees on May 3, 1945. Senator Rolin agrees that questions of procedure in relation to these points should in any case remain allocated to Committee 2 of Commission II.

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Yours very sincerely,

J. C. Smuts,
President, Commission II.

cc: Executive Officer of Commission II

HG:jk

South African Delegation

May 8, 1945

The Chairman of Committee 2 of Commission II.

Dear Chairman,

Senator Henri Rolin, President of the First Commission, has suggested to me that it might be preferable to ask Committee 2 of Commission I to consider questions of the conditions under which a member of the Organization might have its rights a) suspended or b) restored or c) might be expelled, in accordance with the provisions of Chapter V, B-5 of the Dumbarton Oaks Proposals on these points. In order to carry out this suggestion it would be necessary to transfer these points from Committee 2 of Commission II to which they have been allocated under the memorandum on the organization of the conference and the program supplementary thereto which was reviewed by the meeting of the officers of Commission II and its Committees on May 3, 1945. Senator Rolin agrees that questions of procedure in relation to these points should in any case remain allocated to Committee 2 of Commission II.

Would you be good enough to bring this matter to the attention of your Committee and advise me of its views. Senator Rolin informs me that Committee 2 of Commission I has already agreed to his suggestion in the matter.

Strictly speaking, this question should perhaps be finally dealt with in Plenary Session but if those directly concerned are in agreement I believe the position might simply be reported to the Steering Committee for its information and for such action, if any, as it might feel called upon to take.

Yours very sincerely,

J. C. Smuts,
President, Commission II.

cc: Executive Officer of Commission II

HG:jk

May 6, 1945

MEMORANDUM

TO: His Excellency Hasan Saka
FROM: The Secretary of Committee II/1

VOTING IN COMMITTEES

It has been suggested by the Secretary General of the Conference that in order to obtain as much genuine agreement on the proposed Charter as possible the Committees should endeavor to avoid reaching decisions by majority vote when there is substantial disagreement and that they should rather attempt to reach their decisions as far as possible by acclamation.

The procedure which is suggested is that the Chairman in putting a question, should not ask in the first place for a show of hands, but ask whether there is any objection, and if no objection is voiced to declare the motion approved.

If there is objection, the Chairman might take note of whether the objection is substantial, and if it is substantial, he might temporarily postpone further discussion of the point in order to give time for informal negotiation outside the Committee, which might result in the introduction later of some compromise proposal.

Should it seem impossible by this procedure to reconcile major differences, the Chairman might wish to suggest that the matter be referred to the Steering Committee, if he deems this appropriate.

PRESS RELATIONS

The Secretary General has advised the committee secretaries that the responsibility for the relations of the various committees with the press is in the hands of the chairmen of the committees.

The press officer of the Conference has suggested that the chairman should meet the press in conference in the auditorium of the Veterans Building very briefly after each meeting if he feels that there is something that should be communicated to them. It is planned however to prepare a brief press communique after each meeting, which will be given to the press and also appear in the JOURNAL the next morning. It might be possible for one of the assistant secretaries to prepare such a communique just before the end of the meeting in order to obtain the approval of the Chairman and the Reporter. Otherwise it might be prepared immediately after the meeting and the Secretary would like to have His Excellency's instructions as to how he should proceed in this matter, and whether this communique should be approved by the Chairman before being made public in every case.

South African Delegation.

San Francisco
5th May, 1945.

The Chairman of Committee 1 of Commission II.

Dear Chairman,

Senator Rolin, President of Commission I, and I have discussed the following matter in connection with our work.

Chapter III "Membership" falls under his Commission I Committee 2, while Chapter V falls under Committee 1 of Commission II. But Chapter V includes admission and suspension of members, which would seem to come more properly under the subject of Membership. We have therefore agreed that it should be suggested to the respective Chairmen of our two Committees that the provisions of Chapter V dealing with admission and suspension of members should be dealt with by Committee 2 of Commission I, and if they agree we shall notify the President of the Steering Committee accordingly.

Please submit the matter to your Committee and inform me of their wishes. It seems to me that it would be the proper course that Commission I which deals with Membership should also deal with their admission and suspension.

Yours sincerely,

J. C. Smuts

/s/ President, Commission II

South African Delegation.

San Francisco
5th May, 1945.

The Chairman of Committee 1 of Commission II.

Dear Chairman,

Senator Rolin, President of Commission I, and I have discussed the following matter in connection with our work.

Chapter III "Membership" falls under his Commission I Committee 2, while Chapter V falls under Committee 1 of Commission II. But Chapter V includes admission and suspension of members, which would seem to come more properly under the subject of Membership. We have therefore agreed that it should be suggested to the respective Chairmen of our two Committees that the provisions of Chapter V dealing with admission and suspension of members should be dealt with by Committee 2 of Commission I, and if they agree we shall notify the President of the Steering Committee accordingly.

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Please submit the matter to your Committee and inform me of their wishes. It seems to me that it would be the proper course that Commission I which deals with Membership should also deal with their admission and suspension.

Yours sincerely,

J. C. Smuts

/s/ President, Commission II

*see corrections*DUMBARTON OAKS
PROPOSALSAMENDMENTS OF THE
FOUR SPONSORING
POWERSINDEX TO ALL AMENDMENTS
AND PROPOSALS

CHAPTER V

SECTION A. COMPOSITION. All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

SECTION B. 2. The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council.

CHAPTER V, A

SPECIFIC COMMENTS AND SUGGESTIONS
MEXICO. Doc. 2 G/7 (c)

Number of representatives, proposal, p.40.

PHILIPPINES. Doc. 2 G/14 (k)

Number of representatives, proposal, p.2.

VENEZUELA. Doc. 2 G/7 (d)

Number of representatives, proposal, p.7.

CHAPTER V, B, 2

SPECIFIC COMMENTS AND SUGGESTIONS

UNIVERSALITY OF MEMBERSHIP

BRAZIL. Doc. 2 G/7 (e)

Universality of membership, suggestion, p.7.

GUATEMALA. Doc. 2 G/7 (b)(1)

Universality of membership, comment, p.1.

CHAPTER V

SECTION B. 4. The General Assembly should elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. It should be empowered to elect, upon recommendation of the Security Council, the Secretary-General of the Organization. It should perform such functions in relation to the election of the judges of the international court of justice as may be conferred upon it by the statute of the court.

ADMISSION OF NEW MEMBERS

AUSTRALIA. Doc. 2 G/14 (e)

Admission of new members, proposal, p.3.

ECUADOR. Doc. 2 G/7 (p)

Authority of General Assembly to determine qualifications for membership, proposal, p.12

EGYPT. Doc 2 G/7 (g)(1)

Admission of new members, proposal, p.4.

MEXICO. Doc. 2 G/7 (c)(1)

Admission of new members, proposal, pp.7,8.

PARAGUAY. Doc. 2 G/7 (1)

Admission of new members, comment, pp. 1,2.

URUGUAY. Doc. 2 G/7 (a)(1)

Admission of new members, proposal, p.5.

VENEZUELA. Doc. 2 G/7 (d)

Admission of new members, proposal, p.9.
CHAPTER V, B, 4

SPECIFIC COMMENTS AND SUGGESTIONS

ELECTION OF SECURITY COUNCIL

CANADA. Doc. 2 G/14 (t)

Adoption of rules by General Assembly with reference to election of non-permanent members of the Security Council, proposal, p.1.

Doc. 2 G/29
Election of Secretary General for a term of three years, proposal, p.6

and four deputies

INDIA. Doc. 2 G/14 (h)

Appointment by General Assembly of non-permanent members of the Security Council, proposal, pp.3-4.

Appointment by General Assembly of a non-voting representative to the Security Council, p.4.

MEXICO. Doc. 2 G/7 (1)

Election of non-permanent members of the Security Council, proposal, p.8.

ELECTION OF SECRETARY GENERAL

AUSTRALIA. Doc. 2 G/14 (1)

Election of Secretary General, proposal, p.3.

HONDURAS. Doc. 2 G/7 (m)

Election of Secretary-General by the General Assembly, proposal, p.2.

MEXICO. Doc. 2 G/7 (c)

U.S., U.K., USSR, China Doc 2. G/29
Election of Secretary-General, proposal, p.4

URUGUAY. Doc. 2 G/7 (a)(1)

Election of Secretary-General, proposal, p.6.

CHAPTER V

SECTION B. 5. The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization.

Doc. 2 G/29
General Assembly to
examine budgets of
specialized agencies,
proposal, p.2.

ELECTION OF TRUSTEESHIP
COUNCIL

UNITED STATES OF AMERICA, Doc. 2 G/26 (c)

Naming of representatives on Trusteeship Council by the General Assembly, proposal, p.2.

CHAPTER V, B, 5

SPECIFIC COMMENTS AND SUGGESTIONS

AUSTRALIA. Doc. 2 G/14 (1)

Preparation and control of budget of the Organization, proposal, p.3.

NORWAY. Doc. 2

Apportionment of expenses and approval of budgets, p.4.

CHAPTER V.

SECTION C. VOTING. 1. Each member of the Organization should have one vote in the General Assembly.

VENEZUELA. Doc. 2 G/7 (d)

Apportionment of expenses, comment and proposal, pp. 10-11.

CHAPTER V, C, 1

SPECIFIC COMMENTS AND SUGGESTIONS

NORWAY, Doc. 2 G/7 (n)

Possibility of a system of voting based on differences between states, pp. 4-5.

LOSS OF VOTING RIGHTS

AUSTRALIA. Doc. 2 G/14 (1)

Loss of voting rights in Assembly by members ineligible for Council or in default of financial obligations, p.4.

INDIA. Doc. 2 G/14 (h)

Loss of voting rights for failure to meet financial contributions to the Organization, proposal, p.2.

NETHERLANDS. Doc. 2 G/7 (j) (1)

Loss of voting rights in Assembly and seat in Council for failure to pay due portion of expenses, proposal, p.4.

ABSTENTION FROM VOTING
BY PARTIES TO
DISPUTES

COSTA RICA. Doc. 2 G/7 (h)

Abstention from voting by parties to a dispute, proposal, p.3.

CHAPTER V

SECTION C. 2. Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council; election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions, should be made by a two-thirds majority of those present and voting. On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote.

CHILE. Doc. 2 G/7 (i)

Abstention from voting by states on questions in viewing military action to which they are parties, proposal, p.4.

VENEZUELA. Doc. 2 G/7 (d)

Abstention from voting by states in cases in which they are directly interested, proposal, p.11.

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REQUIRED VOTING MAJORITY ON IMPORTANT QUESTIONS

CHILE. Doc. 2 G/7 (i)

Decisions on military action, proposal, pp.4,5.

COSTA RICA. Doc. 2 G/7 (h)

Voting on measures for safeguarding p... e, proposal, p.2.

DOMINICAN REPUBLIC. Doc. 2 G/14 (o)

Voting on important questions, proposal, pp. 10,12.

ECUADOR. Doc. 2 G/7 (p)

Voting on important questions, proposal,
pp. 11-12.

INDIA. Doc. 2 G/14 (h)

Election of members of Security Council and
Social and Economic Council, proposal, p.2

MEXICO. Doc. 2 G/7 (c)(1)

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ADDITIONAL QUESTIONS REQUIRING SPECIAL MAJORITY

AUSTRALIA. Doc. 2 G/14 (1)

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proposal, pp.2-3.

ECUADOR. Doc. 2 G/7 (p)

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EGYPT. Doc. 2 G/7 (q)

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Voting majority on restoration of suspended members, deletion of provision for voting on suspension and expulsion, proposal, p.5.

EL SALVADOR. Doc. 2 G/14 (j)

Voting majority on questions referred from Security Council, not of a procedural nature, proposal, 1.

MEXICO. Doc. 2 G/7 (c)(1)

Voting majority on additional important questions, proposals, pp. 8,9.

NORWAY. Doc. 2 G/7 (n)(1)

Voting majority on expulsion of members, request for advisory opinions, recognition of new governments and new states, proposals, p.4.

DELETION OF PROVISIONS REQUIRING SPECIAL MAJORITY

BELGIUM. Doc. 2 G/7 (k)(1)

Omission from list of questions requiring special majority, expulsion of members, p.4.

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SECTION D. PROCEDURE. 1. The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require.

EGYPT. Doc. 2 G/7 (k)(1)

Omission from list of questions requiring special majority, expulsion of members, p.5.

URUGUAY. Doc. 2 G/7 (a)(1)

Omission from list of questions requiring special majority, expulsion of members, p.6.

CHAPTER V, D, 1

SPECIFIC COMMENTS AND SUGGESTIONS

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CHILE. Doc. 2 G/7 (i)

Convoking of special session by Council and Assembly, proposal, p.5.

EGYPT. Doc. 2 G/7 (q)(1)

Special Sessions, p.5.

MEXICO. Doc. 2 G/7 (c)(1)

Convoking of annual and special sessions, alternative methods, proposal, p.9.

URUGUAY. Doc. 2 G/7 (a)(1)

Method of calling regular and special sessions, p.6.

VENEZUELA. Doc. 2 G/7 (d)

Method of calling special sessions, proposal, p.11.

CHAPTER V

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SECTION D. 3. The General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.

BRAZIL. Doc. 2 G/7 (e)(3)

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