

UNCIO-Working Papers - Commissioners + Technical Committees Drafting Sub-Committees

15 May 1945  
30 May 1945

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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 until 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.

## COMMISSION II

### Committee 1. Structure and Procedure

#### SECOND REPORT OF THE DRAFTING SUBCOMMITTEE OF COMMITTEE II/1

May 26, 1945

The drafting subcommittee has <sup>conferred</sup> concurred with members of Committee II/3 with reference to Chapter V, Section B, paragraph 5 and has drawn up in consultation with them a new recommended text for this paragraph which deals with the apportionment of expenses and the approval of the budget of the Organization.

The subcommittee has also reconsidered the text which it had previously recommended for Chapter V, Section C, paragraph 1 (Voting Rights). It now recommends a new text of this paragraph since the matters referred by this Committee to Committee I/2 will not be considered by that Committee.

The subcommittee therefore recommends for the approval of the full Committee the following text to take the place of those presented in its report of May 25, page 3:

#### CHAPTER V, SECTION B, PARAGRAPH 5 English Text

The General Assembly ~~should~~ shall apportion the expenses among the members of the Organization. and should be empowered to approve the budgets of the Organization. It shall consider and approve the budgets of the Organization as well as any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Chapter IX, Section A, paragraph 2.

*1500  
24 25 0*



(French Text)

L'Assemblée Générale répartira les dépenses entre les membres de l'Organisation. Elle aura le pouvoir de discuter et d'approuver les budgets de l'Organisation, ainsi que tout accord financier et budgétaire à conclure avec les institutions spécialisées avec lesquelles l'Organisation aurait établi des rapports en exécution des dispositions du Chapitre IX, Section A, paragraphe 2.

CHAPTER V, SECTION C, PARAGRAPH 1

(English Text)

Each member of the Organization should shall have one vote in the General Assembly. A member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as its arrears amount to its contributions for two full years. The General Assembly may waive the penalty if it is satisfied that the reasons for delay in payment are justifiable.

*bygone etc until  
1-5-50  
in arrears*

(French Text)

Chaque membre de l'Organisation aura une voix dans l'Assemblée Générale. Tout membre qui serait en défaut de paiement de ses contributions à l'Organisation sera suspendu son droit de vote tant que ses arriérés s'élèveront à deux années entières de contributions. Toutefois l'Assemblée Générale pourra se relever de cette sanction si elle estime que le retard dans le paiement est justifié par des motifs légitimes.

30 56

*minutes*

## Committee II 1

### Drafting Committee.

- Hanna Salva
- X Abdel Hamid Badawi, Parba, Egypt. -  
X A. A. Rostchin - USSR Rostchin  
Andrés Serna Rojas - Mexico - 726  
Hans Bonnet - France - René Hoffmann  
X Victor de Savelle - Belgium -  
M. J. Culwell - Canada -  
X Sol Blum - USA. -
- 

Sat. 10:30



19-го мая 1945 г.

МЕМОРАНДУМ

КОМУ: Г-ну Кузьме Киселеву  
ОТ КОГО: Г-на Вильяма Адамса Брауна, Мл.,  
Секретаря Комитета П/1

По просьбе г-на де Лавелея я препроводил прилагаемый меморандум секретарю Исполнительного Комитета. Я указал, что сведения, в нем сообщаемые, являются, пока что, предварительными, так как наш Редакционный Комитет еще не представил своего доклада, а Комитет в полном составе еще не выносил какого либо по нему постановления.

Я надеюсь, что когда Под-Комитет закончит свою работу она окажется полезной для Вас при выработке Вашего доклада полному составу Комитета.

Довольно подробный краткий отчет о заседаниях Комитета рассылается членам под-комитета и будет доставлен Вам обычным порядком.

Приложение.

19-го мая 1945 года.

КОМУ: В Исполнительный Комитет

ДЕЛО: Предварительный Отчет - Комитет П/1

Одобрение Редакционным Под-Комитетом текстов  
Раздела А, Главы У и статей 2, 4 и 5 Раздела В,  
Главы У.

Председатель Редакционного Под-Комитета Комитета П/1 указал мне, как секретарю, сообщить Исполнительному Комитету, что следующий проект текста вышеупомянутых статей главы одобрен Под-Комитетом для представления Комитету в полном его составе. Принципы, изложенные в этом тексте, были одобрены Комитетом в полном его составе.

Редакционные Под Комитет не будет делать доклада в полном его составе до тех пор, пока Комитету не будут внесены постановления по всем разделам, порученным всему Комитету. Посему настоящий доклад является предварительным.

#### Глава У, Раздел А

Генеральная Ассамблея состоит из представителей членов Организации. У каждого члена может быть не более пяти представителей.

#### Глава У, Раздел В

ст. 2 - Генеральная Ассамблея может принимать в Организацию новых членов по рекомендации Совета Безопасности.

ст. 4 - Генеральная Ассамблея избирает временных членов Совета Безопасности и членов Экономического и Социального Совета.

Редакционный Подкомитет обращает внимание Координационного Комитета на то, что другой комитет уже установил два определенных признака, которыми Ассамблея надлежит руководиться при избрании временных членов Совета Безопасности и полагает, что в окончательный текст, возможно, следует включить после слова "избирает" какие то слова вроде "по правилам ею устанавливаемым", чтобы определить более ясно способ, каким Ассамблее надлежит соблюсти предначертания Раздела А Главы VI.



## Глава У, Раздел В

ст. 4 - Она избирает Генерального Секретаря Организации по рекомендации Совета Безопасности, принятой поданными за нее голосами семи членов.

Редакционный Подкомитет согласился на том, что этими словами имелось в виду выразить, что большинство 7 членов означает большинство любых 7 членов, без требования единогласия 5 постоянных членов и что в этом именно заключалось намерение всего Комитета при составлении этой фразы.

## Глава У, Раздел В

ст. 4 (последняя фраза) - "Генеральная Ассамблея избирает судей Международного Суда согласно статуту этого Суда."

Редакционный Подкомитет обращает внимание на обсуждение, происходящее в Комиссии 1У, каковое может привести к постановлению, которое не предоставит Ассамблее исключительное право избрания судей, а также на обстоятельство, что слово "избирает" возможно придется заменить словами "участвует в избрании", если бы постановление Комиссии 1У вызвало изменения.

## Глава У, Раздел В

ст. 5 - Генеральная Ассамблея распределяет расходы между членами Организации. Бюджеты Организации представляются на рассмотрение и утверждение Генеральной Ассамблеи.

### Рекомендовано включить в Главу Х

Подкомитет одобрил следующий текст, как свой и рекомендует включить в Статью 1, Главы Х: "Генеральный Секретарь избирается на трехгодичный срок. Он может быть переизбран".

### Французский Текст

Все тексты, на которых согласился Подкомитет для представления всему Комитету изложены по-английски и по-французски. Французский текст прилагается.

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 until 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.

May 23, 1945

MEMORANDUM FOR DRAFTING SUBCOM-  
MITTEE OF COMMITTEE II/1

The following decisions have been taken by the full committee and are now pending before the drafting subcommittee:

1. Chapter V, Section C, paragraph 1

The committee approved the text of the Dumbarton Oaks draft.

The committee voted to add an amendment to this paragraph incorporating the principle that a member state should be deprived of all voting rights in the General Assembly if it is in arrears on contributions to the Organization.

2. Chapter V, Section C, paragraph 2.

The committee approved the provisions of the Dumbarton Oaks Proposals which states that a two-thirds majority vote of the Assembly should be required on the following questions:

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

The committee deferred consideration of the inclusion in this list of expulsion of members and referred the question of restoration of rights to another committee.



The committee approved the principle that other questions, including the determination of additional categories of questions requiring a two-thirds vote, should be decided by a simple majority in the Assembly.

3. Chapter V, Section D, paragraph 1

The committee approved the provision of paragraph 1 of the Dumbarton Oaks Proposals providing that the General Assembly should meet in regular annual sessions and in such special sessions as occasion would require.

The committee approved as an addition to paragraph 1 the following: "The General Assembly should be convened in special session at the request of the Security Council or at the request of the simple majority of the members of the Organization addressed to the Secretary General."

4. Chapter V, Section D, paragraph 2

The committee approved the Dumbarton Oaks Proposal providing that the Charter should specify that the General Assembly should adopt its own rules or procedure and elect its president for each session.

5. Chapter V, Section D, paragraph 3

The committee approved the Dumbarton Oaks Proposal that the General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.

Conférence des Nations-Unies  
sur  
l'organisation internationale

DELEGATION BELGE

No. 324

SAN FRANCISCO. May 21, 1945

FAIRMONT HOTEL - BUREAU 608

Mr. William Brown,  
Secretary to the Committee I, Commission II  
Room 418  
Veterans Building

Dear Mr. Brown:

Here is a draft of the clauses which  
have been adopted by our Committee at the  
two last meetings.

I am also sending a copy of this draft  
to Mr. Escott Reid, so as to enable him to  
correct my English.

Yours very sincerely,

A handwritten signature in dark ink, appearing to read 'V. de Laveleye', is written over a horizontal line.

V. de Laveleye.

encl.



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

D R A F T

Chapter V - The General Assembly  
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Section C. Voting.

Par. 1. Each member of the Organization will have one vote in the General Assembly.

A member will be deprived of its vote in the Assembly if it is in arrears on the payment of contributions to the Organization and so long as it remains so.

Par. 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 the members; and budgetary questions shall be made by a two-thirds majority of those present and voting.

San Francisco, May 21, 1945.

NOTES TAKEN AT DRAFTING SUBCOM-  
MITTEE OF COMMITTEE II/1 MEETING

MAY 23, 1945

The following text covering the last sentence of Chapter V, Section C, paragraph 2, of the Dumbarton Oaks Proposals was approved by the Drafting Subcommittee of Committee II/1 at its meeting of May 23, 1945:

"The General Assembly shall decide by a majority of those present and voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority."

Section D, Procedure, paragraph 1:

"The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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."

Section D, paragraph 2:

"The General Assembly shall adopt its own rules of procedure and elect its president for each session."

Section D, paragraph 3:

"The General Assembly may set up such bodies and agencies as it deems necessary for the performance of its functions."



NOTES TAKEN AT DRAFTING SUBCOM-  
MITTEE OF COMMITTEE II/1 MEETING

MAY 23, 1945

The following text covering the last sentence of Chapter V, Section C, paragraph 2, of the Dumbarton Oaks Proposals was approved by the Drafting Subcommittee of Committee II/1 at its meeting of May 23, 1945:

"The General Assembly shall decide by a majority of those present and voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority."

Section D, Procedure, paragraph 1:

"The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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."

Section D, paragraph 2:

"The General Assembly shall adopt its own rules of procedure and elect its president for each session."

Section D, paragraph 3:

"The General Assembly may set up such bodies and agencies as it deems necessary for the performance of its functions."



D R A F T

CHAPTER V - THE GENERAL ASSEMBLY

Section C. Voting

Para. 1. Each member of the Organization shall have one vote in the General Assembly.

A member which is in arrears on the payment of its financial contributions to the Organization shall have no vote so long as it remains in arrears.\*

Para. 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 the members, and budgetary questions shall be made by a two-thirds majority of those present and voting.

\* Committee 2 of Commission I will have to decide the related questions of the definition of arrears (one year, two years, etc.) and whether the General Assembly should not have the right in exceptional cases to permit a member to vote if it is in arrears due to no fault of its own.

San Francisco, May 21, 1945.



May 23, 1945

MEMORANDUM FOR DRAFTING SUBCOM-  
MITTEE OF COMMITTEE II/1

The following decisions have been taken by the full committee and are now pending before the drafting subcommittee:

1. Chapter V, Section C, paragraph 1

The committee approved the text of the Dumbarton Oaks draft.

The committee voted to add an amendment to this paragraph incorporating the principle that a member state should be deprived of all voting rights in the General Assembly if it is in arrears on contributions to the Organization.

2. Chapter V, Section C, paragraph 2.

The committee approved the provisions of the Dumbarton Oaks Proposals which states that a two-thirds majority vote of the Assembly should be required on the following questions:

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

The committee deferred consideration of the inclusion in this list of expulsion of members and referred the question of restoration of rights to another committee.

The committee approved the principle that other questions, including the determination of additional categories of questions requiring a two-thirds vote, should be decided by a simple majority in the Assembly.

3. Chapter V, Section D, paragraph 1

The committee approved the provision of paragraph 1 of the Dumbarton Oaks Proposals providing that the General Assembly should meet in regular annual sessions and in such special sessions as occasion would require.

The committee approved as an addition to paragraph 1 the following: "The General Assembly should be convened in special session at the request of the Security Council or at the request of the simple majority of the members of the Organization addressed to the Secretary General."

4. Chapter V, Section D, paragraph 2

The committee approved the Dumbarton Oaks Proposal providing that the Charter should specify that the General Assembly should adopt its own rules of procedure and elect its president for each session.

5. Chapter V, Section D, paragraph 3

The committee approved the Dumbarton Oaks Proposal that the General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.



CHAPTER V - THE GENERAL ASSEMBLY

Section C. Voting

Para. 1. Each member of the Organization shall have one vote in the General Assembly.

A member which is in arrears on the payment of its financial contributions to the Organization shall have no vote so long as it remains in arrears.\*

Para. 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 the members, and budgetary questions shall be made by a two-thirds majority of those ~~present and voting.~~

\* Committee 2 of Commission I will have to decide the related questions of the definition of arrears (one year, two years, etc.) and whether the General Assembly should not have the right in exceptional cases to permit a member to vote if it is in arrears due to no fault of its own.

San Francisco, May 21, 1945.

*memo 11*  
*amendment*  
*referred to mem*  
*of May 22*

*have*  
*should have understood*  
*in May 22*

RECEIVED  
JAN 10 1900  
U. S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D. C.

For \_\_\_\_\_  
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*Proposed by*  
*M. de la Roche.*





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Please call...☐ Returning your call...☐

Will call again...☐ Wishes appointment...☐

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Chap. V    The General Assembly

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Section A. Composition.

All Members of the Organization will sit in the General Assembly with a Delegation which will not comprise more than five persons.

Section B.

.....

Par. 2 - The General Assembly is empowered to admit new Members to the Organization upon recommendation of the Security Council.

.....

Par. 4 - The General Assembly shall elect, according to rules adopted by it, the non-permanent members of the Security Council and the members of the Economic and Social Council. It shall elect the Secretary-General of the Organization upon recommendation of the Security Council. This recommendation will have to be passed by the Security Council with a majority of seven votes, which shall not necessarily comprise the votes of all the permanent members. The Secretary-General will be appointed for a duration of three years. He will be reeligible. The General Assembly will elect the judges of the international Court of Justice according to the Statute of the Court.



Par. 5 - The General Assembly shall apportion the expenses among the  
Members of the Organization and shall be empowered to approve the  
budgets of the Organization.

## P R O J E T .

### CHAPITRE V .- L'ASSEMBLEE GENERALE

#### SECTION A.- COMPOSITION.

Chaque Etat membre de l'Organisation siégera dans l'Assemblée Générale par une délégation qui ne pourra comprendre plus de cinq personnes.

#### SECTION B.- FONCTIONS ET POUVOIRS.

.....  
Paragraphe 2.- L'Assemblée a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

.....  
Paragraphe 4.- L'Assemblée Générale élira, suivant les normes qu'elle déterminera, les membres non-permanents du Conseil de Sécurité et les membres du Conseil Economique et Social. Elle élira le Secrétaire Général de l'Organisation, sur présentation par le Conseil de Sécurité. Cette présentation devra être approuvée au sein du Conseil de Sécurité, par une majorité de sept voix, lesquelles ne devront pas nécessairement comprendre la totalité des cinq voix attribuées aux Membres permanents. Le Secrétaire Général sera nommé pour une période de trois ans. Il sera rééligible. L'Assemblée Générale procédera à l'élection des Juges conformément au statut



de la Cour Internationale de Justice.

Paragraphe 5.- L'Assemblée Générale répartira les dépenses  
parmi les membres de l'Organisation et aura le pouvoir d'ap-  
prouver les budgets de l'Organisation.

## CHAPITRE V

### SECTION B

Par. 4 - 2nd sentence - 2e phrase:

"Elle elira le Secretaire General de l'Organisation, sur presentation par le Conseil de Securite. Cette presentation devra etre approuvee au sein du Conseil de Securite, par une majorite de sept voix, lesquelles ne devront pas necessairement comprendre la totalite des cinq voix attribuees aux Membres permanents. Le Secretaire General sera nomme pour une periode de trois ans. Il sera reeligible.

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"It shall elect the Secretary-General of the Organization upon recommendation of the Security Council. This recommendation will have to be passed by the Security Council with a majority of seven votes, which shall not necessarily comprise the votes of all the permanent members. The Secretary-General will be appointed for a duration of three years. He will be reeligible.

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## CHAPITRE V

### SECTION B

Par. 4 - 2nd sentence - 2e phrase:

"Elle elira le Secretaire General de l'Organisation, sur presentation par le Conseil de Securite. Cette presentation devra etre approuvee au sein du Conseil de Securite, par une majorite de sept voix, lesquelles ne devront pas necessairement comprendre la totalite des cinq voix attribuees aux Membres permanents. Le Secretaire General sera nomme pour une periode de trois ans. Il sera reeligible.

---

"It shall elect the Secretary-General of the Organization upon recommendation of the Security Council. This recommendation will have to be passed by the Security Council with a majority of seven votes, which shall not necessarily comprise the votes of all the permanent members. The Secretary-General will be appointed for a duration of three years. He will be reeligible.

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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 until 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.



## COMMITTEE II/1

### AGENDA FOR DRAFTING SUB-COMMITTEE:

The following decisions have been reached by Committee II/1 through May 16, 1945, and are submitted for consideration and redrafting:

#### I Chapter V, Section A - Composition of the Assembly

The Committee approved a motion providing that "the number of delegates should not be more than five delegates for each member". ✓

#### II Chapter V, Section B, Paragraph 2

The Committee approved this section of the Dumbarton Oaks Proposals. ✓

#### III Chapter V, Section B, Paragraph 4

The Committee approved the text of the first sentence of Chapter V, Section B, Paragraph 4, and agreed to leave any subsequent reconciliation of the wording of this paragraph with decisions of other technical committees to the drafting sub-committee. ✓

*See Four Powers  
amendment* 31

#### IV Chapter V, Section B, Paragraph 4

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. ✓

#### V Chapter X

The Committee approved the proposal of the four sponsoring powers that the Secretary General be elected by the Assembly for a period of three years and that he should be eligible for reelection.

This decision constitutes a recommendation to technical Committee I/2 considering the organization of the secretariat.

#### VI Chapter V, Section B, Paragraph 4

The Committee approved a motion putting the last sentence of paragraph 4 into formal language as follows: "The General Assembly shall elect the judges of the International Court of Justice in conformity with the statutes of the Court".

#### VII Chapter V, Section B, Paragraph 5

The Committee approved without changing the text of Chapter V, Section B, Paragraph 5 of the Dumbarton Oaks Proposals reading as follows: "The General Assembly shall apportion the expenses among the members of the Organization and should be



Texte Français des paragraphes approuvés par le Comité II/I/A  
le 19 mai 1945

## CHAPITRE V.- L'ASSEMBLEE GENERALE

### SECTION A. -COMPOSITION.

L'Assemblée Générale se compose de représentants des membres de l'Organisation. Chaque membre ne pourra avoir plus de cinq représentants.

### SECTION B. - FONCTIONS ET POUVOIRS.

.....  
Paragraphe 2.- L'Assemblée Générale a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

.....  
Paragraphe 4.- L'Assemblée Générale élira les membres non-permanents du Conseil de Sécurité et les membres du Conseil Economique et Social. Elle élira le Secrétaire Général de l'Organisation, sur présentation par le Conseil de Sécurité. Cette présentation devra être approuvée au sein du Conseil de Sécurité par un vote affirmatif de sept membres. Le Secrétaire Général sera élu pour une période de trois ans. Il sera rééligible. L'Assemblée Générale procédera à l'élection des Juges conformément au statut de la Cour Internationale de Justice.

Paragraphe 5.- L'Assemblée Générale répartira les dépenses parmi les membres de l'Organisation. Elle aura le pouvoir de discuter et d'approuver les budgets de l'Organisation.

*Pour Chapitre X*



Comité 1 Organisation et Procédure

DEUXIEME RAPPORT DU SOUS-COMITE DE REDACTION DU COMITE II/1

le 26 mai 1945

Le Sous-comité de rédaction s'est consulté avec les membres du Comité II/3 au sujet du Chapitre V, paragraphe 5, Section B, et a établi, à la suite de cette consultation, un nouveau projet de texte relatif à la répartition des dépenses et à l'approbation du budget de l'Organisation.

Le Sous-comité a également repris l'étude du texte qu'il avait déjà recommandé pour le paragraphe 1 de la Section C, du Chapitre V (droits de vote). Il recommande maintenant un nouveau texte puisque les questions renvoyées par ce Comité au Comité I/2 ne seront pas étudiées par ce dernier.

En conséquence le Sous-comité recommande à l'approbation du Comité le texte suivant pour remplacer ceux qu'il a présentés dans son rapport du 25 mai:

CHAPITRE V, SECTION B, PARAGRAPHE 5  
Texte anglais

The General Assembly should shall apportion the expenses among the members of the Organization. ~~and should be empowered to approve the budgets of the Organization. It shall consider and approve the budgets of the Organization as well as any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Chapter IX, Section A, paragraph 2.~~

Texte français

L'Assemblée Générale répartira les dépenses entre les membres de l'Organisation. Elle aura le pouvoir de discuter et d'approuver les budgets de l'Organisation, ainsi que tout accord financier et budgétaire à conclure avec les institutions spécialisées avec lesquelles l'Organisation aurait établi des rapports en exécution des dispositions du Chapitre IX, Section A, paragraphe 2.



RESTRICTED  
Doc. 607 (FRENCH)  
II/17A/3  
May 26, 1945

Comité 1 Organisation et Procédure

DEUXIEME RAPPORT DU SOUS-COMITE DE REDACTION

CHAPITRE V, SECTION C, PARAGRAPHE 1  
Texte anglais

Each member of the Organization should shall have one vote in the General Assembly. A member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as its arrears amount to its contributions for two full years. The General Assembly may waive the penalty if it is satisfied that the reasons for delay in payment are justifiable.

Texte français

Chaque membre de l'Organisation aura une voix dans l'Assemblée Générale. Tout membre qui serait en défaut de paiement de ses contributions à l'Organisation verra suspendu son droit de vote tant que ses arriérés s'élèveront à deux années entières de contributions. Toutefois l'Assemblée Générale pourra le relever de cette sanction si elle estime que le retard dans le paiement est justifié par des motifs légitimes.



II/I/A

/26/45

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addition

✓ B5 only place (one budget

under - <sup>can be given</sup> only 2 ~~agencies~~ of Org - 4 from budget or - is ~~considered~~  
~~Also~~

We feel that some of the agencies in IX B2 might to be put in. Do  
provide that - y should be put into ~~some~~!

II/3 feels that if some v-se org. it may be necessary  
for ESC to make financial arrangement <sup>some of</sup> ~~it~~ - ~~it~~. But could  
be done under V B5

to Parley of a law agreed to print - ~~or~~ (e law only to get ends 2  
met.

So add:

~~it shall be agreed to~~

~~G A~~ <sup>may</sup> enter into financial + budget arrangement with  
specialized agencies as part of the agreements  
~~contemplated~~ envisaged in IX, B, 2.

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LeBeau Does - & provide if possib of grt, subsidies?

Mudal Yes

Hirsch I/S asked us 2 decide (either xist, cord, covers pt.  
Then look@ 4 power amend (ich could b new TP 7.  
US lawyers - it inadequate. US - it adequate  
US not opposed to something like Lev's suggestions.

Mudal It doesn't give G A power to disburse \$. Our  
ques! (either i covered

Pittbl our legal advisers doubt it is clearly covered.  
re also (+ to his provision it will allow a common collect  
machinery - convenient. Also adds to his an agency  
it could hold + invest funds (ich could b earmarked but handled  
centrally. - & should not be ruled.

~~Le B~~

Pittbl is phrase "shall be submitted" or any hint it  
submitted by someone from outside



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Pit Pt is at G A orders draw, up of budgets  
I am ~~make~~, a ques!

Law ~~change~~ French - set "les budgets de l'Org

Mud Lang now approved gives elasticity

~~Pit~~ If Fr text is adopted "no ques!"

Reid Subst Fr for Eng to clean up

OK // "The G A shall ~~have the power to dis~~  
consider & approve the budgets of the Org."

final  
OK 5. The G A shall appoint ... Org. It  
shall consider & approve the budgets of - Org  
<sup>as well as any</sup> ~~It may (enter into)~~ financial and budgetary  
<sup>brought into relationship with the Org.</sup> arrangements with specialized agencies ~~a part of the~~  
<sup>under the provisions of</sup> ~~agreements~~ <sup>contemplated in</sup> Chap IX Section A  
paragraph 2.

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Mud Say as part of the agreements? Does mean  
only 1st agreement - note

Pit cut (done)

~~redraft in pure pg  
no final arrangement~~

~~brought~~

Egypt ~~of A~~ It is the Org it makes arrangements + nt  
of A Can of A sign + make arrangements. S G

or  
Law So say "approve"

~~Under IX~~

Pit not clear in IX

Egypt Am only. I could see legal part of view (under if can be  
given to deliberative body)

L B Apt - for civil I could not by S G so say approve<sup>or</sup>



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Mod say "as well as any finan"  
OK say

Law & draft for text

Reid lets revise C 1. 0

OK / A member which is ~~[in arrears]~~ in arrears in its the  
payments of its financial contributions to the Organization  
shall have no vote: ~~the General Assembly~~ <sup>as long as it remains in arrears</sup>  
~~provided that the General Assembly~~ <sup>the application</sup>  
~~of this penalty if a member is in arrears due~~  
~~to no fault of its own.~~ <sup>in arrears</sup> <sup>established</sup> <sup>under its authority</sup>

Can stay 1 y in arrears

OK / its arrears amount to <sup>its contrib for</sup> two full  
years. <sup>contributions</sup>

Egypt Can vote in S Council

Reid to ~~contemplate~~ complicated - better if had chap in

financial arrangements  
Can't put defunct of vote in SC in G A chapter

~~Possible~~ Should be apply to all organs (see change in draft)

But yes - should be

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1st US will abst out of consid of diff of small states

Egypt note it could pay if 1 mo + be yr + 11 mos behind @ all times.

Reid Don't c+ to be too ~~poor~~ strict - probl of funds + budgets @ home

nevertheless the General Assembly may waive this penalty if the delay in the payment is justified by legitimate reasons.

~~if in the opinion of the G A the delay in the payment~~

The Gen Ass may waive the penalty if it is satisfied

OK / that the delay in the payment is so justifiable & reasons for ~~defect~~ delay in payment are ~~legitimate~~



final corrected copy II/I

REPORT OF THE DRAFTING SUBCOMMITTEE  
OF COMMITTEE II/1

The Drafting Subcommittee has prepared the following report for approval by the full Committee and transmission to the Coordination Committee. Recommended texts in English and French have been drafted which incorporate all the decisions thus far taken by the full Committee. Where necessary footnotes have been appended to the texts. The report has been prepared in the form in which the Coordination Committee wishes to receive reports from all drafting committees. The original English wording of the Dumbarton Oaks Proposals appears in plain type, new wording is underlined, rejected or altered wording is crossed out.

REPORT

Committee II/1 recommends that the following provisions be inserted in Chapter V (The General Assembly) of the Charter:

CHAPTER V--THE GENERAL ASSEMBLY

CHAPITRE V--L'ASSEMBLEE GENERALE

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. The General Assembly shall consist of representatives of the members of the Organization. Each member may have not more than five representatives.

Section A. Composition.

L'Assemblée Générale se compose de représentants des membres de l'Organisation. Chaque membre ne pourra avoir plus de cinq représentants.

.....

Section B. Functions and Powers.

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

Section B. Fonctions et Pouvoirs.

2. L'Assemblée Générale a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

.....

4. The General Assembly should shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX.  
1/ It should be empowered to shall elect the Secretary-General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members. 2/ 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. The General Assembly shall elect the judges of the International Court of Justice in accordance with the Statute of the Court. 3/

4. L'Assemblée Générale élira les membres nonpermanents du Conseil de Sécurité et les membres du Conseil Economique et Social. Elle élira le Secrétaire Général de l'Organisation, sur présentation par le Conseil de Sécurité. Cette présentation devra être approuvée au sein du Conseil de Sécurité par un vote affirmatif de sept membres. L'Assemblée Générale procédera à l'élection des juges conformément au statut de la Cour Internationale de Justice.

---

1/ Committee II/1 calls the attention of the Coordination Committee to the fact that another committee has established two definite criteria by which the General Assembly shall be guided in electing the members of the Security Council. These criteria are so general in character that Committee II/1 suggests that it may be necessary in the final draft of this Article of the Charter to include some such phrase as: "according to rules adopted" after the word "elect", in order to define more clearly the way in which the General Assembly shall comply with the provisions of Chapter VI, Section A.

2/ 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.

3/ The Committee 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 from the word "elect" in this sentence to "participate in the election of".



voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority.

2. Les décisions importantes de l'Assemblée Générale, notamment les recommandations relatives au maintien de la paix internationale et de la sécurité, l'élection des membres du Conseil de Sécurité, l'élection des membres du Conseil Economique et Social; l'admission de membres; la suspension de l'exercice de leurs droits et privilèges et les questions budgétaires, seront prises à la majorité des deux-tiers des voix des membres présents et votants. L'Assemblée Générale statuera à la majorité simple des voix des membres présents et votants sur toutes les autres questions, notamment lorsqu'il s'agira de déterminer les ~~catégories supplémentaires de questions à trancher par une majorité des deux-tiers.~~

*matières non prévues dans l'énumération ci-dessus et qui doivent faire l'objet d'un vote à la majorité des deux-tiers*

#### Section D. Procedure.

1. The General Assembly ~~should~~ shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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.

1. L'Assemblée Générale se réunira en sessions régulières une fois par an et en sessions extraordinaires chaque fois que les circonstances le nécessiteront. Les sessions extraordinaires seront convoquées soit à la demande du Conseil de Sécurité, soit sur demande de la majorité des membres de l'Organisation.

2. The General Assembly ~~should~~ shall adopt its own rules of procedure and elect its President for each session.

2. L'Assemblée Générale adoptera son propre règlement et élira son président pour chaque session.

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

3. L'Assemblée Générale pourra créer tous organismes qui lui paraîtront nécessaires à l'accomplissement de ses fonctions.

Committee II/1 approved and sent to Committee I/2 the following sentences 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.

Le Secrétaire Général sera élu pour une période de trois ans. Il sera rééligible.

Committee II/1 calls the attention of the Coordination Committee to the fact that other Technical Committees are considering proposals on the General Assembly which may add to its powers and functions for which procedural provision will be needed. In the event that such proposals or other proposals are adopted, it will be necessary for Committee II/1 to make consequential changes in the recommended texts.



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Monsieur de Laveleye

Je me permets de suggérer le  
texte ci-après. qu'en pensez vous.

Gene Hoffmann

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ON INTERNATIONAL ORGANIZATION

"

notamment lorsqu'il s'agit de  
déterminer les matières non prévues  
dans l'énumération ci-dessus  
et qui doivent faire l'objet d'un  
vote à la majorité des  
deux tiers "



Conférence des Nations-Unies  
sur  
l'organisation internationale

SAN FRANCISCO.

FAIRMONT HOTEL - BUREAU 608

DELEGATION BELGE

CHAPITRE V -

Section C - VOTE.

(A) Par. 1 - Chaque membre de l'Organisation aura une voix dans l'Assemblée Générale.

(B) Par. 2 - Les décisions importantes de l'Assemblée Générale, notamment les recommandations relatives au maintien de la paix internationale et de la sécurité, l'élection des membres du Conseil de Sécurité, l'élection des membres du Conseil Economique et Social; l'admission de membres; la suspension de l'exercice de leurs droits et privilèges et les questions budgétaires, seront prises à la majorité des deux-tiers des voix des membres présents et votants. L'Assemblée Générale statuera à la majorité simple des voix des membres présents et votants sur toutes les autres questions, notamment lorsqu'il s'agira de déterminer les catégories supplémentaires de questions à trancher par une majorité des deux-tiers.

Section D - PROCEDURE.

(C) Par. 1 - L'Assemblée Générale se réunira en sessions régulières une fois par an et en sessions ~~spéciales~~ extraordinaires chaque

fois que les circonstances le nécessiteront. Les sessions extraordinaires seront convoquées soit à la demande du Conseil de Sécurité, soit sur demande de la majorité ~~simple~~ des membres de l'Organisation.

D Par. 2 - L'Assemblée Générale adoptera son propre règlement et élira son président **pour** chaque session.

E Par. 3 - L'Assemblée Générale pourra créer tous organismes qui lui paraîtront nécessaires à l'accomplissement de ses fonctions.

x x x



*add to (A)  
2nd sentence*

Le droit de vote de tout membre de l'Organisation  
qui serait en retard de payer ses contributions à l'Organisa-  
tion sera suspendu aussi longtemps que les paiements n'aurent  
pas été effectués.

~~MEETING OF COMMISSION II~~~~May, 1945~~~~Draft Report of  
Statement of Work by Committee II/1~~

Kuzma V. Kiselev (Byelorussian Soviet Socialist Republic)

*Rapporteur of Committee II/1*

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, 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.

*insert page from p. 6*  
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* 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 four-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.

The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made <sup>by</sup> ~~upon~~ an affirmative vote of <sup>seven</sup> ~~7~~ members.

It is the intent of the Committee that the majority stipulated shall be a majority of any <sup>seven</sup> members and need not include the current votes of <sup>five</sup> 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  
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 <sup>recommend that</sup> ~~decide~~ the authority to elect judges should not be exclusively <sup>entrusted</sup> ~~interpreted~~ in the Charter to the Assembly, but should be shared by the Security Council. <sup>it</sup> 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, and <sup>The Committee therefore</sup> ~~recommends to~~ the General Assembly <sup>be</sup> ~~powers to~~ <sup>empowered</sup> ~~to apportion the expenses among the members and to approve the proportion expenses and approve the budget should be granted in the~~ ~~budgets of the Organization,~~ <sup>as proposed in the Dumbarton Oaks text.</sup>

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 <sup>c</sup>~~5~~)

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 majority vote on this question until Committees I/2 and II/2 <sup>have</sup> ~~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, <sup>and</sup> ~~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 *and*

~~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 Text (Chapter V, Section B)

*insert  
in page 1*  
Recommended text in English and French embodying all of the 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* 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.* ~~Court of~~ International Justice.

There is also pending before Committee *II/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.



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.

final corrected copy J/L

REPORT OF THE DRAFTING SUBCOMMITTEE  
OF COMMITTEE II/1

The Drafting Subcommittee has prepared the following report for approval by the full Committee and transmission to the Coordination Committee. Recommended texts in English and French have been drafted which incorporate all the decisions thus far taken by the full Committee. Where necessary footnotes have been appended to the texts. The report has been prepared in the form in which the Coordination Committee wishes to receive reports from all drafting committees. The original English wording of the Dumbarton Oaks Proposals appears in plain type, new wording is underlined, rejected or altered wording is crossed out.

REPORT

Committee II/1 recommends that the following provisions be inserted in Chapter V (The General Assembly) of the Charter:

CHAPTER V--THE GENERAL ASSEMBLY

CHAPITRE V--L'ASSEMBLEE GENERALE

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. The General Assembly shall consist of representatives of the members of the Organization. Each member may have not more than five representatives.

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Section B. Functions and Powers.

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

Section B. Fonctions et Pouvoirs.

2. L'Assemblée Générale a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

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4. The General Assembly should shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. 1/ It should be empowered to shall elect the Secretary-General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members. 2/ 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. The General Assembly shall elect the judges of the International Court of Justice in accordance with the Statute of the Court. 3/

4. L'Assemblée Générale élira les membres nonpermanents du Conseil de Sécurité et les membres du Conseil Economique et Social. Elle élira le Secrétaire Général de l'Organisation, sur présentation par le Conseil de Sécurité. Cette présentation devra être approuvée au sein du Conseil de Sécurité par un vote affirmatif de sept membres. L'Assemblée Générale procédera à l'élection des juges conformément au statut de la Cour Internationale de Justice.

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2/ 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.

3/ The Committee 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 from the word "elect" in this sentence to "participate in the election of".



5. The General Assembly ~~should~~ shall apportion the expenses among the members of the Organization, and ~~should~~ be empowered to approve the budgets of the Organization. The budgets of the Organization shall be submitted to the Assembly for consideration and approval.

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Section C. Voting.

1. Each member of the Organization ~~should~~ shall have one vote in the General Assembly. A member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as it remains in arrears. 4/

1. Chaque membre de l'Organisation aura une voix dans l'Assemblée Générale. Le droit de vote de tout membre de l'Organisation qui serait en retard de payer ses contributions à l'Organisation sera suspendu aussi longtemps que les paiements n'auront pas été effectués.

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; expulsion of members; suspension of the rights and privileges of members; and budgetary questions, ~~should~~ shall be made by a two-thirds majority of those present and voting. 5/ On other questions, the decisions of The General Assembly ~~should~~ shall be made shall decide by a simple majority of those present and

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5/ The Committee calls attention to the fact that provision for voting on "expulsion of members" has not been included in this paragraph because the question of expulsion is being considered in Committees I/2 and II/2. In the event that the General Assembly is given the power to expel members it would be necessary to consider whether that question should be acted upon by a two-thirds majority.

The possibility has also been raised of giving the General Assembly authority to suspend the penalty for failure to pay its contributions to the Organization if a member is in arrears through no fault of its own.

in Section C  
paragraph 1



voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority.

2. Les décisions importantes de l'Assemblée Générale, notamment les recommandations relatives au maintien de la paix internationale et de la sécurité, l'élection des membres du Conseil de Sécurité, l'élection des membres du Conseil Economique et Social; l'admission de membres; la suspension de l'exercice de leurs droits et privilèges et les questions budgétaires, seront prises à la majorité des deux-tiers des voix des membres présents et votants. L'Assemblée Générale statuera à la majorité simple des voix des membres présents et votants sur toutes les autres questions, notamment lorsqu'il s'agira de déterminer les ~~catégories supplémentaires de questions à trancher par une majorité des deux-tiers.~~

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1. The General Assembly ~~should~~ shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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.

1. L'Assemblée Générale se réunira en sessions régulières une fois par an et en sessions extraordinaires chaque fois que les circonstances le nécessiteront. Les sessions extraordinaires seront convoquées soit à la demande du Conseil de Sécurité, soit sur demande de la majorité des membres de l'Organisation.

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

3. L'Assemblée Générale pourra créer tous organismes qui lui paraîtront nécessaires à l'accomplissement de ses fonctions.



Committee II/1 approved and sent to Committee I/2 the following sentences 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.

Le Secrétaire Général sera élu pour une période de trois ans. Il sera rééligible.

Committee II/1 calls the attention of the Coordination Committee to the fact that other Technical Committees are considering proposals on the General Assembly which may add to its powers and functions for which procedural provision will be needed. In the event that such proposals or other proposals are adopted, it will be necessary for Committee II/1 to make consequential changes in the recommended texts.



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note. The possibility of giving the General Assembly authority to suspend the penalty ~~for~~ for failure to pay the contributions to the Organization if a member is in arrears due to no fault of its own has also been raised. It is understood that these questions are



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REPORT OF THE DRAFTING SUBCOMMITTEE  
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REPORT

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~~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. The General Assembly shall consist of representatives of the members of the Organization. Each member may have not more than five representatives.~~

Section A. Composition.

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Section B. Functions and Powers.

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

Section B. Fonctions et Pouvoirs.

2. L'Assemblée Générale a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

4. The General Assembly ~~should~~ shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council ~~provided for in Chapter IX.~~

(1) It should be empowered to shall elect the Secretary-General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members. (2) 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~~ The General Assembly shall elect the judges of the International Court of Justice in accordance with the Statute of the Court. (3)

(1) Committee II/1 calls the attention of the Coordinating Committee to the fact that another committee has established two definite criteria by which the General Assembly shall be guided in electing the members of the Security Council. These criteria are so general in character that the Drafting Subcommittee suggests that it may be necessary in the final draft of this Article of the Charter to include some such phrase as: "according to rules adopted" 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.

(2) This wording is intended by the Committee to mean a majority of any <sup>seven</sup> members, not requiring the concurrent votes of the five permanent members.

(3) The Committee 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 from the word "elect" in this sentence to "participate in the election of".

*indist*  
4. L'Assemblée Générale élira les membres nonpermanents du Conseil de Sécurité et les membres du Conseil Economique et Social. Elle élira le Secrétaire Général de l'Organisation, sur présentation par le Conseil de Sécurité. Cette présentation devra être approuvée au sein du Conseil de Sécurité par un vote affirmatif de sept membres. L'Assemblée Générale procédera à l'élection des Juges conformément au statut de la Cour Internationale de Justice.

*cut*  
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to the Organization shall have no vote so long as it remains  
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previous  
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*leave space*

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*space*

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*space*

*only underline the "s"*

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Committee II/I calls ~~to~~ the attention of the Coordination Committee to the fact that other Technical Committees are considering proposals on the General Assembly which may add to its powers and functions for which procedural provision will be needed. In the event that such proposals or other proposals are adopted it will be necessary for Committee II/I to ~~reopen its deliberations~~ make consequential changes in the ~~above~~ ~~proposed~~ recommended texts.



## COMMISSION II      General Assembly

Committee I      Structure and Procedures

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4/ The Committee calls attention to the necessity for defining the period of time that a member must be in arrears in the payment of its financial contributions before it loses its vote. The possibility has also been raised of giving the General Assembly authority to suspend the penalty for failure to pay its contributions to the Organization if a member is in arrears through no fault of its own. It is understood that these questions are being discussed in Committee I/2 and that there will probably be a need to insert the period of time in Section C, paragraph 1, after Committee I/2 has finished its deliberations.



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; ~~expulsion of members~~; suspension of the rights and privileges of members; and budgetary questions, ~~should~~ shall be made by a two-thirds majority of those present and voting. 5/ ~~On other questions, the decisions of The General Assembly should be made shall decide by a simple majority of those present and voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority.~~

2. Les décisions importantes de l'Assemblée Générale, notamment les recommandations relatives au maintien de la paix internationale et de la sécurité; l'élection des membres du Conseil de Sécurité; l'élection des membres du Conseil Economique et Social; l'admission de membres; la suspension de l'exercice de leurs droits et privilèges, et les questions budgétaires, seront prises à la majorité des deux-tiers des voix des membres présents et votants. L'Assemblée Générale statuera à la majorité simple des voix des membres présents et votants sur toutes les autres questions, notamment lorsqu'il s'agira de déterminer les matières non prévues dans l'énumération ci-dessus et qui doivent faire l'objet d'un vote à la majorité des deux-tiers.

#### Section D. Procedure

1. The General Assembly ~~should~~ shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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.

5/ The Committee calls attention to the fact that provision for voting on "expulsion of members" has not been included in this paragraph because the question of expulsion is being considered in Committees I/2 and II/2. In the event that the General Assembly is given the power to expel members it would be necessary to consider whether that question should be acted upon by a two-thirds majority.



1. L'Assemblée Générale se réunira en sessions régulières une fois par an et en sessions extraordinaires chaque fois que les circonstances le nécessiteront. Les sessions extraordinaires seront convoquées soit à la demande du Conseil de Sécurité, soit sur demande de la majorité des membres de l'Organisation.

2. The General Assembly ~~should~~ shall adopt its own rules of procedure and elect its President for each session.

2. L'Assemblée Générale adoptera son propre règlement et élira son président pour chaque session.

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

3. L'Assemblée Générale pourra créer tous organismes qui lui paraîtront nécessaires à l'accomplissement de ses fonctions.

Committee II/1 approved and sent to Committee I/2 the following sentences 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.

Le Secrétaire Général sera élu pour une période de trois ans. Il sera rééligible.

Committee II/1 calls the attention of the Coordination Committee to the fact that other technical committees are considering proposals on the General Assembly which may add to its powers and functions, for which procedural provision will be needed. In the event that such proposals or other proposals are adopted, it will be necessary for Committee II/1 to make consequential changes in the recommended texts.



Mr. Brown  
Rm. 418  
II/11

NOTES TAKEN AT DRAFTING SUBCOM-  
MITTEE OF COMMITTEE II/1 MEETING

MAY 23, 1945

The following text covering the last sentence of Chapter V, Section C, paragraph 2, of the Dumbarton Oaks Proposals was approved by the Drafting Subcommittee of Committee II/1 at its meeting of May 23, 1945:

"The General Assembly shall decide by a majority of those present and voting all other questions including the determination of additional categories of questions to be decided by a two-thirds majority."

Section D, Procedure, paragraph 1:

"The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special 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."

Section D, paragraph 2:

"The General Assembly shall adopt its own rules of procedure and elect its president for each session."

Section D, paragraph 3:

"The General Assembly may set up such bodies and agencies as it deems necessary for the performance of its functions."

H/11

COMMISSION II, COMMITTEE 1  
FIFTH REPORT OF DRAFTING COMMITTEE

The Drafting Committee met at 3:00 p.m. on May 24 10:30 a.m. on May 25, and 3:00 p.m. on May 26. It makes the following recommendations:

1. Chapter IX, Section A, 1

a. The last sentence of paragraph 1 should read as follows:

"Responsibility for the discharge of this function shall be vested in the General Assembly and under the authority of the General Assembly, in the Economic and Social Council."

b. Subparagraph b of paragraph 1, as approved by the Committee in Document 361 (Summary Report of Seventh Meeting of Committee II/3), should be amended to read as follows:

"b. Solutions of international economic, social, health, and other related problems; international cultural and educational cooperation; and . . ."

The Committee wishes to make the following comments on subparagraph b for the records of the Committee:

1. The Subcommittee understands that the language of subparagraph b includes international cooperation in the suppression of traffic in opium and other narcotics and dangerous drugs.

2. While the comprehensiveness of the "social" field has been indicated by the inclusion of the



words "cultural", "health", and "educational", no specification has been made in the "economic" field. The Committee wishes to emphasize that the "economic" field is similarly comprehensive and includes, for instance, international trade, finance and communications and transport.

3. In view of the adoption of "full employment" as one of the objectives of the Organization, there is no need to specify, in addition, "the right to work".

2. Chapter IX, Section A, 2

a. The following new paragraph 2 (1) should be added:

"The Organization shall, where appropriate, initiate negotiations among the nations concerned for the creation of any specialized organization or agency required for the accomplishment of the purposes set out above."

b. The Subcommittee recommends that there be no mention of any organization to deal with raw materials or capital goods in IX, A, or elsewhere in the Charter. It feels that it would be misleading to mention one or two important fields and not to mention others. It would also be premature to make any recommendations now as to whether particular problems should be dealt with by existing organizations or by the Economic and Social Council itself.

COMMISSION II

Committee 1- Structure and Procedure

SECOND REPORT OF THE DRAFTING SUBCOMMITTEE OF COMMITTEE II/1

May 26, 1945

The drafting subcommittee has concurred with members of Committee II/3 with reference to Chapter V, Section B, paragraph 5 and has drawn up in consultation with them a new recommended text for this paragraph which deals with the apportionment of expenses and the approval of the budget of the Organisation.

The subcommittee has also reconsidered the text which it had previously recommended for Chapter V, Section C, paragraph 1 (Voting Rights). It now recommends a new text of this paragraph since the matters referred by this Committee to Committee I/2 will not be considered by that Committee.

The subcommittee therefore recommends for the approval of the full Committee the following text to take the place of those presented in its report of May 25, page 3:

CHAPTER V, SECTION B, PARAGRAPH 5  
English Text

The General Assembly should shall apportion the expenses among the members of the Organisation, and should be empowered to approve the budgets of the Organisation. It shall consider and approve the budgets of the Organisation as well as any financial and budgetary arrangements with specialized agencies brought into relationship with the Organisation under the provisions of Chapter IX, Section A, paragraph 2.



(French Text)

L'Assemblée Générale répartira les dépenses entre les membres de l'Organisation. Elle aura le pouvoir de discuter et d'approuver les budgets de l'Organisation, ainsi que tout accord financier et budgétaire à conclure avec les institutions spécialisées avec lesquelles l'Organisation aurait établi des rapports en exécution des dispositions du Chapitre IX, Section A, paragraphe 2.

CHAPTER V, SECTION C, PARAGRAPH 1

(English Text)

Each member of the Organization should shall have one vote in the General Assembly. A member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as its arrears amount to its contributions for two full years. The General Assembly may waive the penalty if it is satisfied that the reasons for delay in payment are justifiable.

(French Text)

Chaque membre de l'Organisation aura une voix dans l'Assemblée Générale. Tout membre qui serait en défaut de paiement de ses contributions à l'Organisation sera suspendu son droit de vote tant que ses arriérés s'élèveront à deux années entières de contributions. Toutefois l'Assemblée Générale pourra de relever de cette sanction si elle estime que le retard dans le paiement est justifié par des motifs légitimes.