

UNCIO- Working Papers- organization of conference.

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MEMORANDUM

TO: All Delegations

FROM: International Secretariat

RECOMMENDATIONS CONCERNING CONDUCT OF COMMISSION MEETINGS

The following recommendations were considered and approved in a meeting of the officers of commissions and committees on Friday, May 25, as a means of facilitating the conduct of public commission meetings. The objective is to provide a maximum freedom of expression at these meetings, yet to achieve the orderly and expeditious completion of the business of the commissions.

It is recommended that:

(1) Delegations should be given opportunity in the commission meeting to make statements either for or against proposals reported by a committee to the commission and voted on in the commission. It is not generally considered useful, however, to repeat in the commission meetings the debates which have been thoroughly heard in committee meetings.

(2) Reasonable time limitations should be placed upon the debate in commission meetings. To this end, it is recommended that the rules limiting debate in committee meetings (as set forth in Doc. 468, ST/9) be adopted for commission meetings. As provided in those rules, the president of the commission would normally call for a vote if two speakers have been heard in favor of a proposal and no one wishes to speak against the proposal. The president might apply this rule with some discretion where the discussion involves a matter of major importance.

(3) If delegates wish to propose in commission meetings amendments which have previously been considered but defeated in committee meetings, they should be permitted to do so. In such cases, the delegates should notify the president of the commission and the executive officer of the commission not later than 8 p.m. on the day prior to the scheduled commission meeting of their desire to introduce such proposals.

(4) Essentially new proposals, not previously discussed in committee meetings, will not be introduced in commission meetings.

(5) At least one day shall elapse between a committee meeting at which a report to the commission is approved and the commission meeting at which the report is presented, in order that all delegates may have an opportunity to study the report. So far as possible, delegates should notify the president of the commission and the executive officer, by 8 p.m. the previous day, of their intention to speak at the commission meeting. Delegations may so far as possible, in the discussions in commission meetings, present their points of view in written texts to be read by the delegate concerned. The Secretariat requests that copies of such texts, and translations thereof, be supplied in advance to ensure the reading of satisfactory translations at the meetings.

(6) Individual interpretations stated by delegates at commission meetings will not be incorporated in the report of the commission rapporteur unless they are in accord with the sense of the meeting.

(7) The rules stated in the above paragraphs will apply to commission meetings, regardless of whether the commission is considering

- (a) Proposals reported from committees but not yet put into Charter language by the Coordination Committee;

- (b) Texts in Charter language, referred from the Coordination Committee, which may or may not have been discussed previously in the commission.

(8) In the interest of conserving time, the report to be made to the plenary sessions might be considered in the same commission meeting at which the Charter texts referred from the Coordination Committee are discussed.

(9) There should be general uniformity in the procedures of all four commissions.

RECOMMENDATIONS CONCERNING CONDUCT OF COMMISSION MEETINGS

The following recommendations, formulated in a meeting of the presidents of commissions on Thursday, May 24, are submitted for the purpose of facilitating the conduct of public commission meetings next week. The objective is to provide a maximum freedom of expression at these meetings, yet to achieve the orderly and expeditious completion of the business of the commissions.

It is recommended that:

(1) Delegations should be given opportunity in the commission meeting to make statements either for or against proposals reported by a committee to the commission and voted on in the commission. It is not, however, considered useful to repeat in the commission meeting the debates which have been thoroughly heard in committee meetings.

(2) Reasonable time limitations should be placed upon the debate in commission meetings. To this end, it is recommended that the rules limiting debate in committee meetings (as set forth in Doc. 468, ST/9, attached), be adopted for commission meetings. As provided in those rules, the president of the commission would normally call for a vote if two speakers have been heard in favor of a proposal and no one wishes to speak against the proposal. The president should, however, in his discretion permit additional delegates to make brief statements of their reasons for supporting a proposed amendment.

(3) If delegates wish to propose in commission meetings amendments which have previously been considered but defeated in committee meetings, they should be permitted to do so. In such cases, the delegates should notify the president of the commission and the executive officer of the commission not later than 8 p.m. on the day prior to the scheduled commission meeting of their desire to introduce such proposals.

(4) New proposals not previously discussed in committee meetings will not be introduced in commission meetings.

(5) At least one day shall ~~elapse~~ ^{elapse} between a committee meeting at which a report to the commission is approved,

and the commission meeting at which the report is presented, in order that all delegates may have an opportunity to study the report. So far as possible, delegates should notify the president of the commission and the executive officer, in advance, of their intention to speak at the commission meeting.

(6) Individual reservations stated by delegates at commission meetings will not be incorporated in the report of the commission rapporteur unless they are in accord with the sense of the meeting.

(7) The rules stated in the above paragraphs will apply to commission meetings, regardless of whether the commission is considering

- (a) Proposals reported from committees but not yet put into Charter language by the Coordination Committee;
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(9) There should be general uniformity in the procedures of all four commissions.

DRAFT PROPOSAL FOR A PREPARATORY COMMISSION

1. There should be established a Preparatory Commission of the United Nations for the purpose of preparing for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council.
2. The Commission should consist of one representative from each state signatory to the Charter. The Commission should be authorized to perfect its own organization through the appointment of such committees as may be necessary to facilitate its work, including the appointment of an executive committee to be composed of representatives of the countries now represented on the Executive Committee of the Conference.
3. The Preparatory Commission should be assisted by an Executive Secretary and such staff as may be required, this staff to be composed so far as possible of officials detailed for this purpose by the participating governments on invitation of the Executive Secretary.
4. The Preparatory Commission would be responsible for (a) the preparation of the agendas for the first sessions of the organs of the Organization mentioned in paragraph 1, and their distribution to member governments sixty days in advance of the first session of the General Assembly; (b) the preparation of documents relating to matters on the agenda, including provisional rules of procedure, budget estimates and apportionment of expenses, financial regulations, proposed arrangements for relating the specialized organizations to the United Nations, proposed procedures for the transfer of functions of the League of Nations to the Organization, issuance of requests to members of the United Nations inviting them to make nominations for judges of the International Court of Justice, and the location of the permanent headquarters of the Organization; and (c) arrangements for the Secretariat of the Organization, including staff regulations.
5. The administrative expenses of the Preparatory Commission should be borne by the member governments in proportions to be determined by the Commission.

Alternative Draft of Paragraph 5

5. The administrative expenses of the Preparatory Commission should be met by the country in which the Commission is located, such expenses to be

deductible from its first contribution to the United Nations.

6. The seat of the Preparatory Commission should be located in _____.

7. The Government of _____ should be entrusted with the responsibility for calling the first session of the Executive Committee as soon as practicable after the termination of the San Francisco Conference and, in any case, not later than July 15, 1945.

8. The Executive Committee should call a meeting of the Preparatory Commission as soon as it is in a position to submit its first report, and in any case not later than September 15, 1945.

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(3) If delegates wish to propose in commission meetings amendments which have previously been considered but defeated in committee meetings, they should be permitted to do so. In such cases, the delegates should notify the president of the commission and the executive officer of the commission not later than 8 p.m. on the day prior to the scheduled commission meeting of their desire to introduce such proposals.

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(8) In the interest of conserving time, the report to be made to the plenary sessions might be considered in the same commission meeting at which the Charter texts referred from the Coordination Committee are discussed.

(9) There should be general uniformity in the procedures of all four commissions.

CONFERENCE DES NATIONS UNIES
SUR L'ORGANISATION INTERNATIONALE

RECOMMANDATIONS CONCERNANT LA CONDUITE DES SEANCES
DE COMMISSION

Les recommandations qui suivent, formulées au cours d'une réunion des présidents de commission tenue le jeudi 24 mai, sont présentées dans l'intention de faciliter la conduite des séances publiques de commission, qui auront lieu la semaine prochaine. Le but est d'obtenir la plus grande liberté d'expression possible à ces séances et cependant de mener à bien avec ordre et rapidité le travail des commissions.

Nous recommandons que :

- (1) Les Délégations se voient octroyer la possibilité de faire, en séance de commission, des déclarations soit pour appuyer soit pour combattre des propositions soumises par un comité à une commission et faisant l'objet d'un vote à cette commission. Nous ne jugeons pas utile, toutefois, que des débats qui se sont déjà déroulés très complètement au sein d'un comité se répètent devant une commission.
- (2) Des limites de temps devraient être fixées pour les débats au sein des commissions. A cet effet, nous recommandons que les règles visant la limitation des discussions en séance de comité (voir Doc. 468, ST/9, ci-joint) soient adoptées pour les séances de commission. Ainsi qu'il est prévu dans les dites règles, le président de la commission mettra normalement une question aux voix si deux orateurs ont été entendus en faveur d'une proposition et que personne ne désire parler contre cette proposition. Le président pourra cependant, à sa discrétion, permettre à d'autres délégués d'exposer les motifs pour lesquels ils appuient un amendement proposé.
- (3) Si des délégués désirent proposer en séance de commission des amendements qui ont déjà été examinés mais repoussés en séance de comité, il leur sera permis de le faire. En pareil cas, ces délégués doivent faire connaître au président de la commission et au secrétaire administratif de la commission, à 20 h. au plus tard la veille du jour où doit avoir lieu la séance, leur désir de présenter ces propositions.
- (4) Les nouvelles propositions qui n'ont pas été discutées antérieurement en séance de comité ne seront pas mises en discussion en séance de commission.

(5) Il y aura au moins un intervalle d'un jour entre une séance de comité au cours de laquelle un rapport à la commission sera approuvé et la séance de commission au cours de laquelle ce même rapport sera présenté afin de donner à tous les délégués suffisamment de temps pour étudier ce document. Dans la mesure du possible, les délégués devront faire connaître d'avance au président de la commission et au secrétaire administratif leur intention de parler à la séance de la commission.

(6) Les réserves présentées individuellement par des délégués en séance de commission ne seront pas insérées dans le rapport du Rapporteur de la commission à moins qu'elles ne soient en harmonie avec le sens de la séance.

(7) Les règles énoncées dans les paragraphes précédents s'appliqueront aux séances de commission, sans qu'il y ait lieu de se demander si la commission examine

- (a) des propositions émanant de comités, mais qui n'ont pas encore été mises en forme par le comité de coordination pour être insérées dans la Charte ou,
- (b) des textes déjà prêts pour être insérés dans la Charte, renvoyés par le comité de coordination et qui ont ou qui n'ont pas été discutés auparavant par la commission.

(8) Afin de ne pas perdre de temps, le rapport qui doit aller à la Conférence plénière peut être examiné à la même séance de commission au cours de laquelle les textes de Charte renvoyés par le comité de coordination sont discutés.

(9) Il devrait y avoir uniformité entre les procédures des quatre commissions,

CONFIDENTIEL

le 24 mai 1945
Projet

PROJET DE PROPOSITION TENDANT A LA CREATION D'UNE COMMISSION
PREPARATOIRE

1. Une Commission préparatoire des Nations Unies sera chargée de préparer les premières réunions de l'Assemblée Générale, du Conseil de Sécurité, du Conseil Economique et Social et du Conseil de tutelle.
2. La Commission se composera d'un représentant de chaque Etat signataire de la Charte. Elle pourra compléter son organisation en créant les comités nécessaires à l'accomplissement de sa tâche et en constituant, entre autres, un comité exécutif composé des délégués des pays actuellement représentés au Comité exécutif de la Conférence.
3. La Commission préparatoire sera assistée d'un secrétaire administratif et du personnel nécessaire; ce personnel sera composé, autant que possible, de fonctionnaires désignés à cet effet par les gouvernements participants, sur l'invitation du secrétaire.
4. La Commission préparatoire aura pour tâche (a) de préparer les ordres du jour des premières réunions des organes de l'organisation énumérés au paragraphe 1, et de les communiquer aux gouvernements membres, soixante jours avant la première réunion de l'Assemblée Générale; (b) de préparer les documents relatifs aux questions figurant à l'ordre du jour, entre autres, le règlement intérieur provisoire, les prévisions budgétaires, et la répartition des dépenses, le règlement financier, les

projets d'accord définissant les rapports entre les organisations techniques et les Nations Unies, les projets de procédure applicables au transfert des fonctions de la Société des Nations à l'organisation, l'envoi d'invitations aux membres des Nations Unies en vue de la désignation de leurs candidats aux postes de juges à la Cour Internationale de Justice et le choix du siège permanent de l'Organisation; et (c) de prendre toutes dispositions relatives au secrétariat de l'Organisation, y compris la rédaction d'un statut du personnel.

5. Les dépenses administratives de la Commission préparatoires seront supportées par les Etats membres, dans des proportions qui seront déterminées par la Commission elle-même.

AUTRE PROJET DE PARAGRAPHE 5

5. Les dépenses administratives de la Commission préparatoires seront supportées par le pays où la Commission a son siège et, déduites de la première contribution de ce pays au budget des Nations Unies.

6. Le siège de la Commission préparatoire sera établi en

7. Le Gouvernement de sera chargé de convoquer la première session du Comité Exécutif aussitôt que possible après la clôture de la Conférence de San Francisco, et au plus tard, le 15 juillet 1945.

8. Le Comité Exécutif convoquera la Commission préparatoire aussitôt qu'il sera en mesure de soumettre son premier rapport et, au plus tard, le 15 septembre 1945.

STEERING COMMITTEE

Organization

SUGGESTED MEASURES TO EXPEDITE THE WORK OF THE CONFERENCE

I. SUGGESTED TIME-TABLE

- A. The general aim should be to complete the work of the Technical Committees by the end of the present week.
- B. The work of the Technical Committees is subject to review by the Commissions at two stages: prior to and subsequent to the redrafting of the Committees' proposals by the Coordination Committee. So far as review at the first stage is desired, meetings of the Commissions for this purpose might begin in the course of the present week and continue into the next. It would seem preferable that such meetings should take place after the Technical Committees concerned have completed a substantial part of their task and have disposed of their major issues.
- C. Commission meetings during the week beginning May 28 would presumably be concerned to an increasing extent with the second stage of the Commissions' work, namely, the approval of the proposals as revised in Charter language by the Coordination Committee.
- D. When all the Commissions have approved the Charter texts referred to them by the Coordination Committee, the entire Charter should be reviewed by the Steering Committee prior to its presentation to the final plenary sessions.
- E. It is hoped that the final plenary sessions might take place in the first week of June and that two sessions (perhaps held on the same day) might suffice to complete the work of the Conference.

At these sessions the Commissions would report their respective portions of the Charter and the entire Charter would be approved and signed.

- F. Measures designed to facilitate the attainment of this time schedule are outlined in II and III below. These measures involve an amplification of the procedures laid down in Documents 243 and EX-SEC/8.

II. PROCEDURE FOR PREPARING THE CHARTER

- A. Proposals adopted by the Technical Committees--even if these proposals form only part of a chapter or section--should be reported immediately to the Coordination Committee, which will examine them in relation to the Charter as a whole and redraft them in Charter form.
- B. Such proposals may, at the same time, in the discretion of the Committees concerned in consultation with the President of their Commission, be reported directly to the Commission for review of substance. Meetings of the Commissions for this purpose should be held under conditions which will permit an adequate discussion and review of the Committees' reports. The Committee Rapporteurs should make it clear that the text under discussion is preliminary and subject to (1) coordination with texts adopted by other Technical Committees, and (2) redrafting into Charter language by the Coordination Committee. Should the Commission introduce changes in the Technical Committees' proposals, these changes should be reported forthwith to the Coordination Committee through the Secretariat.
- C. Proposals which have been redrafted in Charter form by the Coordination Committee should be reported to the Commissions concerned by the Rapporteurs of the Technical Committees within which the texts originated.
- D. In order to limit the number of plenary meetings required to approve the Acts of the Conference, (1) the Commission Rapporteurs should not be required at those meetings to read in full such texts as have previously been read and approved

in Commission meeting, and (2) there should be no discussion of or statements concerning the substance of the texts approved, full opportunity for discussion and statements having been afforded in the Commission meetings. (As a further measure to avoid prolonging the closing sessions, the Secretariat is studying appropriate procedures whereby the delegations can be afforded opportunity, if they so desire, to make concluding statements through the medium of the Conference Journal and through the public press.)

- E. It is suggested that the Acts of the Conference should be limited to the Charter, the statute of the International Court, and an Annex to the Charter establishing a Commission with administrative powers to function during the interim period prior to the first meeting of the Assembly. This presupposes the avoidance of resolutions which would pre-judge the future policy of the Organization or deal with matters not directly related to the Acts of the Conference.

III. MEASURES TO EXPEDITE THE WORK OF THE TECHNICAL COMMITTEES

- A. Wherever uncertainty concerning the jurisdiction of different Committees arises, solutions should be worked out by the Presidents of the Commissions and the Chairmen of the Committees concerned, either directly or by the setting up of joint subcommittees.
- B. Some time limit for speeches in Committees appears desirable. As regards debate on motions of procedure, it is suggested in Document EX-SEC/8 that debate be limited to two speakers on either side. As regards debate on questions of substance, the following procedure is now proposed:

(1) A delegate may not speak more than twice on any one question, with a limit of 10 minutes on the first and 5 minutes on the second occasion. (The Chairman might apply this rule with some discretion where the discussion involves a matter of major importance.)

(2) When two delegates have spoken for a motion and no speaker wishes to take the opposite point of view, the Chairman should put the motion to a vote immediately.

(3) In order to conserve time, a delegation might, in lieu of an oral statement, file a written statement of its position for inclusion in the permanent archives of the Conference and, where requested, for summarization in the permanent Committee records.

- C. The attention of all Committees is called to the suggested rules of procedure for conducting Committee meetings, contained in Document EX-SEC/8. The rule with respect to motions for the closing of debate indicated in paragraph 3, under "Rules for Discussion", in that document might be supplemented by the following:

Any member of the Committee may at any time move that the debate be closed. It should be within the discretion of the Chairman to accept such a motion if he considers the question before the Committee has been sufficiently debated. A motion for the closure of a debate should be put to the vote forthwith without discussion, and if the motion is carried, the previous question before the Committee should then forthwith be put to the vote without further discussion.

- D. Where several delegations have agreed to amalgamate amendments or to put forward a joint proposal, they should, so far as possible, arrange among themselves that only two speakers should speak in favor of the common proposal. The other delegations concerned would retain their right to file statements in the manner suggested under B (3) above.
- E. When a Committee has requested an authoritative interpretation of a given proposal or amendment and when such interpretation has been given by a delegation and has been adopted by the Committee, that interpretation should then be set forth in the report of the Rapporteur.

Organization

UNITED NATIONS CONFERENCE
ON
INTERNATIONAL ORGANIZATION

FOR THE PRESS

APRIL 27, 1945
NO. 19

MEETING OF THE HEADS OF DELEGATIONS TO ORGANIZE
THE CONFERENCE

Report by the Rapporteur, His Excellency,
Dr. Guillermo Belt Ramirez, Chairman of the
Delegation of Cuba, to the Plenary Session of
the Conference, April 27, 1945, at 3:30 p.m., P.W.T.

The chairmen of all Delegations represented at the United Nations Conference on International Organization met on April 26 and 27, 1945, at 10:30 a.m., for the purpose of organizing the Conference. The Honorable Edward R. Stettinius, Jr., Temporary President of the Conference, acted as chairman.

1. Working Language of the Conference

The Meeting recommends that at Plenary Sessions of the Conference addresses in English or French would not be interpreted into the other language, but that a translation would appear subsequently in the "Record". Delegates would be free to use any other language besides English or French, but in this case they should provide interpretations thereof into either English or French at their choice. Interpretations may be made into both English and French if the speaker desires. As regards meetings of Commissions, Technical Committees, and sub-Committees, it is recommended that interpretations from English into French and vice versa would be provided if the meeting in question so desired. Delegates would be free in these bodies also to speak in any other language, but should provide their own interpretations into either English or French.

2. Official Languages of the Conference

The Meeting recommends that English, Russian, Chinese, French and Spanish be the official languages of the Conference. A more detailed report on the question of languages will be submitted tomorrow.

3. Rapporteur of the Meeting

The Meeting unanimously elected His Excellency, Dr. Guillermo Belt Ramirez, the Chairman of the Delegation of Cuba, as its Rapporteur.

4. Secretary General of the Conference

The Meeting recommends the confirmation of the Temporary Secretary General, Mr. Alger Hiss, as the Secretary General of the Conference.

5. organization of the Conference

The Meeting approved the memorandum prepared by the Temporary Secretary General on the Proposed Organization of the Conference, and will submit to the Conference its report based thereon as soon as possible.

6. Election of presiding Officers

The Meeting recommends that there be four Presidents, who will preside in rotation at the Plenary Sessions. These four may meet from time to time, with Mr. Stettinius presiding over these meetings and Mr. Stettinius to be Chairman of the Executive and Steering Committees, the three others delegating full powers to Mr. Stettinius for conducting the business of the Conference.

7. Membership of the Executive Committee

Francis Michael Forde, or					
Herbert Vere Evatt, K. D., Chairman of the Delegation of					Australia
Pedro Leao Velloso, Chairman of the Delegation of					Brazil
W. L. MacKenzie King, MP, " " " " "					Canada
Joaquin Fernandez					
y Fernandez, " " " " "					Chile
T. V. Soong, " " " " "					China
Jan Masaryk, " " " " "					Czechoslovakia
Georges Bidault, " " " " "					France
Mostafa Adl, " " " " "					Iran
Ezequiel padilla, " " " " "					Mexico
Eelco N. van Kleffens, " " " " "					the Netherlands
V. M. Molotov, " " " " "					the Union of Soviet Socialist Republics
Anthony Eden, " " " " "					Delegation of the United Kingdom
Edward R. Stettinius, Jr., " " " " "					the United States
Ivan Subasic, " " " " "					Yugoslavia

8. Agenda of the Conference

The Meeting recommends that the Conference approve as its Agenda the Dumbarton Oaks Proposals as supplemented at the Crimea Conference and by the Chinese Proposals agreed to by all the sponsoring Governments, and the comments thereon submitted by the participating countries.

9. Rules of Procedure

The Meeting discussed the Rules of Procedure for the Conference on the basis of a memorandum prepared by the Secretariat. The report of the Meeting will be submitted to the Conference in plenary session for its approval as soon as possible.

10. Initial Membership of the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic in the Proposed International Organization

The Meeting recommends that the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic be invited to be initial members in the proposed International Organization.

11. Credentials Committees

The Meeting appointed a Credentials Committee, composed of seven members, appointed by the Chairmen of the Delegations of the following Governments:

Luxembourg (Chairman)
Ecuador
Nicaragua
Syria
Saudi Arabia
Yugoslavia

12. Participation of Poland in the Conference

The Meeting recommends to the Conference in Plenary session the adoption of the following resolution;

"The Governments of the United Nations express to the people of Poland their sympathy and their admiration. They hope that the constitution of a Polish Government, recognized as such by the sponsoring nations, will make it possible for Polish delegates to come and take part as soon as possible in the work of the Conference."

NOTES FOR THE ASSISTANCE OF EXECUTIVE OFFICERS, ASSISTANT
EXECUTIVE OFFICERS, SECRETARIES, AND ASSISTANT SECRETARIES

These notes are based upon a combination of a summary of the meeting of executive officers, secretaries, and assistant secretaries on May 5, 1945, decisions of the Steering Committee, and excerpts from the Rules of Procedure, which should be helpful to the Secretariat in expediting the work of the committees.

(1) Purpose of Meeting of May 5, 1945. Mr. Hiss advised that the purpose of the meeting was to clarify problems of procedure and operation which commissions and committees had encountered in their meetings.

(2) Parliamentarian. Mr. Hiss at the meeting of May 5, 1945, introduced Mr. Charles L. Watkins, Parliamentarian of the Secretariat, and advised that Mr. Watkins would be pleased to be of assistance to executive officers, secretaries, and assistant secretaries should they require it.

(3) Representatives of Intergovernmental Organizations. At the Steering Committee meeting of May 8, 1945, the recommendation of the Secretary General to leave to the discretion of commissions and committees the matter of inviting the representatives of the five intergovernmental organizations (League of Nations, Permanent Court of International Justice, International Labor Organization, United Nations Interim Commission on Food and Agriculture, and United Nations Relief and Rehabilitation Administration) to attend meetings was approved without objection.

(4) Representatives of Non-governmental Organizations. At the Steering Committee meeting of May 10, 1945, the following resolution with respect to the attendance of representatives of non-governmental organizations at committee meetings was accepted: 2

"In the interests of speeding up the work of the Conference, the Steering Committee confirms the previous decision to limit attendance to the meetings of its committees on their own invitation to official intergovernmental organizations which have been invited to the Conference by the inviting powers."

(5) Voting. Rules of Procedure, Paragraph V, Document 177, ST/5, May 9, 1945, provides: 3

"1. Each delegation shall have one vote in each body of the Conference on which it is represented.

"2. Any question of procedure put to the vote shall be decided by a majority of the votes of the delegations present and voting. All other questions put to the vote shall be decided by two-thirds of the votes of the delegations present and voting.

"3. If there is a substantial degree of uncertainty prior to a vote on any given question as to whether that question is or is not one of procedure, the presiding officer of the body concerned shall submit the question to the Executive Committee, which shall decide.

"4. The Conference shall normally vote by a show of hands except that any delegation in any body of the Conference may request a roll call, which shall then be taken by countries in English alphabetical order."

Mr. Hiss, at the meeting of May 5, 1945, stressed the importance of unanimous agreement in committees and the desirability of avoiding votes on issues on which there is a substantial difference of opinion and in this connection recommended ironing out differences of opinion by negotiation outside of meetings.

(6) Press. At Mr. Hiss' invitation the executive officers of the four commissions reported at the meeting on May 5, 1945, on the press relations policy of their respective commissions and committees. 4

(a) Press statements of committee meetings.

(1) Reference is made to the Executive Secretary's memorandum on press statements of committee meetings (SEC/16, May 10, 1945).

(2) Mr. McDermott, Press Relations Officer, International Secretariat, at the meeting of May 5, 1945, stressed to those present that it is important to avoid connecting delegations to points of view through releases given to the press and advised that it is not recommended that the numerical results of votes taken in executive sessions be given to the press.

(3) Mr. McDermott requested 750 to 1,000 copies of unrestricted documents for press distribution and explained that prompt distribution of these documents is essential if they are to serve any useful purpose.

(7) Identification of Special Papers Distributed to Delegations by the Secretariat. Mr. Hiss, at the meeting of May 5, 1945, referred to a mimeographed copy of the Covenant of the League and to a document containing the Pact of Arab States, pointing out that these items carry no indication of how and why they were brought before the Conference. He emphasized the need for clarifying the purpose for which material of this sort is circulated as Conference documents. In response to a question, Mr. Hiss said that any documents submitted by a delegation which did not appear to concern directly the agenda of the Conference should be referred to him for attention. 5
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(8) Communications from Non-participants in the Conference (Rules of Procedure, Paragraph III). Communications from governments, organizations, and individuals not participating in the Conference which are sent to the Secretariat will be distributed to the delegations only if, in the discretion of the Secretary General, they are relevant to the subject-matter of the Conference and if the facilities of the Secretariat are available to handle them without delay to official work. 6

(9) Submission and Allocation of Formal Proposals (Rules of Procedure, Paragraph II). Formal proposals which a delegation desires to submit to the Conference shall be deposited with, or forwarded to, the Secretary General, and shall be circulated to all delegations. All such proposals should be submitted before midnight, Friday, May 4, it being understood that drafting changes may be put forward at any time. Formal proposals received after Friday, May 4, can be accepted only upon authorization of the Executive Committee, before which body the Secretary General will lay them. The Secretary General will provisionally allocate all proposals submitted by the various delegations to the appropriate commissions and their committees. 7

At the Steering Committee meeting of May 10, 1945, the Secretary General stated that the May 4 deadline on new proposals should not apply to trusteeship material as no proposals on this subject had been received by that date.

(10) Verbatim Records. Verbatim records of committee meetings will be kept in English only as aids to the Secretariat and will neither be translated nor considered official. They may be shown to the committee chairmen, members, 8

secretaries, or rapporteurs as specifically requested, but no official use of them should be made as they are not necessarily accurate or complete; they are working papers and shall not be taken from the Veterans Building. Copies will be filed in the Executive Secretary's office after the committee secretaries have used them in writing up the minutes.

(11) Hours of Assembly (Rules of Procedure, Paragraph X). Plenary sessions of the Conference will normally convene at 10:30 a.m. or 3:30 p.m. Meetings of the commissions will normally take place at 10:30 a.m. and 3:30 p.m. For the technical committees there will be three sittings each day, at 10:30 a.m., 3:30 p.m., and 8:30 p.m. At each of these hours three committees will normally convene. If the work of technical committees, or their subcommittees, makes it essential for them to hold special meetings at hours differing from the established schedule, they should consult with the Office of the Executive Secretary.

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(12) Coordination Among Committees. Mr. Hiss at the meeting on May 5, 1945, emphasized the need for coordination among committees and commissions, urging that there be continual vertical and horizontal coordination as between the commission and constituent committees on the one hand, and as between committees of different commissions on the other hand.

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(13) Uniformity of Records and Minutes. It was generally accepted without discussion at the meeting of May 5, 1945, that the Secretariat is in agreement on uniformity of records and minutes of the various commissions and committees. These records and minutes should include decisions and trends of discussions but should not specifically attribute to delegates points of view and should not show the results in numbers of votes taken.

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(14) Photographic Work. Mr. Hiss, at the meeting on May 5, 1945, commented on the interesting work being done by the Secretariat photographic staff in making a complete record of the Conference. He pointed out that these official photographers would visit committee meetings as well as public sessions. Mr. Wilson will be requested to inform the Secretariat where pictures of the Conference can be seen.

EXECUTIVE COMMITTEE

ALTERNATIVE PROPOSALS ON CONFERENCE VOTING PROCEDURE (To Form Section IV of the Conference Rules of Procedure)

I. ORIGINAL PROPOSAL

(Contained in the Secretariat's memorandum of April 23, with verbal modifications necessary to put it in final instead of proposal form)

1. Each delegation shall have one vote in each body of the Conference on which it is represented.

2. Voting in Public Sessions and Meetings

In all public sessions and meetings of the Conference (in plenary sessions, and in public meetings of the commissions) voting on questions of procedure shall be by majority vote of the delegations present, and voting on a text or other substantive questions shall be by two-thirds vote of the delegations present.

3. Voting in Closed Meetings

The voting procedure and rules in closed meetings of the Conference (in closed meetings of the commissions, and in meetings of the technical committees) shall be decided, on an ad hoc basis, by the body concerned.

4. The Conference shall normally vote by a show of hands except that any delegation in any body of the Conference may request a roll call which shall be taken by countries in English alphabetical order.

II. ALTERNATIVE A

(Formula suggested by the Secretariat to provide for the possibility of voting on substantive questions in commissions and plenary sessions by majority instead of two-thirds vote under certain conditions)

1. Each Delegation One Vote

Each delegation shall have one vote in each body of the Conference on which it is represented.

2. Voting on a Question of Procedure

Any question of procedure put to the vote shall be decided by a majority of the votes of the delegations present and voting.

3. Voting on All Other Questions

All other questions (those concerning a text, an amendment, or other substantive matter) put to the vote shall be decided as follows:

a. In general committees, technical committees, and subcommittees, by a majority of the votes of the delegations present and voting. At the request of any delegation voting contrary to the majority, or abstaining, its views together with the views of the majority shall be reported to the appropriate superior body.

b. In commissions, by two-thirds of the votes of the delegations present and voting, provided that, either on its own initiative or upon the request of any delegation presented to it through the president of the commission concerned, the Executive Committee may direct that any given question be decided by a majority of the votes cast.

c. In plenary sessions, by two-thirds of the votes of the delegations present and voting, provided that the Steering Committee, after advice by the Executive Committee, may recommend to the Conference in plenary session that any given question be decided by a majority of the votes cast. In that event the Conference in plenary session, before voting on the substantive question referred to it, shall decide by a majority vote of the Delegations present and voting whether or not to accept the recommendation of the Steering Committee regarding the vote to be required.

4. Manner of Voting

The Conference shall normally vote by a show of hands except that any delegation in any body of the Conference may request a roll call, which shall then be taken by countries in English alphabetical order.

III. ALTERNATIVE B

(Formula suggested by the Secretariat to provide for the possibility of voting on substantive questions in commissions and plenary sessions by two-thirds instead of majority vote under certain conditions)

1. Each Delegation One Vote

Each delegation shall have one vote in each body of the Conference on which it is represented.

2. Voting on a Question of Procedure

Any question of procedure put to the vote shall be decided by a majority of the votes of the delegations present and voting.

3. Voting on All Other Questions

All other questions (those concerning a text, an amendment, or other substantive matter) put to the vote shall be decided as follows:

a. In general committees, technical committees, and subcommittees, by a majority of the votes of the delegations present and voting. At the request of any delegation voting contrary to the majority, or abstaining, its views together with the views of the majority shall be reported to the appropriate superior body.

b. In commissions, by a majority of the votes of the delegations present and voting, provided that, either on its own initiative or upon the request of any delegation presented to it through the president of the commission concerned, the Executive Committee may direct that any given question be decided by two-thirds of the votes cast.

c. In plenary sessions, by a majority of the votes of the delegations present and voting, provided that the Steering Committee, after advice by the Executive Committee, may recommend to the Conference in plenary session that any given question be decided by two-thirds of the votes cast. In that event the Conference in plenary session, before voting on the substantive question referred to it, shall decide by a majority vote of the delegations present and voting whether or not to accept the recommendation of the Steering Committee regarding the vote to be required.

4. Manner of Voting

The Conference shall normally vote by a show of hands except that any delegation in any body of the Conference may request a roll call, which shall then be taken by countries in English alphabetical order.

IV. ALTERNATIVE C

(Revision of the original proposal suggested by the Secretariat, applying the two-thirds voting requirement on substantive questions to all bodies of the Conference, instead of limiting it to public sessions and meetings)

1. Each delegation shall have one vote in each body of the Conference on which it is represented.

2. Any question of procedure put to the vote shall be decided by a majority of the votes of the delegations present. All other questions put to the vote shall be decided by two-thirds of the votes of the delegations present.

3. If there is a substantial degree of uncertainty prior to a vote on any given question as to whether that question is or is not one of procedure, the presiding officer of the body concerned shall submit the question to the Executive Committee, which shall decide.

4. The Conference shall normally vote by a show of hands except that any delegation in any body of the Conference may request a roll call, which shall then be taken by countries in English alphabetical order.

Organization

RESTRICTED
Doc. 899 (ENGLISH)
IV/2/40
June 10, 1945
Annexed: Docs. 886,
887

COMMISSION IV Judicial Organization

Committee 2 Legal Problems

Draft Report of the Rapporteur of Committee IV/2

Committee 2 of Commission IV has been charged with the preparation of draft provisions for inclusion in the Charter with respect to such matters concerning the functioning of the Organization as the privileges and immunities of officials, the registration and publication of treaties, treaty obligations inconsistent with the Charter, and the juridical status of the Organization.

The Committee held its first meeting on May 5 and has held a total of fourteen meetings. It has completed the consideration of all problems assigned to it, including certain problems referred to it by other committees. The problems considered were the following:

1. Privileges and Immunities
2. Registration and Publication of Treaties
3. Obligations Inconsistent with the Charter
4. Reconsideration of Treaties
5. Development of International Law
6. Relation of International Law and the Charter to Internal Law
7. Interpretation of the Charter
8. Juridical Status of the Organization
9. Coming Into Force of the Charter

Of these problems, two (4 and 5, supra) were postponed without action upon advice that they were under consideration by another Committee, one (6, supra) was referred to a subcommittee for consideration in connection with the study of other problems when a motion to recommend the inclusion of a provision in the Charter failed to obtain the necessary two-thirds majority, one (7, supra) was made the subject of a report summarizing the Committee's conclusions, and five (1, 2, 3, 8 and 9, supra) became the subjects of recommended texts in English and French which have been approved by the Committee and transmitted to the Coordination Committee. The recommended texts are set forth in Annex I to the present Report.

The Committee's recommendations to Commission IV are as follows:

1. Privileges and Immunities.

It is recommended that the Charter include an article providing in general terms for the privileges and immunities of the Organization, the representatives of members, and the Organization's officials. (See Annex I, Text No. 1.)

In drafting a text the Committee has not assimilated the required privileges and immunities to those generally described as "diplomatic" but has preferred to define them as the privileges and immunities necessary to the fulfillment of purposes or the exercise of functions. It has recognized that the necessary privileges and immunities may vary in varying circumstances and according to the situation of particular states and accordingly has concluded that the details of application should be implemented through recommendations or conventions initiated by the General Assembly.

2. Registration and Publication of Treaties.

It is recommended that the Charter include an article requiring the registration and publication of treaties and agreements entered into by members after the Charter comes into force and providing that no party to such a treaty or agreement which has not been registered as required may invoke that treaty or agreement before any organ of the Organization. (See Annex I, Text No. 2.)

The text is general in terms but is not intended to preclude such appropriate regulations as the Organization may prescribe. It imposes an obligation on members and leaves it open to non-members to submit their treaties for registration. The obligation to register is limited to treaties concluded after the Charter comes into force. The Committee believes that it has suggested a sanction at once practical and effective in the provision that no party may invoke an unregistered treaty before any organ of the Organization.

3. Obligations Inconsistent with the Charter.

It is recommended that the Charter include an article providing that in the event of any conflict arising between the obligations of members under the Charter and their obligations under any other international agreement the former shall prevail. (See Annex I, Text No. 3.)

The Committee believes it an accepted principle that among members all previous obligations inconsistent with the Charter must be superseded by the obligations of the Charter itself. Nevertheless it has concluded that the

principle should be stated in order to preclude any contrary interpretations which might arise from an omission. The principle has been related to cases of actual conflict and the unsettling effects of a rule of general abrogation have been avoided. The Committee considers that the recommended text is supplemented by the principle stated in paragraph 2 of Chapter II of the Charter and has formulated its text in terms intended to give obligations assumed under the Charter an authority superior to all conflicting obligations.

4. Juridical Status of the Organization.

It is recommended that the Charter include an article providing that the Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes. (See Annex I, Text No. 4.)

The text states in general terms the obligation of each member state to accord to the Organization a juridical status permitting it to exercise its functions in the territory of such state. The procedures which may be required to implement this obligation are left to the legislation of each member state. The text includes nothing concerning international juridical personality, it being assumed that this will be determined by implication from the provisions of the Charter taken as a whole.

5. Coming Into Force of the Charter.

It is recommended that the Charter include an article providing that it shall come into force, for those states which have deposited their ratifications, as soon as ratifications have been deposited by the states entitled to a permanent seat on the Security Council and by a majority of the other Signatory States, and for other Signatory States on the date of the deposit of their respective ratifications. (See Annex I, Text No. 5.)

The text recommended incorporates the substance of the amendment proposed by the four Sponsoring Governments. It also includes such procedural details as appear to be closely related to the legal problem of coming into force. It does not include other procedural details such as those related to the ceremony of signature, the period within which ratifications may be deposited, the attachment of reservations, or subsequent accession. It is understood that these matters, unrelated to the legal problem of coming into force, will be considered by another committee. In submitting a text which provides for the deposit of ratifications with the Government of the United States of America, the Committee has followed the usual diplomatic practice of designating as depositary

the Government of the state in which the Conference has met to prepare the convention. While thus following the customary practice, the Committee has been fully aware that the Steering Committee may wish to provide for the deposit of ratifications with an Interim Commission, if one is established, or to make other provision.

6. Interpretation of the Charter.

This question was originally presented to Committee I/2 and was referred by that Committee to Committee IV/2 which adopted a report summarizing its conclusions with respect to the legal problems presented. No text is recommended, but the Report adopted by the Committee is appended hereto as setting forth in summary form the conclusions of the Committee. (See Annex II.)

COMMISSION IV Judicial Organization

Committee 2 Legal Problems

ANNEX I

English and French texts of draft articles recommended for inclusion in the Charter, approved by Committee IV/2, and transmitted to the Coordination Committee are as follows:

TEXT NO. 1

PRIVILEGES AND IMMUNITIES

English. I. (1) The Organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary to the fulfilment of its purposes.

(2) Representatives of the members of the Organization and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary to the independent exercise of their functions in connection with the Organization.

II. The General Assembly may make recommendations with a view to determining the details of the application of the foregoing provisions or may propose conventions to the members of the Organization for this purpose.

French. I. (1) L'Organisation jouira, sur le territoire de chacun de ses Membres, des privilèges et immunités nécessaires à la réalisation de ses buts.

(2) De même, les représentants des Membres de l'Organisation et ses agents jouiront des privilèges et immunités nécessaires à l'exercice indépendant de leurs fonctions se rapportant à l'Organisation.

II. L'Assemblée Générale pourra faire des recommandations en vue de fixer les détails d'application des dispositions ci-dessus ou proposer aux Membres de l'Organisation des conventions à cet effet.

TEXT NO. 2

REGISTRATION AND PUBLICATION OF TREATIES

- English. 1. Every treaty and every international agreement entered into by any member of the Organization after the coming into force of the Charter shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of this article may invoke that treaty or agreement before any organ of the Organization.
- French. 1. Tout traité ou accord international conclu par un membre de l'Organisation après l'entrée en vigueur de la Charte sera enregistré le plus tôt possible au Secrétariat et publié par lui.
2. Aucune partie à un tel traité ou accord international qui n'aura pas été enregistré conformément aux dispositions du présent article ne pourra invoquer le dit traité ou accord devant un organe de l'Organisation.

TEXT NO.3

OBLIGATIONS INCONSISTENT WITH THE CHARTER

- English. In the event of any conflict arising between the obligations of members of the Organization under the Charter and their obligations under any other international agreement the former shall prevail.
- French. En cas de conflit entre les obligations des membres de l'Organisation en vertu de la Charte et leurs obligations en vertu d'autres accords internationaux, ce sont les premières qui prévaudront.

TEXT NO. 4

JURIDICAL STATUS OF THE ORGANIZATION

- English. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

French. L'Organisation jouira sur le territoire de chacun de ses membres de la capacité juridique nécessaire à l'exercice de ses fonctions et à la réalisation de ses buts.

TEXT NO. 5

COMING INTO FORCE OF THE CHARTER

- English.
1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
 2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit.
 3. As soon as ratifications have been deposited by each of the states entitled to a permanent seat on the Security Council and by a majority of the other signatory states, the Charter shall come into force for those states which have deposited their ratifications.
 4. The Charter shall come into force for each of the other signatory states on the date of the deposit of its ratification.

- French.
1. La présente Charte sera ratifiée par les Etats signataires conformément à leurs procédures constitutionnelles respectives.
 2. Le dépôt des ratifications sera effectué par le Gouvernement des Etats-Unis d'Amérique, qui notifiera chaque dépôt à tous les Etats signataires.
 3. Aussitôt que les ratifications auront été déposées par chacun des Etats ayant droit à un siège permanent au Conseil de Sécurité et par une majorité des autres Etats signataires, la Charte entrera en vigueur pour les Etats qui auront déposé leur ratification.
 4. La Charte entrera en vigueur, pour chacun des autres Etats signataires, à la date du dépôt de sa ratification.

COMMISSION IV Judicial Organization

Committee 2 Legal Problems

ANNEX II

INTERPRETATION OF THE CHARTER

The Report as approved by the Committee (Doc. 750, IV/2/B/1, June 2, 1945) is as follows:

A special Subcommittee consisting of the Delegates of Belgium, France, Norway, the United Kingdom, the United States of America, and Yugoslavia has been charged with the task of formulating a summary statement of the views presented at the twelfth meeting of Committee IV/2 on the following question:

How and by what organ or organs of the
Organization should the Charter be
interpreted?

The special Subcommittee has reviewed the discussions which took place at the twelfth meeting of Committee IV/2. These discussions would appear to have brought out the following conclusions:

In the course of the operations from day to day of the various organs of the Organization, it is inevitable that each organ will interpret such parts of the Charter as are applicable to its particular functions. This process is inherent in the functioning of any body which operates under an instrument defining its functions and powers. It will be manifested in the functioning of such a body as the General Assembly, the Security Council, or the International Court of Justice. Accordingly, it is not necessary to include in the Charter a provision either authorizing or approving the normal operation of this principle.

Difficulties may conceivably arise in the event that there should be a difference of opinion among the organs of the Organization concerning the correct interpretation of a provision of the Charter. Thus, two organs may conceivably hold and may express or even act upon different views. Under unitary forms of national government the final determination of such a question may be vested in the highest court or in some other national authority. However, the nature of the Organization and of its operation would not seem to be such as to invite the inclusion

in the Charter of any provision of this nature. If two member states are at variance concerning the correct interpretation of the Charter, they are of course free to submit the dispute to the International Court of Justice as in the case of any other treaty. Similarly, it would always be open to the General Assembly or to the Security Council, in appropriate circumstances, to ask the International Court of Justice for an advisory opinion concerning the meaning of a provision of the Charter. Should the General Assembly or the Security Council prefer another course, an ad hoc committee of jurists might be set up to examine the question and report its views, or recourse might be had to a joint conference. In brief, the members or the organs of the Organization might have recourse to various expedients in order to obtain an appropriate interpretation. It would appear neither necessary nor desirable to list or to describe in the Charter the various possible expedients.

It is to be understood, of course, that if an interpretation made by any organ of the Organization or by a committee of jurists is not generally acceptable it will be without binding force. In such circumstances, or in cases where it is desired to establish an authoritative interpretation as a precedent for the future, it may be necessary to embody the interpretation in an amendment to the Charter. This may always be accomplished by recourse to the procedure provided for amendment.

COMMISSION IV Judicial Organization

Comité 2 Questions juridiques

PROJET DE RAPPORT DU RAPPORTEUR DU COMITE IV/2

Le Comité 2 de la Commission IV a été chargé de préparer des projets de dispositions de la Charte, relatives à des questions concernant le fonctionnement de l'Organisation, telles que les privilèges et immunités des fonctionnaires, l'enregistrement et la publication des traités, les obligations qui découlent de traités et sont incompatibles avec la Charte, et le statut juridique de l'Organisation.

Le Comité s'est réuni pour la première fois le 5 mai, et a tenu un total de quatorze séances. Il a terminé l'examen de toutes les questions qui lui ont été assignées, y compris certains problèmes qui lui ont été soumis par d'autres comités. Les questions traitées sont les suivantes :

1. Privilèges et immunités;
2. Enregistrement et publication des traités;
3. Obligations incompatibles avec la Charte;
4. Réexamen des traités;
5. Développement du Droit International;
6. Relation entre le Droit International et la Charte, et le Droit Interne;
7. Interprétation de la Charte;
8. Statut juridique de l'Organisation;
9. Entrée en vigueur de la Charte.

Parmi ces questions, deux (nos. 4 et 5) ont été ajournées sans qu'une action ait été prise, sur notification du fait qu'elles sont examinées par un autre Comité; l'une (no. 6 ci-dessus) a été renvoyée à un sous-comité pour être examinée corrélativement à l'étude d'autres problèmes, lorsqu'une proposition d'inclure une disposition dans la Charte ne peut réunir la majorité nécessaire des deux tiers; une autre (no. 7 ci-dessus) a fait l'objet d'un rapport résumant les conclusions du Comité; et cinq (nos. 1, 2, 3, 8 et 9) ont fait l'objet de textes recommandés, en anglais et en français, qui ont été approuvés par le Comité et transmis au Comité de Coordination. Les textes recommandés figurent à l'Annexe I au présent rapport.

Les recommandations du Comité à la Commission IV sont les suivantes :

1. Privilèges et immunités

Il est recommandé que la Charte comprenne un article qui prévoie, en termes généraux, les privilèges et immunités de l'Organisation, des représentants de ses membres ainsi que de son personnel (voir annexe I, Texte no. 1).

En rédigeant le texte, le Comité n'a pas assimilé les privilèges et immunités nécessaires à ceux qui sont généralement appelés "diplomatiques" mais il a préféré les définir comme les privilèges et immunités nécessaires à l'accomplissement des buts ou l'exercice des fonctions. Il a reconnu que les privilèges et immunités nécessaires peuvent varier en diverses circonstances et selon la situation particulière de certains Etats, et, de ce fait, il en a conclu que les détails d'application devraient être mis en vigueur au moyen de recommandations ou de conventions émanant de l'Assemblée Générale.

2. Enregistrement et publication des traités

Il est recommandé que la Charte comprenne un article qui exige l'enregistrement et la publication des traités et accords conclus par des membres après l'entrée en vigueur de la Charte, et prévoyant que si ces traités ou accords n'ont pas été dûment enregistrés, aucune partie ne pourra les invoquer devant un organe quelconque de l'Organisation (voir annexe I, Texte no.2).

Le texte est général en ses termes, mais n'est pas destiné à exclure de telles dispositions appropriées que l'Organisation pourrait prescrire. Il impose une obligation aux Etats membres, et laisse les Etats non-membres libres de soumettre leurs traités à l'enregistrement. L'obligation d'enregistrer est limitée aux traités conclus après l'entrée en vigueur de la Charte. Le Comité estime qu'en décidant qu'aucune partie ne peut invoquer un traité non enregistré devant un organe quelconque de l'Organisation, il a suggéré une sanction immédiatement pratique et effective.

3. Obligations incompatibles avec la Charte

Il est recommandé que la Charte comprenne un article prévoyant qu'au cas où il s'élèverait des divergences entre les obligations des membres en vertu de la Charte et leurs obligations en vertu de tout autre accord international, les premières prévaudront (voir annexe I, Texte no. 3).

Le Comité considère comme un fait acquis que, entre les membres, toutes les obligations antérieures incompatibles avec la Charte doivent être remplacées par celles de la Charte elle-même.

Il a néanmoins conclu que le principe devrait être énoncé afin de prévenir que son omission ne donne lieu à une interprétation contraire. Le principe vise les cas de divergences réelles, évitant ainsi les perturbations qui résulteraient d'une abrogation générale. Le Comité estime que le texte qu'il recommande est complété par le principe énoncé au paragraphe 2 du Chapitre II de la Charte, et il l'a formulé en des termes qui tendent à donner aux obligations assumées en vertu de la Charte la primauté sur toutes les obligations contradictoires.

4. Statut juridique de l'Organisation

Il est recommandé que la Charte comprenne un article prévoyant que l'Organisation jouira, dans le territoire de chacun de ses membres, de telles prérogatives juridiques qui pourraient être nécessaires à l'exercice de ses fonctions et à l'accomplissement de ses buts (Voir Annexe I, Texte no. 4).

Le texte stipule en termes généraux l'obligation de chaque Etat membre d'accorder à l'Organisation un statut juridique qui lui permette d'exercer ses fonctions sur son territoire. Les procédures qui pourront être nécessaires pour donner effet à cette obligation sont laissées à la législation de chaque Etat membre. Le texte ne fait pas mention de la personnalité juridique internationale, étant entendu qu'elle découlera, par implication, des dispositions de la Charte prises dans leur ensemble.

5. Entrée en vigueur de la Charte

Il est recommandé que la Charte comprenne un article prévoyant son entrée en vigueur, en ce qui concerne les Etats qui ont déposé leurs instruments de ratification, dès que ces derniers auront été déposés par les Etats qui ont droit à un siège permanent au Conseil de Sécurité et par la majorité des autres Etats signataires, et, pour d'autres Etats signataires, à la date du dépôt de leurs instruments respectifs de ratification (Voir Annexe I, Texte no. 5).

Le texte recommandé contient le fond des amendements proposés par les quatre gouvernements invitants. Il comprend également tout détail de procédure jugé étroitement lié au problème juridique de l'entrée en vigueur. Il ne comprend pas d'autres détails de procédure tels que ceux qui concernent la cérémonie de signature, le délai de dépôt des instruments de ratification, les réserves, ou les accessions ultérieures. Il est entendu que ces questions, qui sont étrangères au problème juridique de l'entrée en vigueur, seront examinées par un autre Comité. En soumettant un texte qui prévoit que les instruments de ratification seront déposés auprès du Gouvernement des Etats-Unis d'Amérique, le Comité a suivi la pratique

diplomatique usuelle consistant à désigner, comme dépositaire, le Gouvernement de l'Etat dans lequel la Conférence s'est réunie pour élaborer la convention. Bien qu'il se soit ainsi conformé à la pratique habituelle, le Comité réalise parfaitement que le Comité de Direction pourrait désirer que les instruments de ratification soient déposés auprès d'une Commission Intérimaire, si une telle commission était établie, ou prendre d'autres dispositions.

6. Interprétation de la Charte

Cette question a originalement été soumise au Comité I/2, puis renvoyée au Comité IV/2, qui a adopté un rapport qui résume ses conclusions relativement aux problèmes juridiques soumis. Aucun texte n'est recommandé, mais le Rapport adopté par le Comité est joint au présent document, comme un exposé de ses conclusions. (voir annexe II.)

COMMISSION IV Judicial Organization

Comité 2 Questions Juridiques

ANNEXE I

Les textes anglais et français des projets d'articles recommandés pour la Charte, approuvés par le Comité IV/2 et communiqués au Comité de Coordination, sont les suivants:

TEXT NO. 1

PRIVILEGES AND IMMUNITIES

English. I. (1) The Organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary to the fulfilment of its purposes.

(2) Representatives of the members of the Organization and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary to the independent exercise of their functions in connection with the Organization.

II. The General Assembly may make recommendations with a view to determining the details of the application of the foregoing provisions or may propose conventions to the members of the Organization for this purpose.

French. I. (1) L'Organisation jouira, sur le territoire de chacun de ses Membres, des privilèges et immunités nécessaires à la réalisation de ses objectifs.

(2) De même, les représentants des Membres de l'Organisation et ses agents jouiront des privilèges et immunités nécessaires à l'exercice indépendant de leurs fonctions se rapportant à l'Organisation.

II. L'Assemblée Générale pourra faire des recommandations en vue de fixer les détails d'application des dispositions ci-dessus ou proposer aux Membres de l'Organisation des conventions à cet effet.

TEXT NO. 2

REGISTRATION AND PUBLICATION OF TREATIES

- English. 1. Every treaty and every international agreement entered into by any member of the Organization after the coming into force of the Charter shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of this article may invoke that treaty or agreement before any organ of the Organization.
- French. 1. Tout traité ou accord international, conclu par un membre de l'Organisation après l'entrée en vigueur de la Charte, sera enregistré le plus tôt possible au Secrétariat et publié par lui.
2. Aucune partie à un tel traité ou accord international, qui n'aura pas été enregistré conformément aux dispositions du présent article, ne pourra invoquer le dit traité ou accord devant un organe de l'Organisation.

TEXT NO. 3

OBLIGATIONS INCONSISTENT WITH THE CHARTER

- English. In the event of any conflict arising between the obligations of members of the Organization under the Charter and their obligations under any other international agreement the former shall prevail.
- French. En cas de conflit entre les obligations des membres de l'Organisation, en vertu de la Charte, et leurs obligations en vertu d'autres accords internationaux, ce sont les premières qui prévaudront.

TEXT NO. 4

JURIDICAL STATUS OF THE ORGANIZATION

- English. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.
- French. L'Organisation jouira sur le territoire de chacun de

ses membres de la capacité juridique nécessaire à l'exercice de ses fonctions et à la réalisation de ses objectifs.

TEXT NO. 5

COMING INTO FORCE OF THE CHARTER

- English. 1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit.
3. As soon as ratifications have been deposited by each of the states entitled to a permanent seat on the Security Council and by a majority of the other signatory states, the Charter shall come into force for those states which have deposited their ratifications.
4. The Charter shall come into force for each of the other signatory states on the date of the deposit of its ratification.

- French. 1. La présente Charte sera ratifiée par les Etats signataires conformément à leurs procédures constitutionnelles respectives.
2. Le dépôt des ratifications sera effectué par le Gouvernement des Etats-Unis d'Amérique, qui notifiera chaque dépôt à tous les Etats signataires.
3. Aussitôt que les ratifications auront été déposées par chacun des Etats ayant droit à un siège permanent au Conseil de Sécurité et par une majorité des autres Etats signataires, la Charte entrera en vigueur pour les Etats qui auront déposé leur ratification.
4. La Charte entrera en vigueur, pour chacun des autres Etats signataires, à la date du dépôt de sa ratification.

COMMISSION IV Judicial Organization

Comité 2

Questions Juridiques

ANNEXE II

Interprétation de la Charte

Le Rapport, tel qu'il a été approuvé par le Comité (Doc. 750, IV/2/B/1, 2 juin 1945 est ainsi rédigé :

Un sous-comité spécial composé des délégués de la Belgique, de la France, de la Norvège, du Royaume-Uni, des Etats-Unis d'Amérique et de la Yougoslavie, a été chargé de rédiger un exposé sommaire des opinions exprimées à la douzième séance du Comité IV/2 sur la question suivante:

De quelle manière et par quel organe ou quels organes de l'Organisation, la Charte doit-elle être interprétée ?

Le sous-comité spécial a procédé à un nouvel examen des discussions qui ont eu lieu au cours de la douzième séance du Comité IV/2. Il semble que ces discussions aient abouti aux conclusions suivantes :

Dans le cours de leur fonctionnement, les divers organes de l'Organisation ne peuvent manquer d'avoir à interpréter les parties de la Charte qui s'appliquent à leurs fonctions particulières. Ce processus est inhérent au fonctionnement de tout organisme dont l'activité est régie par un instrument qui en définit les fonctions et les pouvoirs. Il se produira inévitablement dans le fonctionnement d'organes tels que l'Assemblée Générale, le Conseil de Sécurité ou la Cour Internationale de Justice. Il n'est donc pas nécessaire d'incorporer dans la Charte des dispositions ayant pour but soit d'autoriser soit d'approuver l'application normale de ce principe.

Il se peut que des difficultés se présentent au cas où il y aurait une divergence d'opinions entre les divers organes de l'Organisation en ce qui concerne l'interprétation exacte d'une disposition de la Charte. Il se peut donc que deux organes aient des points de vue différents et qu'ils les expriment ou même qu'ils s'en inspirent dans leurs actes. Sous un régime unitaire de gouvernement national, le soin de déterminer une telle question d'une manière définitive

peut être laissé à l'instance judiciaire la plus haute ou à toute autre autorité nationale. Toutefois le caractère de l'Organisation et de son fonctionnement ne semble pas être de nature à favoriser l'incorporation dans la Charte de dispositions semblables. Si deux Etats-membres ne parviennent pas à se mettre d'accord en ce qui concerne l'interprétation exacte de la Charte, ils ont naturellement toute liberté de soumettre leurs différends à la Cour Internationale de Justice, comme s'il s'agissait de tout autre traité. De même, l'Assemblée Générale ou le Conseil de Sécurité auront toujours la faculté, en temps et lieu utiles, de demander à la Cour Internationale de Justice un avis consultatif sur le sens d'une disposition quelconque de la Charte. Si l'Assemblée Générale ou le Conseil de Sécurité préfèrent suivre une autre méthode, un Comité ad hoc de juristes pourra être créé pour étudier la question et faire connaître son avis; enfin il serait possible d'avoir recours à une Conférence mixte. Bref, les membres ou les organes de l'Organisation pourraient avoir recours à divers moyens afin d'obtenir une interprétation appropriée à leurs besoins. Il semblerait qu'il ne soit ni nécessaire ni opportun de donner dans la Charte la liste ou la description des diverses méthodes utilisables.

Il est bien entendu, naturellement, que si une interprétation quelconque donnée par un organe quelconque de l'Organisation ou par un Comité de Juristes n'est pas acceptable par l'ensemble des membres, elle n'aura pas force obligatoire. Dans ces conditions, ou dans les cas où il serait désirable de donner une interprétation qui fasse autorité pour établir un précédent, il pourrait devenir nécessaire d'incorporer cette interprétation dans un amendement à la Charte, ce qui pourrait toujours se faire en suivant la procédure établie pour les amendements.

GENERAL

CORRIGENDUM TO SUMMARY REPORT OF MEETING OF PRESIDENTS
OF COMMISSIONS AND CHAIRMEN OF COMMITTEES, MAY 7, 1945

Doc. 135 (English), G/31

Page 2, paragraph 2, line 5:

The word "logical" should be substituted for the
word "legal".

GENERAL

SUMMARY REPORT OF MEETING OF PRESIDENTS OF COMMISSIONS AND CHAIRMEN OF COMMITTEES

Veterans Building, Room 219, May 7, 1945, 9:45 a.m.

The meeting was opened by the President of Commission II, Field Marshal Smuts (South Africa), at 9:55 a.m.

I. SCHEDULE OF COMMITTEE MEETINGS

The Chairman proposed a re-arrangement of the scheduled timetable of committee meetings in order to speed up the deliberations of the committees.

The previous schedule provided that each committee should meet only on alternate days; thus six committees would meet on each day, with meetings at 10:30 a.m. and 3 p.m. The proposed change would schedule three sittings for each day at 10:30 a.m., 3 p.m., and 5 p.m. At each of these hours four committees would meet.

It was suggested that meetings of four committees at the same time would inconvenience small delegations; and that, preferably, there might be four sittings each day--at 10:30 a.m., 3 p.m., 5 p.m. and 8:30 p.m. At each of these hours three committees would meet.

In objection to this plan it was suggested that such frequent meetings would leave very little time for delegations to confer and to establish their unified policies, or to confer when necessary with other delegations.

It was further proposed that if there were to be four sittings for committee meetings each day, there should be rotation in the schedule, so that certain committees would not always have to meet in the evening.

The Chairman's suggestion that the Conference try out the schedule of committee sittings four times a day in groups of three was accepted.

II. PRIORITY IN CONSIDERATION OF AMENDMENTS

The Chairman stated that in view of the enormous mass of amendments submitted, it would be of great assistance if, in considering amendments, priority were to be given to the 27 amendments proposed by the sponsoring countries on May 4, 1945. He felt that these 27 amendments would include many of the proposals made by other Governments.

It was suggested that with the authorization of the Steering Committee, upon the recommendation of the Executive Committee, the 27 amendments might be read into the Dumbarton Oaks Proposals. It was also stated that it would be legal to consider these amendments as part of the Proposals. It was agreed to recommend to the Executive Committee that the 27 amendments be incorporated into the Dumbarton Oaks Proposals.

A further suggestion was made that each committee should follow the example of Committee III/1 and appoint a subcommittee to arrange the amendments for its consideration. It was agreed, however, that while each committee should deal with this question as it sees fit, any action so to arrange the amendments should be deferred.

III. STATUS OF UNOFFICIAL REPRESENTATION OF INTERGOVERNMENTAL ORGANIZATIONS

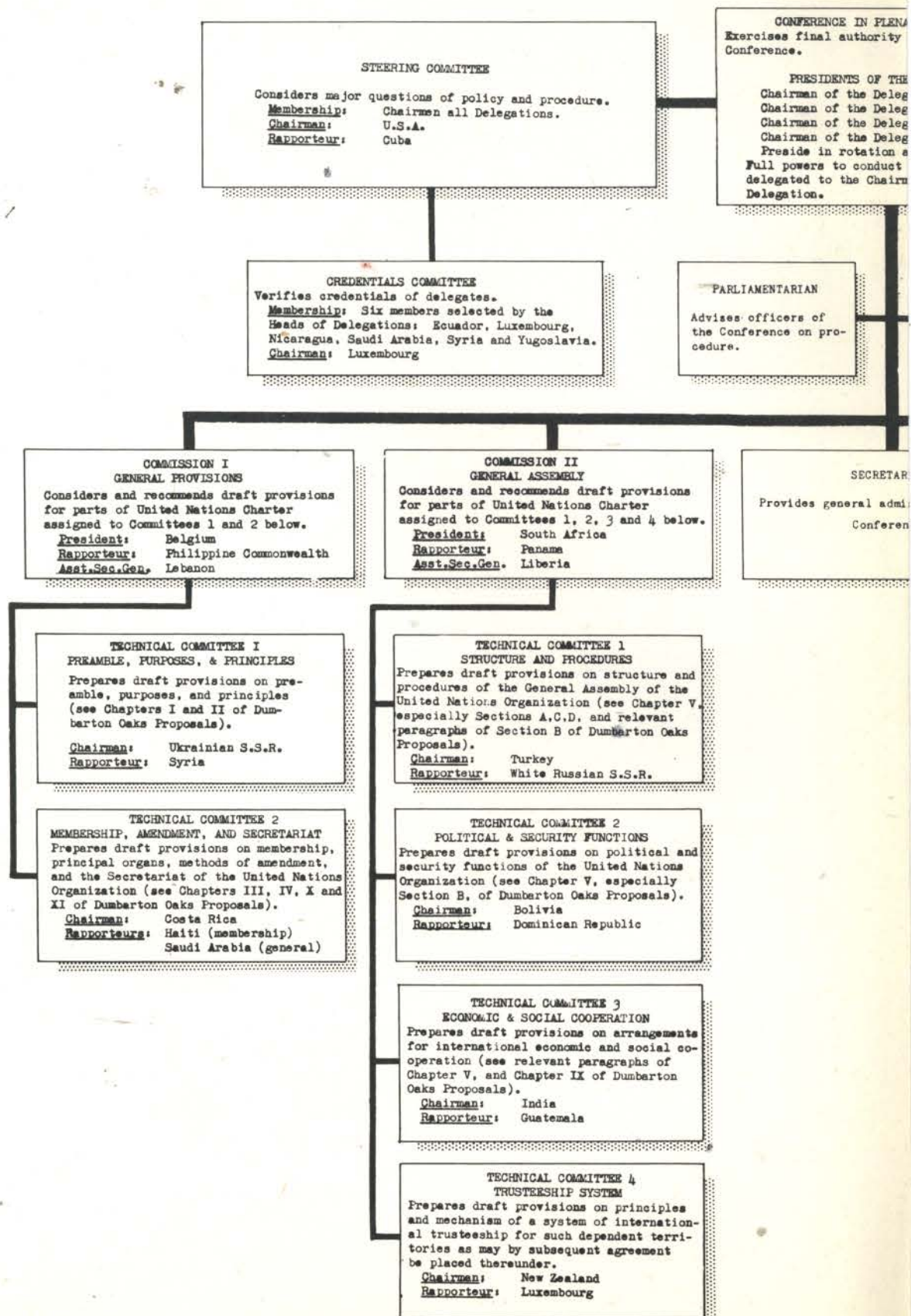
In response to the Secretary-General's request for uniform guidance regarding the relationship of committees with the unofficial representatives of international intergovernmental organizations, it was agreed that this matter should be placed on the agenda of the Executive and Steering Committees.

IV. DISTRIBUTION OF PROPOSALS AND AMENDMENTS

In reply to a question, the Executive Secretary stated that all the amendments were in and that it was hoped to distribute them by Wednesday, May 9. The Chairman stated that the question of whether committees should meet in the meantime should be left to the Secretariat.

The meeting adjourned at 10:40 a.m.

ORGANIZATION, FUNCTIONS, & OFFICERSHIPS



UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

SESSION
for all acts of the

CONFERENCE
tion of China.
tion of U.S.S.R.
tion of the U.K.
tion of the U.S.A.
Plenary Sessions.
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PRESS OFFICER
Furnishes information
for the public to ac-
credited press, radio
and newareel represent-
atives.

EXECUTIVE COMMITTEE

Serves the Steering Committee by preparing recommenda-
tions for its consideration.
Membership: Chairmen of sponsoring Government dele-
gations. Chairmen of Delegations of Australia, Brazil,
Canada, Chile, Czechoslovakia, France, Iran, Mexico,
Netherlands, Yugoslavia.
Presidents of Commissions invited to sit when appro-
priate.
Chairman: U.S.A.

COORDINATION COMMITTEE

Assists Executive Committee
Membership: Fourteen members, one representing
each member of Executive Committee.

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COMMISSION III
SECURITY COUNCIL

Considers and recommends draft provisions
for parts of United Nations Charter
assigned to Committees 1, 2, 3 and 4 below.
President: Norway
Rapporteur: Paraguay
Asst. Sec. Gen. Honduras

COMMISSION IV
JUDICIAL ORGANIZATION

Considers and recommends draft provisions
for parts of United Nations Charter
assigned to Committees 1 and 2 below.
President: Venezuela
Rapporteur:
Asst. Sec. Gen. Ethiopia

TECHNICAL COMMITTEE 1
STRUCTURE AND PROCEDURES

Prepares draft provisions on structure
and procedures of Security Council of
United Nations Organization (see Chapter
VI, especially Sections A, C, D and
relevant paragraphs of Section B of
Dumbarton Oaks Proposals.)
Chairman: Greece
Rapporteur: El Salvador

TECHNICAL COMMITTEE 1
INTERNATIONAL COURT OF JUSTICE

Prepares draft provisions on interna-
tional court of justice (see Chapter
VII of Dumbarton Oaks Proposals).
Chairman: Peru
Rapporteur: Iraq

TECHNICAL COMMITTEE 2
PEACEFUL SETTLEMENT

Prepares draft provisions on methods for
pacific settlement of disputes (see Chap-
ter VIII, Section A, of Dumbarton Oaks
Proposals).
Chairman: Uruguay
Rapporteur: Soviet Union

TECHNICAL COMMITTEE 2
LEGAL PROBLEMS

Prepares draft provisions on legal
questions connected with functioning
of the United Nations Organization.
Chairman: Egypt
Rapporteur: Nicaragua

TECHNICAL COMMITTEE 3
ENFORCEMENT ARRANGEMENTS

Prepares draft provisions on prevention
and suppression of aggression (see Chap-
ter VIII, Section B, and Chapter XII of
Dumbarton Oaks Proposals).
Chairman: Ecuador
Rapporteur: France

TECHNICAL COMMITTEE 4
REGIONAL ARRANGEMENTS

Prepares draft provisions on regional
arrangements (see Chapter VIII, Section
C, of Dumbarton Oaks Proposals).
Chairman: Colombia
Rapporteur: China

COMMISSIONS

Coordinate the work of their respective Technical
Committees and present draft texts of Charter
proposals to Conference.

Membership: Each Delegation entitled to
representation.

TECHNICAL COMMITTEES

Provide technical consideration and prepare draft
provisions for submission to Commissions; may
designate subcommittees.

Membership: Each Delegation entitled to repre-
sentation.

7

The attached document is in provisional form. The delegations are requested to submit comments or suggestions for change to the Executive Secretary of the Conference within 24 hours. The document will be issued in final form on the basis of the comments and suggestions received at the end of the 24-hour period.