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PREPARATORY COMMISSION OF THE UNITED NATIONS

MEMORANDUM BY THE EXECUTIVE SECRETARY
CIRCULATING A PAPER ON THE AGENDA AND ARRANGEMENTS
FOR THE SECOND SESSION OF THE PREPARATORY COMMISSION

The Chairman suggests that the attached paper on the organization of the Preparatory Commission might best be considered by the Executive Committee on Friday November 23rd.

GLADWYN JEBB.

EXECUTIVE COMMITTEE

Memorandum by the Executive Secretary on
the Agenda and Arrangements for the Second
Session of the Preparatory Commission.

1. Introduction - After consulting Mr. Stevenson, the chairman of the Executive Committee and a number of the Delegates, I have the following proposals to suggest to the Executive Committee regarding arrangements for the Second Session of the Preparatory Commission which is to open in Church House on 23 November. These proposals take into account my circular telegram of October 6 to members of the United Nations not represented on the Executive Committee and the final decisions and recommendations of the Executive Committee.
2. Temporary Chairman. Strictly speaking, it might be said that Dr. Pasvolsky should, as the Chairman of the First Session of the Preparatory Commission held at San Francisco on 26 June, conduct the proceedings of the Second Session until the election of a Chairman for the Session. But Dr. Pasvolsky will not be present at the opening of the Second Session, and I suggest that the Delegate of the United Kingdom, representing the host Government, should open the proceedings and make an address of welcome to the Commission. I further suggest that as temporary Chairman he should also submit a draft Agenda and draft Rules of Procedure for the approval of the Preparatory Commission before the election of the Chairman and Vice-Chairmen, as these elections are governed by the Rules of Procedure.

3. Rules of Procedure - It has been suggested that the Provisional Rules of Procedure of the General Assembly should be adopted by the Preparatory Commission. An examination of these Rules shows that many of them are not applicable to the Preparatory Commission. I have therefore extracted the relevant rules which are attached as Annex I to the Draft Agenda for the opening meeting.
4. Chairman of the Preparatory Commission - After the adoption of the Rules of Procedure the Chairman of the Preparatory Commission should be elected. I suggest that at the opening meeting the temporary Chairman should call for nominations of candidates for the Chairmanship. If more than one candidate is nominated, it will be necessary to hold an election, in accordance with Rule of Procedure 41 (corresponding to General Assembly Rule 88) which provides that "all decisions relating to individuals shall be taken by secret ballot."
5. Vice-Chairmen of the Preparatory Commission - I find that it is generally felt that while it would be desirable for the Preparatory Commission to have more than one Vice-Chairman, the character of the work of the Commission does not call for the election of more than two Vice-Chairmen, and I suggest therefore that the Executive Committee recommend to the Commission that two Vice-Chairmen should be elected. If more than two nominations are made, the necessary election should, in accordance with Rule 41 of the Rules of Procedure of the Commission, be taken by secret ballot.
6. Steering Committee - I suggest that, after the election of the Chairman and Vice-Chairmen, the Preparatory Commission should consider my proposals for the organisation of the work of the Commission. A draft of this Memorandum is set out for the consideration of the Executive Committee as Annex 4 to the draft Agenda of the opening

meeting. For the most part this draft document speaks for itself, but I must draw the attention of Members of the Executive Committee to paragraphs 8 and 9, which deal with the establishment of a Steering Committee or "Bureau", and of a Drafting or Coordination Committee respectively.

I understand that a number of Delegations feel that the present Executive Committee should be continued as the steering committee of the Commission and that the Chairman and Vice-Chairman of the Commission should be added, if they are nationals of States not represented on the Executive Committee. I understand that these Delegations feel that a steering committee composed in this way would not only be in accord with the provisions of the Interim Agreement, but, owing to the experience of its members gained during the work of the Executive Committee, would be the most efficient way to direct the work of the Preparatory Commission. The permanent Chairman of the Commission should, I presume, serve as Chairman of the Executive Committee.

7. Coordination Committee - It seems desirable to consider whether the work of coordination of the final report could not best be undertaken by a small body which would undertake any coordination functions which could not be conveniently undertaken by the Steering Committee itself. I suggest that a small Coordination Committee should be established, composed of a suitable representative of a State in each of the five official language groups. Such a Committee, if carefully selected, would be much more suitable for the coordination of a lengthy report than a large committee of 14 to 17 members. I have embodied this suggestion in my draft Memorandum, for the consideration of Members of the Executive Committee.

8. Chairmen of Committees - There is one further point which I must draw to the attention of the Executive Committee. According to Rule of the proposed Rules of Procedure of the Preparatory Commission the technical committees of the Commission will appoint their own

officers. It may well be, however, that in order to provide for some measure of "equitable geographical distribution" the Executive Committee will wish to consider the best method of making these appointments. If this is the case the Committee should consider what suggestions it wishes to make, and how best they can be brought to the attention of Delegations.

PREPARATORY COMMISSION OF THE UNITED NATIONS
SECOND SESSION

OPENING MEETING, 23 NOVEMBER, 1945.

DRAFT AGENDA

1. Address of welcome by the Delegate of the Host Government as temporary Chairman.
2. Approval of Draft Agenda.
3. Adoption of Rules of Procedure (Annex I).
4. Election of the Chairman of the Preparatory Commission (Annex II).
5. Election of Vice-Chairmen of the Preparatory Commission (Annex III).
6. Adoption of proposals for the Organisation of the Work of the Preparatory Commission (Annex IV).
7. Presentation of the Report of the Executive Committee by its Chairman.

ANNEX I

DRAFT RULES OF PROCEDURE

It is suggested that the following rules of Procedure should be adopted by the Preparatory Commission: +

Chairman and Vice-Chairman

1. The Preparatory Commission shall elect a Chairman and one or more Vice-Chairman who shall hold office until the close of the session at which they are elected (GA.30).
2. If the Chairman finds it necessary to be absent during a meeting or any part thereof he shall appoint one of the Vice-Chairmen to take his place (GA.31).
3. If the Chairman is unable to perform his functions a new Chairman shall be elected for the unexpired term (GA.32).
4. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman (GA.33).
5. The Chairman, or Vice-Chairman acting as Chairman, shall not vote but shall appoint another member of his Delegation to vote in his place.
6. In addition to exercising the powers which are conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting and at such meetings shall ensure observance of these Rules, accord the right to speak, put questions and announce decisions.

+ These suggested Rules are adapted from Rules 30-35, 50, 51, 54, 57-61, 63-91, 106, 110-113 of the Provisional Rules of Procedure for the General Assembly recommended by the Executive Committee (Report by the Executive Committee, pp.18-29). Hereafter referred to as GA.-. (General Assembly, Rule -.)

He shall rule on points of order, and, subject to these Rules, shall have complete control of the proceedings at any meeting (GA.35).

Secretariat

7. The Executive Secretary shall act in that capacity in all meetings of the Preparatory Commission and its Committees. He may appoint a member of the staff to act in his capacity at any meeting (GA.50).

8. The Executive Secretary shall provide and direct such staff as is required by the Preparatory Commission and any committees which it may establish (GA.51).

9. The Executive Secretary may at any time, upon invitation of the Chairman, make to the Preparatory Commission either oral or written statements concerning any question which is being considered by the Preparatory Commission (GA.54).

Languages

10. Chinese, English, French, Russian and Spanish shall be the official languages of the Preparatory Commission.

English and French shall be the working languages (GA.57).

11. Speeches made in either of the working languages shall be interpreted into the other working language (GA.58).

12. Speeches made in any one of the other three official languages shall be interpreted into both working languages (GA.59).

13. Any representative may make a speech in a language other than the five official languages. In this case he must himself provide for interpretation into one of the working languages.

The interpretation into the other working language by the Secretariat interpreter shall be based on the interpretation

given in the first working language (GA.60).

14. Verbatim records shall be taken only in the original language of the speaker if he used one of the two working languages. If a speaker uses one of the other three official languages, the verbatim record shall be made from the English or French interpretation (GA.61).

15. The Journal of the Preparatory Commission shall be issued in the two working languages (GA.63).

16. Working documents will be circulated in both working languages. All final documents approved by technical Committees, or by the Preparatory Commission, after having been reviewed by the Coordination Committee, which are designed to become parts of the draft report of the Preparatory Commission shall be translated and circulated in the working languages before the Preparatory Commission approves the final text of the report. They shall then be translated and circulated in the other three official languages (GA.64).

17. Committees and sub-committees may, in consultation with the Secretariat, adopt simplified rules of procedure regarding interpretations and translations (GA.65).

18. Documents of the Preparatory Commission shall also, if the Preparatory Commission so decides, be published in any language other than the official languages (GA.66).

Publicity of Meetings

19. The meetings of the Preparatory Commission shall be held in public unless it decides that exceptional circumstances require that the meeting be held in private. Meetings of Technical and other Committees shall also be held in public unless the body concerned decides otherwise (GA.67).

20. All decisions of the Preparatory Commission taken at a private meeting shall be announced at an early public meeting of the Preparatory Commission (GA.68).

Records

21. Vortatim records of all plenary meetings and proceedings of the Technical Committee shall be drawn up by the Secretariat and filed for reference. Summary Records shall be drawn up by the Secretariat and published in the Journal. Other Committees may decide upon the form of their records (GA.69).

Conduct of Business

22. No representative may address the Preparatory Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion (GA.70).

23. The Chairman of a Committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his Committee (GA.71).

24. When a motion is under discussion, a representative may rise to a point of order, and such point of order shall be immediately decided by the Chairman in accordance with the Rules of Procedure (GA.72).

25. During the discussion of any question, any representative may move the adjournment. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion (GA.73).

26. The Preparatory Commission may limit the time allowed to each speaker (GA.74).
27. Resolutions, amendments and substantive motions shall be introduced in writing and handed to the Executive Secretary, who shall circulate copies to the Delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Preparatory Commission unless copies of it have been circulated to all Delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies (GA.75).
28. Parts of a proposal may be voted on separately if a representative requests that the proposal be divided (GA.76).
29. A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. If application is made for permission to speak against the closure it may be accorded to not more than two speakers (GA.77).
30. The Chairman shall take the sense of the Preparatory Commission on a motion for closure. If the Preparatory Commission is in favour of the closure the Chairman shall declare the closure of the debate (GA.78).
31. When a number of proposals are before the Preparatory Commission the proposal furthest removed in substance from the principal one shall be voted on first (GA.79).
32. If an amendment striking out part of a proposal is moved the Preparatory Commission shall first vote on whether the words in question shall stand part of the proposal. If a decision is in the negative the amendment shall then be put to the vote (GA.80).
33. When an amendment adds to a proposal the amendment shall be voted on first and, if it is adopted, the amended proposal shall then be voted on (GA.81).

Voting

34. Each member of the Preparatory Commission shall have one vote (GA.82).

35. A majority of the members of the Preparatory Commission shall constitute a quorum (GA.83).

36. Decisions of the Preparatory Commission on important questions, including all substantive decisions relating to the Report of the Executive Committee or to the Report of the Preparatory Commission to the General Assembly shall be made by a two-thirds majority of the members present and voting (GA.84).

37. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting (GA.85).

38. The Preparatory Commission shall normally vote by a show of hands, except that any representative in plenary or committee meetings of the Preparatory Commission may request a roll-call which shall then be taken by members in English alphabetical order (GA.86).

39. The vote of each member participating in any roll-call shall be inserted in the record (GA.87).

40. In addition to the provisions for the use of a secret ballot set forth elsewhere in these Rules, all decisions relating to individuals shall be taken by secret ballot (GA.88).

41. If, when only one person or member is to be elected, no one person or member obtains in the first ballot the majority required in Rules 36 and 37, a second ballot shall be taken, confined to the two candidates who obtained the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the Chairman shall decide between them by drawing lots. When a two-thirds majority is required, the balloting shall be continued until one candidate secures two-thirds of the votes cast (GA.89).

42. When a number of elective places are to be filled at one time under the same conditions, those persons or members obtaining in the first ballot the majority required in Rules 36 and 37 shall be elected. If the number of persons or members to obtain such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates who obtained the greatest number of votes in the previous ballot, not more than double in number the places remaining to be filled (GA.90).

43. If a vote is equally divided on matters other than elections, a second vote shall be taken in the course of the next meeting; this meeting shall be held within forty-eight hours from the date on which the first vote was taken, and it shall be expressly mentioned on the agenda that a second vote will be taken on the matter in question. Unless there is at this subsequent meeting a majority in favour of the proposal, it shall be considered lost (GA.91).

Committees

44. The Preparatory Commission may establish such committees and sub-committees as it deems necessary for the performance of its functions (GA.106).

45. Each Committee shall elect its own Chairman and Vice-Chairman (GA.110).

46. Each Committee may appoint sub-committees, which shall elect their own officers (GA.111).

47. The Executive Secretary or his representative may make to any Committee or sub-committee any report or oral communication which the Executive Secretary considers desirable (GA.112).

48. The procedure set forth in Rules 22 - 39 shall apply to proceedings of the Technical Committees of the Preparatory Commission (GA.113).

ANNEX II

ELECTION OF THE CHAIRMAN
OF THE PREPARATORY COMMISSION

It is suggested that the Temporary Chairman should call for nominations of Candidates for the Chairmanship of the Preparatory Commission. If more than one nomination is received an election will take place, in accordance with Rule of Procedure 41 (corresponding to General Assembly Rule 88) which provides that 'all decisions relating to individuals shall be taken by secret ballot'.

ANNEX III

ELECTION OF THE VICE-CHAIRMEN

The Executive Committee considers that, while it would be desirable for the Preparatory Commission to have more than one Vice-Chairman, the character of its work does not call for the election of seven Vice-Chairmen as contemplated in the case of the General Assembly. It is suggested, therefore, that two Vice-Chairmen should be elected. If more than two nominations are made the necessary election should, in accordance with Rule 41 of the Rules of Procedure of the Preparatory Commission, be taken by secret ballot.

ANNEX IV

MEMORANDUM BY THE EXECUTIVE SECRETARY ON THE
ORGANISATION OF THE WORK OF THE SECOND SESSION
OF THE PREPARATORY COMMISSION

1. The task of the Preparatory Commission in its Second Session will be to complete the performance of the functions set out in the Interim Arrangements establishing the Commission, signed at San Francisco on 26 June 1945. In carrying out this task the Preparatory Commission will have before it as its principal working paper the Report of the Executive Committee, embodying the General Recommendations and other proposals and papers of the Executive Committee concerning matters falling within the terms of the Interim Arrangements. It will, however, be open to all Delegations to submit additional or alternative proposals, or amendments to any part of the Executive Committee's Report.
2. In order to expedite the work of the Preparatory Commission, the Executive Committee suggests that its Report should not be the subject of general debate in plenary session until it has been considered, together with any other proposals or amendments submitted by Delegations, in committee. It is suggested, therefore, that after the Report has been presented to the Preparatory Commission (in the course of a brief statement by the last appointed Chairman of the Executive Committee) it should be remitted, without general debate, to eight Technical Committees for detailed study. The omission of a general debate at this stage, however, would not debar any Delegation from making a statement in plenary session on its attitude on the Report*as a whole, if this were considered necessary.
3. It is suggested that eight Technical Committees should be established with the following terms of reference:

Committee 1: The General Assembly Committee would consider and report to the Preparatory Commission on Chapter I of the Report of the Executive Committee, and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter I.

Committee 2: The Security Council Committee would consider

and report to the Preparatory Commission on Chapter II of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter II.

Committee 3: Economic and Social Committee would consider

and report to the Preparatory Commission on Chapters III and VIII of the Report of the Executive Committee, and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapters III and VIII.

Committee 4: Trusteeship Committee would consider and

report to the Preparatory Commission on Chapter IV, and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter IV.

Committee 5: Legal Committee would consider and report

to the Preparatory Commission on Chapter V of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter V.

Committee 6: Administrative and Budgetary Committee would

consider and report to the Preparatory Commission on Chapters VI and VII of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapters VI and VII.

Committee 7: League of Nations Committee would consider and

report to the Preparatory Commission on Chapter IX of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter IX.

Committee 8: General Committee would consider and report to the Preparatory Commission on Chapter X of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter X. In particular, Committee 8 would consider and report to the Preparatory Commission on all questions relating to the selection of the site of the headquarters of the United Nations. All questions not otherwise allocated, including interim arrangements for publicity should be considered by the General Committee.

4. It is suggested that each Delegation should have the right to be represented on each Technical Committee, but would not be under the necessity of sending a representative to every meeting.

5. Each Technical Committee should appoint its own officers - a Chairman and Vice-Chairman - and set up any sub-committees which seem desirable. Each Committee should have its own Secretariat, responsible, under the direction of the officers, for the preparation of summary records, working documents (other than those submitted by delegations) and draft reports to the Preparatory Commission.

6. Delegations will have observed that the Executive Committee (on page 100 of its Report) recommends that the Executive Secretary should appoint a small advisory group of experts to assist him and the Administrative and Budgetary Committee. In accordance with this recommendation I have, in consultation with the Governments concerned, already selected the following persons 'on the basis of broad geographical representation, personal qualifications and experience, as well as special knowledge of administrative budgetary and personnel problems'.

7. Various suggestions have been considered for the establishment of a Bureau or Steering Committee of the Preparatory Commission (c.f. my circular telegram of 6 October) and it is now proposed that this function could best be discharged by the present Executive Committee with the addition of the Chairman and Vice-Chairman of the Commission, if they are nationals of States not represented on the Executive Committee. It is felt that a Steering Committee composed in this way would, owing to the experience of its members gained during the work of the Executive Committee, be an effective body. Its Chairman would be the permanent Chairman of the Commission. The Chairmen of the Technical Committees could be associated with the work of the Executive Committee in an advisory capacity when questions of particular concern to the work of the Committees are under consideration.
8. Experience gained during the work of the Executive Committee has shown the need for a Drafting Co-ordination Committee, the task of which would be to put the reports of the eight committees into final shape, to eliminate discrepancies in substance and generally to edit the Report of the Preparatory Commission to the first General Assembly. In my circular telegram of 6 October it was suggested that a Central Drafting Committee might be set up, composed of representatives of States which served on the Co-ordination Committee of the San Francisco Conference. Further consideration, however, has led the Executive Committee to favour a much smaller committee, better adapted to its purpose, composed of a suitable representative of a State in each of the five official language groups.

It is, therefore, now recommended that a Co-ordination Committee should be established, composed of five persons, including a representative of an English speaking, Russian speaking, Chinese speaking, French speaking and Spanish speaking country respectively.

9. The final outcome of the work of the Preparatory Commission should be the preparation of a Report to the first General Assembly, embodying the reports of the eight Technical Committees and any recommendations, proposals or papers of the full Preparatory Commission falling within the scope of the Interim Arrangements signed at San Francisco. A draft of the completed Report should be ready for submission to the full Preparatory Commission not later than 10 December. This should allow sufficient time for the consideration and final approval of the completed draft Report before Christmas, and for the printing and publication of the final text in time for the first meeting of the General Assembly early in January.