

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

2WS Und 5-7
RESTRICTED
WD 48 (ENGLISH)
CO/20
May 29, 1945

COORDINATION COMMITTEE

SKELETON CHARTER

There is submitted herewith by the Secretariat a first tentative draft of the Charter in skeleton form, prepared to serve as a guide to the Coordination Committee in its consideration of drafting papers and as a working document for the Advisory Committee of Jurists. This draft is based upon the arrangement of the Charter tentatively agreed to by the Coordination Committee and outlined in Co/13.

Into the outline have been inserted the tentative, preliminary drafts in Charter form made by the Secretariat of the texts which have been acted on by the technical committees. While it is believed that most of the articles included have received final, or at least substantial, approval by the technical committee or committees concerned, the presence of any particular draft should not be taken as implying that the technical committee has given final approval of the text in question.

The majority of the draft articles in the skeleton outline have been read by the Coordination Committee, and some have received varying degrees of approval by it. On certain others, the Coordination Committee has raised questions still to be resolved through reference to the Advisory Committee of Jurists, the technical committee concerned, or the Secretariat.

SKELETON CHARTER

Preamble (including a paragraph establishing the Organization, based on the DO introductory paragraph)

Chapter I

Principles and Purposes of the Organization

Article 1. Purposes of the Organization (DO. Ch. I)

Article 2. Principles of the Organization (DO. Ch. II)

Chapter II

Membership of the Organization

Article 3*

The original Members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Article 69.

Article 4*

Membership of the Organization is open to all peace-loving States which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter.

Article 5*

New Members of the Organization may be admitted by the General Assembly upon the recommendation of the Security Council.

Article 6*

A Member of the Organization against which preventive or enforcement action has been taken by the Security Council, or which has gravely or persistently violated the principles of the Organization, may be suspended from the exercise of the rights and privileges of membership by the General Assembly on recommendation of the Security

* See Drafting Paper 27

Council. The exercise of these rights and privileges may be restored by the Security Council.

Chapter III

Organs of the Organization

Article 7*

There are hereby established as the principal organs of (name to be inserted): a General Assembly, a Security Council, an Economic and Social Council, an International Court of Justice, and a Secretariat.

Article 8*

The Organization may establish such subsidiary agencies as are found necessary.

Article 9*

The Organization shall not place restrictions on the equal eligibility of men and women to serve in any of its organs and agencies.

Chapter IV

The General Assembly

Composition

Article 10**

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

Functions and Powers

Article 11. Right to Discuss and Make Recommendations Regarding Peace and Security (DO. Ch. V, Sec. B, par. 1)

*See Drafting Paper 28'

**See Drafting Paper 29, Article 9

Article 12*

The General Assembly shall elect the non-permanent Members of the Security Council and the Members of the Economic and Social Council. It shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven Members. The General Assembly shall participate in the election of the Judges of the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 13**

The General Assembly shall apportion the expenses among the Members of the Organization. It shall consider and approve the budgets of the Organization as well as any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Article 54.

Article 14***

The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation: (a) in political, economic, social, cultural, educational, and health fields; (b) in assisting the realization of human rights and basic freedoms for all, without distinction as to race, sex, language, or religion; and (c) in the development of international law.

Article 15***

Subject to the provisions of Article 11, the General Assembly may recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the purposes and principles set forth in this Charter.

Article 16****

1. The General Assembly shall make recommendations for coordinating the policies of international political,

* See Drafting Paper 31

** See Drafting Paper 30

*** See Drafting Paper 32

**** See Drafting Paper 21, Article 15

economic, social, cultural, educational, health, and other specialized organizations or agencies brought into relationship with the Organization in accordance with agreements between such organizations or agencies and the Organization.

2. The General Assembly shall examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the agencies concerned.

Voting

Article 17*

Each Member of the Organization shall have one vote in the General Assembly. A Member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may restore the privilege of voting if it is satisfied that the failure to pay is due to conditions beyond the control of the Member in question.

Article 18**

Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of Members of the Security Council; election of Members of the Economic and Social Council; admission of Members; suspension of the rights and privileges of Members; and budgetary questions, shall be made by a two-thirds majority of those present and voting. All other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a simple majority of those present and voting.

Procedure

Article 19***

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convened by the Secretary General at the request of the Security Council or of a majority of the Members of the Organization.

* See Drafting Paper 33, Article 16

** See Drafting Paper 33, Article 17

*** See Drafting Paper 34, Article 18

Article 20*

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

Article 21**

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

Chapter V

The Security Council

Composition

Article 22***

1. The Security Council shall consist of eleven Members of the Organization of which five shall be permanent Members and six shall be non-permanent Members. The United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France shall be permanent Members. The General Assembly shall elect six other Members of the Organization to be the non-permanent Members, due regard being specially paid in the first instance to the contribution of Members of the Organization to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution. Each Member of the Security Council shall have one representative.

2. In the first election of the non-permanent Members three shall be chosen by the General Assembly for a term of one year and three for a term of two years. Thereafter, the non-permanent Members shall be elected for a term of two years. A retiring Member shall not be eligible for immediate reelection.

Principal Functions and Powers

Article 23****

1. In order to insure prompt and effective action

* See Drafting Paper 34, Article 19

** See Drafting Paper 34, Article 20

*** See Drafting Paper 14, Article 21

**** See Drafting Paper 22, Article 22

by the Organization, its Members hereby confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf. The Security Council shall submit annual, and when necessary, special reports to the General Assembly for its consideration.

2. In discharging these duties the Security Council shall act in accordance with the purposes and principles of the Organization.

3. For the purpose of discharging these duties the Security Council shall have the specific powers set out in Chapters VI, VII, and VIII.

Article 24*

The Members of the Organization agree to accept and carry out, in accordance with the provisions of the Charter, the decisions of the Security Council.

Article 25**

In order to promote the establishment and maintenance of international peace and security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Article 49, shall be responsible for formulating and for submitting to the Members of the Organization plans for the establishment of a system for the regulation of armaments.

Voting

- Article 26. Each Member One Vote (DO. Ch. VI, Sec. C, par. 1)
Article 27. Voting on Procedural Matters (DO. Ch. VI, Sec. C, par. 2)
Article 28. Voting on all Other Matters (DO. Ch. VI, Sec. C, par. 3)

Procedure

Article 29***

1. The Security Council shall be organized so as to be able to function continuously, and each State Member

* See Drafting Paper 35, Article 23

** See Drafting Paper 35, Article 24

*** See Drafting Paper 16, Article 28

of the Security Council shall be represented at all times at the headquarters of the Organization.

2. The Security Council shall hold periodic meetings at which each of its Members may, if it so desires, be represented by a member of the government or by some other specially designated representative. The Security Council may hold meetings at such places other than the headquarters of the Organization as in its judgment may best facilitate its work.

Article 30*

The Security Council may set up such bodies or agencies as it deems necessary for the performance of its functions.

Article 31**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 32. Participation of Interested Member (DO. Ch. VI, Sec. D, par. 4)

Article 33. Participation of Member or Non-Member Party to Dispute (DO. VI, Sec. D, par. 5)

Chapter VI

Pacific Settlement of Disputes

Article 34. Should Investigate Disputes (DO. Ch. VIII, Sec. A, par. 1)

Article 35. Any State May Refer Disputes (DO. Ch. VIII, Sec. A, par. 2)

Article 36***

The Members of the Organization agree that, if they become parties to a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they will first of all seek a solution by negotiation, mediation, conciliation, arbitration, or judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

*	See Drafting Paper	16,	Article	29
**	"	"	"	30
***	"	"	"	35

The Security Council shall call upon the parties to settle their dispute by such means.

- Article 37. Reference of Disputes to S.C. (DO. Ch. VIII, Sec. A, par. 4)
Article 38. S.C.'s Power to Recommend Adjustments (DO. Ch. VIII, Sec. A, par. 5)
Article 39. Justiciable Disputes Referred to Court (DO. Ch. VIII, Sec. A, par. 6)
Article 40. Non-application to Domestic Matters (DO. Ch. VIII, Sec. A, par. 7)

Chapter VII

Determination of Threats to the Peace or Acts of Aggression and Action With Respect Thereto

Article 41*

The Security Council shall determine whether there exists any threat to the peace, breach of the peace, or act of aggression and, in order to maintain or restore peace and security, shall make recommendations or shall decide what measures or action set forth in Articles 43 and 44 should be employed or taken.

Article 42**

Before making recommendations or deciding upon measures for the maintenance or restoration of peace and security in accordance with the provisions of Article 41, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable in order to prevent an aggravation of the situation. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. Failure to comply with such provisional measures shall be duly taken account of by the Security Council.

- Article 43. Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3)
Article 44. Military Action (DO. Ch. VIII, Sec. B, par. 4)

* See Drafting Paper 37, Article 40
** " " " 37, " 41

- Article 45. Agreements on Armed Forces (DO. Ch. VIII, Sec. B, par. 5)
Article 46. Air Forces Immediately Available (DO. Ch. VIII, Sec. B, par. 6)
Article 47. Action by all Members or Some, as Determined by S. C. (DO. Ch. VIII, Sec. B, par. 7)
Article 48. Plans Made by S. C. with Military Staff Committee (DO. Ch. VIII, Sec. B, par. 8)
Article 49. The Military Staff Committee (DO. Ch. VIII, Sec. B, par. 9)
Article 50. Mutual Assistance (DO. Ch. VIII, Sec. B, par. 10)
Article 51. Consultation with S. C. on Economic Problems (DO. Ch. VIII, Sec. B, par. 11)

Article 52*

Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a Member State, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

Chapter VIII

Regional Arrangements

Article 53**

1. Nothing in this Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Members of the Organization comprising such agencies or entering into such arrangements shall make every effort to achieve peaceful settlement of local disputes through such agencies or arrangements before referring

* See Drafting Paper 24, New Section D

** See Drafting Paper 25, Article 51

them to the Security Council. The Security Council shall encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies, on the initiative either of the Members of the Organization concerned or of the Security Council itself.

2. This Article in no way impairs the application of Articles 34 and 35.

Article 54. Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2)

Article 55*

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Chapter IX

The Economic and Social Council

Article 56. Purposes and Relationships (DO. Ch. IX, Sec. A)

Article 57**

1. The Economic and Social Council shall consist of eighteen Members of the Organization elected by the General Assembly. Each Member of the Economic and Social Council shall have one representative.

2. Subject to the provisions of paragraph 3, six Members of the Economic and Social Council shall be elected each year, for a term of three years. A retiring Member shall be eligible for reelection at any time.

3. At the first election, eighteen Members of the Economic and Social Council shall be chosen. The term of office of six Members shall expire at the end of one year, and of six other Members at the end of two years. Those Members the term of office of which shall expire at the end of one and two years respectively shall be chosen by lot to be drawn by the Secretary General of the

* See Drafting Paper 25, Article 53

** See Drafting Paper 38, Article 55

Organization immediately after the first election has been completed. Members shall be eligible for reelection at any time.

4. Each Member of the Economic and Social Council shall have one vote. Decisions shall be taken by a simple majority of those present and voting.

Article 58*

The Economic and Social Council is authorized:

(a) to carry out, within the sphere of its responsibility, recommendations of the General Assembly;

(b) to make recommendations, on its own initiative, for promoting respect for, and observance of, human rights and fundamental freedoms;

(c) to initiate studies and make reports with respect to international political, economic, social, cultural, educational, health, and other related matters, and on its own initiative to make recommendations with respect to any such matter to the General Assembly, to the Members of the Organization, and to specialized organizations or agencies created by or brought into relationship with the Organization;

(d) to coordinate the policies of the political, economic, social, cultural, educational, health, and other specialized organizations or agencies through consultation with and recommendations to them, and through recommendations to the General Assembly and to the Members of the Organization;

(e) to obtain regular reports from the specialized organizations or agencies; to obtain reports from the Members of the Organization and from the specialized organizations or agencies on the steps taken to give effect to its own recommendations and to those of the General Assembly; and to communicate its observations on such reports to the General Assembly;

(f) to perform services with respect to political, economic, social, cultural, educational, health, and other related matters, at the request of Members of the Organization or at the request of the specialized organizations or agencies, subject always to the approval of the General Assembly;

* See Drafting Paper 26, Article 56

(g) to convene, in accordance with rules prescribed by the General Assembly, international conferences on matters within the sphere of its responsibility;

(h) to furnish information to the Security Council;

(i) to assist the Security Council upon its request;
and

(j) to perform such other functions within the sphere of its responsibility as may be assigned to it by the General Assembly.

Article 59. Organization and Procedure (DO. Ch. IX, Sec. D)

Chapter X

The International Court of Justice

Article 60*

The International Court of Justice shall be constituted and shall function in accordance with the annexed Statute which forms an integral part of this Charter.

Article 61**

The Statute is based upon the Statute of the Permanent Court of International Justice.

Article 62***

Nothing in this Charter shall prevent the parties from entrusting the solution of their differences to other tribunals by virtue of agreements which are already in force or which may be concluded in the future.

Article 63****

All Members of the Organization are ipso facto parties to the Statute of the International Court of Justice.

* See Drafting Paper 36, Article 58

** See Drafting Paper 36, Article 59

*** See Drafting Paper 36, Article 60

**** See Drafting Paper 36, Article 61

Article 64*

Conditions under which States not Members of the Organization may become parties to the Statute of the International Court of Justice shall be determined in each case by the General Assembly upon the recommendation of the Security Council.

Chapter XI

The Secretariat

- Article 65. Secretariat and S-C (DO. Ch. X, par. 1)
Article 66. S-G's Action and Reports (DO. Ch. X, par. 2)
Article 67. Reference to S.C. by S-G on Matters Threatening Peace (DO. Ch. X, par. 3)

Chapter XII

Trusteeship Arrangements (A possible new part)

- Article 68. (and as many other articles as may be required)

Chapter XIII

Ratification and Amendments

- Article 69. Ratification (a possible new article)
Article 70. Amendments (DO. Ch. XI)

Chapter XIV

Miscellaneous Provisions

Article 71**

Every treaty and every international agreement entered into by any Member of the Organization after this Charter

*See Drafting Paper 36, Article 62

**See Drafting Paper 39, Article 67

comes into force shall as soon as possible be registered with the Secretariat and published by it.

Article 72*

No party to any such treaty or international agreement which has not been registered in accordance with the provisions of Article 71 may invoke that treaty or agreement before any organ of the Organization.

Article 73. Abrogation of Inconsistent Obligations (a possible new article)

Article 74. Official Languages (a possible new article)

Article 75**

1. (a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary to the fulfillment of its purposes.

(b) 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.

2. 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.

Chapter XV

Transitional Arrangements

Article 76. Four Powers to Consult to Maintain Peace Until Organization Created (DO. Ch. XII, par. 1)

Article 77. Action Against Enemy States in Present War Not Precluded (DO. Ch. XII, par. 2)

* See Drafting Paper 39, Article 68

** See Drafting Paper 12



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