

majority of Committee IV/1 thought that the system of nomination by national groups had worked very well in the past; the Committee therefore decided to recommend the retention of the system. As to the election of judges, two views were expressed: one favored election by both the General Assembly and the Security Council, the other election by the General Assembly alone. In the end the Committee decided to recommend that both the Assembly and the Council should take part in the election of judges and that an absolute majority should be required in each body.

There was a general desire on the part of the Committee to establish compulsory jurisdiction for the Court. However, some of the delegates feared that insistence upon compulsory jurisdiction might impair the possibility of obtaining general accord to the Statute as well as to the Charter itself. It was in that spirit that the Committee recommended the adoption of the optional clause.

The Committee proposed that the procedure in amending the Statute should be the same as that in amending the Charter, but it added that the Court itself should have the power to propose amendments to the Statute.

12. THE SECRETARIAT

The task of drafting provisions for the Secretariat was assigned to Committee I/2. Chapter X of the Dumbarton Oaks Proposals was the agenda of the Committee.

The Dumbarton Oaks text had suggested that there should be a Secretary-General, who was to be elected by the General Assembly upon the recommendation of the Security Council. The sponsoring Governments proposed an amendment providing that there should be four Deputy Secretaries-General elected in the same way. However, Committee I/2 did not adopt this amendment.

The Committee accepted the Dumbarton Oaks recommendations: (1) that the Secretary-General should be the chief administrative officer; (2) that the Secretary-General should act in that capacity in all meetings of the General Assembly and the Councils; (3) that he should make an annual report to the General Assembly on the work of the Organization. After considerable discussion the Committee also agreed to the Dumbarton Oaks suggestion that the Secretary-General might bring to the attention of the Security Council any matter which in his opinion might threaten international peace and security.

The Committee recommended that the Secretariat should be truly international in character; that the members of the staff should not receive instructions from any governments and the Members of the United Nations should not seek to influence the members of the staff. It further recommended that the paramount consideration in the employment of the staff should be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

13. LEGAL PROBLEMS

Committee IV/2 was assigned the task of drafting provisions regarding such legal matters as the judicial status of the United Nations, the privileges and immunities of the United Nations, registration of treaties, treaty obligations inconsistent with the Charter and interpretation of the Charter.

The Committee recommended that the United Nations should enjoy in the territory of each Member such legal capacity as might be necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the United Nations should enjoy such privileges and immunities as were necessary for the independent exercise of their functions.

It recommended that every treaty and every international agreement should be registered with the Secretariat and published by it and that no party to any such treaty or agreement which had not been registered might invoke that treaty or agreement before any organ of the United Nations.

It further recommended that in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreements, their obligations under the Charter should prevail.

As to the question, how and by what organ or organs the Charter should be interpreted, the Committee decided that it would be neither necessary nor desirable to make any explicit provision in the Charter. It made the following statement for the record:

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