United Nations
CONERENCE
ON
TRADE AND EMPLOYMENT

Nations Unies
CONFERENCE
DU
COMMERCE ET DE L'EMPLOI

SIXTH COMMITTEE: ORGANIZATION

TEXTS OF PARAGRAPHS 1, 2 AND 3 OF ARTICLE 68 (MEMBERSHIP), ARTICLE 76 (VOTING IN THE EXECUTIVE BOARD), ARTICLE 77 (SESSONS, PROCEDURE AND OFFICERS OF THE EXECUTIVE BOARD), ARTICLE 79 (ESTABLISHMENT AND FUNCTIONS OF THE COMMISSIONS), ARTICLE 82 (THE DIRECTOR-GENERAL), ARTICLE 84 (RELATIONS WITH OTHER ORGANIZATIONS), ARTICLE 85 (INTERNATIONAL RESPONSIBILITIES OF THE DIRECTOR-GENERAL, STAFF AND MEMBERS OF COMMISSIONS), ARTICLE 86 (INTERNATIONAL LEGAL STATUS OF THE ORGANIZATION), ARTICLE 87 (STATUS OF THE ORGANIZATION IN THE TERRITORY OF MEMBERS) AND ARTICLE 88 (CONTRIBUTIONS) AS APPROVED BY THE SIXTH COMMITTEE ON SECOND READING

Article 68

Membership

1. The original Members of the Organization shall be:
   (a) those States invited to the United Nations Conference on Trade and Employment whose Governments accept this Charter by ........... 194.. in accordance with paragraph 1 of Article 98, or, if the Charter shall not have entered into force by ........... 194., those States whose Governments agree to bring this Charter into force in accordance with the proviso to paragraph 2 of Article 98;
   (b) those separate customs territories invited to the United Nations Conference on Trade and Employment upon acceptance by ........... 194.. of the Charter on their behalf by the competent Member in accordance with paragraph 2 of Article 99, or, if this Charter shall not have entered into force by ........... 194., those separate customs territories upon acceptance of this Charter on their behalf by the competent Member in accordance with the proviso to paragraph 2 of Article 98. Should any of these customs territories have, by the time it wishes to deposit an acceptance of the Charter, become fully responsible for the formal conduct of its diplomatic relations, it shall proceed under sub-paragraph 1 (a) of this Article.

2. Any other State whose membership has been approved by the Conference shall become a Member of the Organization upon its acceptance, in /accordance with
accorded with paragraph 1 of Article 98 of this Charter, as amended up to the date of such acceptance.

3. Any separate customs territory not invited to the United Nations Conference on Trade and Employment, proposed by the competent Member having responsibility for the formal conduct of its diplomatic relations and which is autonomous in the conduct of its external commercial relations and of the other matters provided for by this Charter and whose admission is approved by the Conference shall become a Member upon acceptance of the Charter on its behalf by the competent Member in accordance with paragraph 2 of Article 99, or, in the case of a territory in respect of which the Charter has been accepted under paragraph 1 of Article 99, upon its becoming thus autonomous.

Article 76

Voting

1. Each member of the Executive Board shall have one vote.

2. Decisions of the Executive Board shall be made by a majority of the votes cast.

Article 77

Sessions, Procedure and Officers

1. The Executive Board shall adopt its own rules of procedure, including rules concerning the convening of its sessions. The rules of procedure shall be subject to confirmation by the Conference.

2. The Executive Board shall annually elect its Chairman and other officers who shall be eligible for re-election.

3. The Chairman of the Executive Board shall be entitled ex officio to participate, without the right to vote, in the deliberations of the Conference.

4. Any Member of the Organization which is not on the Executive Board shall be invited to participate in the discussion by the Board of any matter of particular and substantial concern to that Member and shall, for the purpose of such discussion, have all the rights of Members on the Board, except the right to vote.

Article 79

Establishment and Functions*

The Conference shall establish such Commissions as may be required for the performance of the functions of the Organization in accordance with the provisions of this

* The Central Drafting Committee is asked to consider whether the order of Sections D and E of the Charter should not be reversed to conform with the order in Article 70.
provisions of this Charter. The Commissions shall have such functions as the Conference may decide. Commissions shall report to the Executive Board and shall perform such tasks as the Board may assign to them. The Commissions shall consult each other as necessary for the exercise of their functions.

Article 82

The Director-General

1. The chief administrative officer of the Organization shall be the Director-General. He shall be appointed by the Conference upon the recommendation of the Executive Board. The powers, duties, conditions and term of office of the Director-General shall conform to regulations approved by the Conference. He shall be subject to the general supervision of the Executive Board.

2. The Director-General or his representative shall be entitled to participate, without the right to vote, in all meetings of the various organs of the Organization.

3. The Director-General shall present to the Conference an annual report on the work of the Organization and the annual budget estimates and the financial statements of the Organization.

Article 84

Relations with Other Organizations

1. The Organization shall be brought into relationship with the United Nations as soon as practicable as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected by agreement to be approved by the Conference. Any such agreement shall provide for effective co-operation and the avoidance of unnecessary duplication in the activities of the respective organizations.

2. The Organization shall make arrangements with other inter-governmental organizations which have related responsibilities, to provide for effective co-operation and the avoidance of unnecessary duplication in the activities of the organizations. The Organization may for this purpose arrange for joint committees, reciprocal representation at meetings and establish such other working relationships as may be necessary.

3. The Organization may make suitable arrangements for consultation and co-operation with non-governmental organizations concerned with matters within the scope of this Charter.

4. Whenever the Conference and the competent authorities of any other inter-governmental organization whose purposes and functions lie within the scope of this Charter, deem it desirable
(a) to incorporate such other inter-governmental organizations into the Organization, or
(b) to effect a transfer of all or a part only of its functions and resources to the Organization, or
(c) to bring it under the supervision or authority of the Organization,
the Director-General, subject to the approval of the Conference, may enter into an appropriate agreement. Members shall, in conformity with their international obligations, take the action necessary to give effect to any such agreement.

Article 85

International Responsibilities of the Director-General, Staff and Members of Commissions

1. The responsibilities of the Director-General and of the Staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government, or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials.
2. The provisions of paragraph 1 of this Article shall also apply to members of the Commissions provided for in Section D of this Chapter.
3. The Members shall respect the international character of the responsibilities of these persons and shall not seek to influence them in the discharge of their duties.

Article 86

International Legal Status of the Organization

The Organization shall have legal personality and shall enjoy such legal capacity as may be necessary for the exercise of its functions.

Article 87

Status of the Organization in the Territory of Members

1. The Organization shall enjoy in the territory of each of its Members such legal capacity, privileges and immunities as may be necessary for the exercise of its functions.
2. Representatives of the Members of the Organization and its officials shall similarly enjoy such privileges and immunities as may be necessary for the independent exercise of their functions in connection with the Organization.
3. When the Organization has been brought into relationship with the United Nations as provided for in Article 84, paragraph 1, of the present section, the legal
section, the legal capacity of the Organization and the privileges and
immunities provided for in the preceding paragraphs will be defined by the
General Convention on Privileges and Immunities of the Specialized Agencies
adopted by the General Assembly of the United Nations on 21 November 1947,
as completed by an annex relating to the International Trade Organization.

Article 88

Contributions

Each Member shall contribute promptly to the Organization its share
of the expenditures of the Organization as apportioned by the Conference.
A Member which is in arrears in the payment of its financial contributions
to the Organization shall have no vote in the organs of the Organization
if the amount of its arrears equals or exceeds the amount of the contributions
due from it for the preceding two full years. The Conference may,
nevertheless, permit such a Member to vote, if it is satisfied that the
failure to pay is due to conditions beyond the control of the Member.