

UNCIO - Working papers - Commissions & technical committees

- Commission II Committee II - correspondence & reports

01 May 1945
30 June 1945

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(PAGS/2.2.3)

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION
San Francisco, California, U. S. A.

Господину Евгению СТЕЙЛИ.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

II/2 Correspondence with { Executive Officers, Commission II
Delegations
Steering & Executive Committees
Other Committee & Commission Secretaries, etc
Coordination Committee

Correspondence, Andrade - Stettinius, etc., undisputed
vote at II/2 meeting on May 15, 1945

Correspondence regarding jurisdiction of Committee II/2

" " Paragraph 1, Section B, Chapter IV

Correspondence regarding Paragraph 6, Section B, Chapter V

" " Advisory Opinions from the Court

" " Paragraph 3, Section B, Chapter V

Memos on Progress of Committee II/2's work

" " Coordination

Correspondence with Delegations

Note regarding Presentation of Gavel to Chairman

Memo on Overtime

Note from Mr. Meltzer to Mr. Rothwell

II/2 Voting question

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 18, 1945

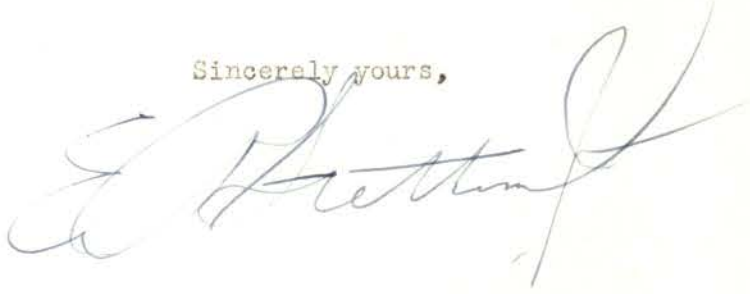
My dear Mr. Andrade:

I have received your letter of May 15th in which you request an interpretation of Section V (Voting) of the Rules of Procedure of the Conference as applied to the situation which arose during the seventh meeting of your Committee on May 15th.

Paragraph 2, Section V, of the Rules of Procedure reads as follows: "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."

It would appear from your letter that the question which you quote received a clearly negative answer from the Committee by the vote of 26 to 18. This negative answer, however, as I am sure you will appreciate, cannot be construed as constituting an approval by the Committee of the relative sentence in the Dumbarton Oaks Proposals. That sentence, which is in essence the reverse of the question on which your Committee voted, should at some point be voted on by your Committee with a view to ascertaining whether or not your Committee wishes to approve it. For approval, a vote of two-thirds of the Delegations present and voting would be necessary.

Sincerely yours,



Mr. Victor Andrade,
Chairman, Committee II/2.

May 15, 1945

The Honorable
Edward R. Stettinius, Jr.,
President, Executive Committee,
United Nations Conference
On International Organization,
San Francisco, California.

My dear Mr. President:

I have the honor to inform you that a problem involving the interpretation of Section V (Voting) of the Rules of Procedure (Doc. 177, ST/5) arose during the seventh meeting of Committee II/2 on May 15, 1945.

The following question was submitted to the vote of the Committee:

"Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?"

Sixteen votes were cast in favor of an affirmative answer to this question, and twenty-six votes in favor of a negative answer. It was thereupon suggested from the floor that the question had not been negatived because less than two-thirds of the votes had been cast in favor of a negative answer. The Chairman stated that, although a two-thirds majority was necessary in order to carry the affirmative of a question or motion, such a majority was not necessary in order to negative a question or motion. Accordingly, the Chairman ruled that the question had been negatived by the vote of the Committee.

This ruling was challenged by several delegations. I am, therefore, submitting the question which it raises to you, with a request for an interpretation of the relevant provisions of the Rules of Procedure.

Sincerely yours,


Victor Andrade

B.M.

Chairman, Committee II/2

next
meeting

R. decision on voting

✓ BM

(EP)

II/2

May 16, 1945

Mr. Staley:

The Executive Officer of the Executive and Steering Committees, Mr. Darlington, has advised me that the Chairman of the Executive Committee Mr. Edward R. Stettinius, has informed him that the Executive Committee has sustained the ruling made by the Chairman of your Committee as set forth in your letter of May 15, 1945 concerning the problem involving the interpretation of Section V (Voting) of the Rules of Procedure which arose during the meeting of Committee II/2 on May 15th.

This decision of the Executive Committee will be confirmed later in writing by the Chairman of the Executive Committee.

Huntington Gilchrist

TRADUCTION

15 mai, 1945.

A l'Honorable
M. Edward R. Stettinius, Jr.,
Président du Comité Exécutif,
Conférence des Nations Unies
San Francisco, Californie.

M. Le Président:

J'ai l'honneur de porter à votre connaissance qu'au cours de la septième séance du Comité II/2 le 15 mai, 1945, il s'est posé une question qui implique une interprétation de la Section V (Vote) des Règles de Procédure (Doc. 177, ST/5).

La question suivante avait été mise aux voix:

"L'Assemblée Générale doit-elle avoir le droit de faire, de sa propre initiative, des recommandations sur une question relative au maintien de la paix et de la sécurité internationales dont le Conseil de Sécurité s'occupe?"

Seize voix se sont prononcées en faveur d'une réponse affirmative à la question et vingt-six en faveur d'une réponse négative. L'opinion a été émise au sein du Comité que la réponse négative ne l'emportait pas car elle avait recueilli moins des deux tiers des voix. Le Président a déclaré que, quoiqu'une majorité des deux tiers fut nécessaire pour l'adoption d'une motion ou d'une réponse affirmative, cette majorité n'était pas nécessaire pour le rejet d'une motion ou l'adoption d'une réponse négative à une question. En conséquence le Président a décidé que le Comité s'était prononcé en faveur d'une réponse négative à la question posée.

Le bien-fondé de cette décision a été mise en doute par plusieurs délégations.

J'ai l'honneur, en conséquence, de vous soumettre la question en vous priant de bien vouloir me donner votre interprétation des dispositions en cause du règlement de procédure.

Veillez agréer, etc.

(Signé) VICTOR ANDRADE

Président du Comité II/2.

May 15, 1945

The Honorable
Edvard R. Stettinius, Jr.,
President, Executive Committee,
United Nations Conference
On International Organization,
San Francisco, California.

My dear Mr. President:

I have the honor to inform you that a problem involving the interpretation of Section V (Voting) of the Rules of Procedure (Doc. 177, ST/5) arose during the seventh meeting of Committee II/2 on May 15, 1945.

The following question was submitted to the vote of the Committee:

"Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?"

Sixteen votes were cast in favor of an affirmative answer to this question, and twenty-six votes in favor of a negative answer. It was thereupon suggested from the floor that the question had not been negatived because less than two-thirds of the votes had been cast in favor of a negative answer. The Chairman stated that, although a two-thirds majority was necessary in order to carry the affirmative of a question or motion, such a majority was not necessary in order to negative a question or motion. Accordingly, the Chairman ruled that the question had been negatived by the vote of the Committee.

This ruling was challenged by several delegations. I am, therefore, submitting the question which it raises to you, with a request for an interpretation of the relevant provisions of the Rules of Procedure.

Sincerely yours,

Victor Andrade

B.M.

Chairman, Committee II/2

May 16, 1945

Mr. Darlington:

I understand that in Committee II/2 informally tonight Mr. Evatt indicated that he, although a member of the Executive Committee, had not been consulted on the question of procedure as regards voting so that, of course, the Chairman of II/2 did not make any statement to the Committee on the basis of your oral communication to me. Doubtless, this position will be cleared up very shortly.

Huntington Gilchrist

cc: Executive Secretary
Mr. Staley, II/2 ✓

Item 1 *Conces. re Jurisdiction* (EP) *II/2*
ref

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION
South African Delegation

May 8, 1945

The Chairman of Committee 2 of Commission II.

Dear Chairman,

Senator Henri Rolin, President of the First Commission, has suggested to me that it might be preferable to ask Committee 2 of Commission I to consider questions of the conditions under which a member of the Organization might have its rights a) suspended or b) restored or c) might be expelled, in accordance with the provisions of Chapter V, B-3 of the Dumbarton Oaks Proposals on these points. In order to carry out this suggestion it would be necessary to transfer these points from Committee 2 of Commission II to which they have been allocated under the memorandum on the organization of the conference and the program supplementary thereto which was reviewed by the meeting of the officers of Commission II and its Committees on May 3, 1945. Senator Rolin agrees that questions of procedure in relation to these points should in any case remain allocated to Committee 2 of Commission II.

Would you be good enough to bring this matter to the attention of your Committee and advise me of its views. Senator Rolin informs me that Committee 2 of Commission I has already agreed to his suggestion in the matter.

Strictly speaking, this question should perhaps be finally dealt with in Plenary Session but if those directly concerned are in agreement I believe the position might simply be reported to the Steering Committee for its information and for such action, if any, as it might feel called upon to take.

Yours very sincerely,

J. C. Smuts

J. C. Smuts,
President, Commission II.

May 11, 1945

Field Marshal J. C. Smuts
President of Commission II
Fairmont Hotel
San Francisco, Calif.

My dear Field Marshal Smuts:

In answer to your letter of May 8, 1945, I have the honor to inform you that Committee II/2 at its fourth meeting on May 10 took the following action:

"The Chairman reported that Field Marshal Smuts, President of Commission II, had been asked by the President of Commission I whether Committee I/2 should be asked to consider questions of the conditions under which a member of the Organization might have its rights (a) suspended, or (b) restored, or (c) might be expelled, in accordance with the provisions of the Dumbarton Oaks Proposals, Ch. V, Sec. B, para. 3. This proposal would involve transferring these points from the terms of reference of Committee II/2 to those of Committee I/2. Questions of procedure on these points (a), (b) and (c) would remain allocated to Committee II/2.

Decision: The re-allocation was agreed to."

Very sincerely yours,

Victor Andrade
Chairman, Committee II/2

ES:EKG

May 15, 1945

Senator Henri Rolin
President of Commission I
Fairmont Hotel, Room 394

My dear Senator Rolin:

In reference to previous correspondence concerning jurisdiction on certain points as between Committee II/2 and Committee I/2, I have the honor to forward to you herewith a copy of a letter dated May 11, 1945 which I have received from the Chairman of Committee II/2.

I believe this is along the lines that you desired.

Very sincerely yours,

J. C. Smuts,
President, Commission II.

HG :hh

May 17, 1945

Mr. B. J. Fourie
South African Delegation
Fairmont Hotel, Room 622

Dear Mr. Fourie:

Attached hereto is a letter which Field Marshal Smuts might like to send to Senator Rolin if he agrees with its contents.

The note by Senator Rolin will now be circulated to Committees II/1 and II/2 with the explanatory statement contained on the slip enclosed with this letter. I imagine that this will be satisfactory to the Field Marshal.

Yours sincerely,

Huntington Gilchrist,
Executive Officer, Commission II.

BELGIAN DELEGATION

NOTE BY MR. ROLIN, CHAIRMAN OF COMMISSION I,
ON THE METHOD TO BE FOLLOWED FOR THE ELUCIDATION IN THE
CHARTER OF THE QUESTIONS IMPLIED IN THE PROBLEM OF
MEMBERSHIP AND THE DIVISION OF WORK BETWEEN THE TWO
COMMISSIONS.

(This note was submitted to Field Marshal Smuts, President
of Commission II, by Senator Rolin and is being circulated
at the suggestion of Field Marshal Smuts to Committees II/1
and II/2 for their information and consideration)

May 17, 1945

Senator Henri Rolin
President of Commission I
Fairmont Hotel, Room 394

Dear Senator:

Thank you for your letter of May 12th with which you kindly enclosed a copy of your note on the "Method to be Followed for the Elucidation in the Charter of the Questions Implied in the Problem of Membership and the Division of Work Between the Two Commissions".

Your note makes further suggestions in regard to the questions concerning certain of the Committees of Commissions I and II which have been dealt with in previous correspondence between us. It seems to me that it would be appropriate to circulate copies of your note to the Committees concerned. I am suggesting that this be done in the case of Committees II/1 and II/2 on the assumption that you will take further steps as regards Committee I/2.

As I understand it, questions requiring action by the Coordination Committee will normally be taken up by it on the basis of the decisions reached in the Technical Committees and I do not think it is therefore necessary to take this matter before the Coordination Committee in a special way at this time.

Yours very sincerely,

J. C. Smuts,
President, Commission II.

cc: Mr. Brown
Mr. Staley
Mr. M. Davis

- Bring up to
Subcom A?

Comes re jurisdiction

Ecuador amend

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 16, 1945

MEMORANDUM

From: Committee III/2, Leland M. Goodrich, Secretary

To: Committee II/2, Eugene Staley, Secretary

Committee III/2, at its meeting on May 16, had under consideration the following amendment proposed by the Government of Ecuador for insertion after paragraph 3, Chapter VIII, Section A:

"The General Assembly shall approve by the affirmative vote of a two-thirds of its members a Statute providing for the establishment of continental or regional commissions charged with promoting and obtaining through the procedure of conciliation, a settlement of the differences or controversies of a political nature which might arise between the States belonging to the respective continents or regions. The General Assembly shall coordinate, as well, the provisions of this Statute with those contained in the agreements or treaties of conciliation existing among the members of the General Organization. This Statute will have binding force as soon as it is ratified, according to their respective constitutional procedures, by two-thirds of the Members of the General Organization."

The Committee decided to refer to Committee II/2 the proposals of the Government of Ecuador insofar as they relate to the powers of the General Assembly, retaining for its own consideration the question of inserting in Section A a suitable reference to the use of procedures for peaceful settlement under regional arrangements.

Leland M. Goodrich

- This was listed on p. 6
of annex 1

May 23, 1945

MEMORANDUM FOR THE EXECUTIVE SECRETARY

Attached hereto is a proposed exchange of letters between the Chairman of Committee II/2 and the Chairman of the Steering Committee of the Conference in regard to a question of jurisdiction of Committee II/2 over the question of revision of treaties.

The provision as set forth in this exchange of letters seems clear and could ordinarily be handled by the Executive Officers and Secretaries of Committees concerned. In this case, however, the Chairman of Committee II/2 feels that he would have difficulty in persuading some of the members of his committee that this view is correct on account of information which they have had (erroneous though it is) on action taken in other Committees. The Chairman of Committee II/2 would, therefore, like to have a letter from the Chairman of the Steering Committee along the lines here suggested.

On the assumption that this exchange of letters is not open to objection, the signature of the Chairman of Committee II/2 will be obtained ~~earlier~~ on Thursday and the original of this letter forwarded to you promptly. The reply along the lines suggested from Mr. Stettinius or his substitute might then be returned to the Chairman of Committee II/2 through this office and the Secretary of the Committee .

Huntington Gilchrist

cc: Mr. Staley

Smuts letter

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 11, 1945

TO: Mr. Huntington Gilchrist
FROM: Eugene Staley

Attached is a copy of the reply
which I have prepared for the Chair-
man of Committee II/2 to the letter
from Field Marshal Smuts. I shall
get this signed by the Chairman at
the next opportunity and mail it.

Eugene Staley

Attachment

ES:EKG

May 11, 1945

Field Marshal J. G. Smuts
President of Commission II
Fairmont Hotel
San Francisco, Calif.

My dear Field Marshal Smuts:

In answer to your letter of May 8, 1945, I have the honor to inform you that Committee II/2 at its fourth meeting on May 10 took the following action:

"The Chairman reported that Field Marshal Smuts, President of Commission II, had been asked by the President of Commission I whether Committee I/2 should be asked to consider questions of the conditions under which a member of the Organization might have its rights (a) suspended, or (b) restored, or (c) might be expelled, in accordance with the provisions of the Dumbarton Oaks Proposals, Ch. V, Sec. B, para. 3. This proposal would involve transferring these points from the terms of reference of Committee II/2 to those of Committee I/2. Questions of procedure on these points (a), (b) and (c) would remain allocated to Committee II/2.

Decision: The re-allocation was agreed to."

Very sincerely yours,


Victor Andrade
Chairman, Committee II/2

ES:EKG

C O P Y

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

South African Delegation

May 8, 1945

The Chairman of Committee 2 of Commission II.

Dear Chairman,

Senator Henri Rolin, President of the First Commission, has suggested to me that it might be preferable to ask Committee 2 of Commission I to consider questions of the conditions under which a member of the Organization might have its rights a) suspended or b) restored or c) might be expelled, in accordance with the provisions of Chapter V, B-3 of the Dumbarton Oaks Proposals on these points. In order to carry out this suggestion it would be necessary to transfer these points from Committee 2 of Commission II to which they have been allocated under the memorandum on the organization of the conference and the program supplementary thereto which was reviewed by the meeting of the officers of Commission II and its Committees on May 3, 1945. Senator Rolin agrees that questions of procedure in relation to these points should in any case remain allocated to Committee 2 of Commission II.

Would you be good enough to bring this matter to the attention of your Committee and advise me of its views. Senator Rolin informs me that Committee 2 of Commission I has already agreed to his suggestion in the matter.

Strictly speaking, this question should perhaps be finally dealt with in Plenary Session but if those directly concerned are in agreement I believe the position might simply be reported to the Steering Committee for its information and for such action, if any, as it might feel called upon to take.

Yours very sincerely,

/s/ J. C. Smuts

J. C. Smuts,
President, Commission II.

San Francisco, California

May 5, 1945

Dear Field Marshal:

I feel I ought to confirm our conversation of this morning about the distribution of matters between First Commission (2nd Committee) and Second Commission (Second Committee).

We both agreed that principles of conditions of admission, suspension or withdrawal of members of the organization, which are included in Chapter V of the Dumbarton Oaks Proposals ought to be discussed in First Commission (Second Committee), while matters of competence or voting would remain before your Second Commission (2nd Committee).

You however pointed out that you would have to consult about it the members of the Second Commission. I even wonder if final decision in this matter of interpretation of modification of the terms of reference ought not to be taken by the Steering Committee. But I think you will share my view that if we want to proceed with our work we should not be too formalist.

I therefore suggest:

(1) That I instruct the President of Second Committee of First Commission, meeting this afternoon, to consult his committee about the questions to be included in the subject membership, and that in case of agreement he consider the subject under consideration before his committee as having to be understood as indicated above.

(2) That you do the same with regard to Second Committee of Second Commission.

(3) That in case of concurring decisions we both inform the president of the Steering Committee of our temporary decision, leaving to him the question of possible regularization.

Yours very sincerely,

Field Marshal Smuts,

President of Second Commission.

May 6, 1945 *W. Staley*

Question of Jurisdiction of Committees I/2, II/1, and II/2
Concerning Membership, Suspension, Expulsion of Members, etc.

The table below indicates the allocation of subjects provided for (1) under the terms of reference approved in plenary session, supplemented by the terms reviewed by the meeting of officers of Commission II and its Committees, on May 3, 1945, and (2) as apparently intended by the Presidents of Commissions I and II in their two different letters of May 5, 1945:

	<u>Present Allocation</u>	<u>Rolin-Smuts Proposal</u>	<u>Solution ?</u>
(Membership Chap. III, 1	I/2	I/2	I/2)
Admission Conditions Procedure Chap. V, B, 2	II/1 II/1	I/2 ?	I/2 II/1
Suspension Chap. V, B, 3	II/2	I/2	II/2
Expulsion Chap. V, B, 3	II/2	?	II/2
Restoration Chap. V, B, 3	II/2	?	II/2
(Withdrawal (no provision)	-	I/2	-)
Voting and Competence Chap. V, B, 1, etc. C	II/1, 2, 3	II/1, 2, 3	II/1, 2, 3

It will be noted that the questions of jurisdiction raised by Mr. Rolin and Field Marshall Smuts concerned Committee II/2 as well as Committee II/1.

The allocation reviewed by the meeting of the officers of Commission II and its Committees (column 1 above) was supported in the meeting of Committee II/1 by the French delegate, Mr. Bonnet, as well as by the Chairman. The Chairman of Committee II/2 has not been consulted on this situation as the matter has not been officially referred to that Committee.

The Dumbarton Oaks Proposals do not provide for any "withdrawal" of members. "Membership" and "restoration" are mentioned in brackets in the table as it would seem appropriate to consider these points in connection with this whole situation.

The allocation reviewed by the meeting of the officers of Commission II and its Committees would divide the work more evenly between Committees I/2 and II/1 than the allocation suggested by Mr. Rolin.

It might seem logical to adopt Mr. Rolin's proposal that "principles of conditions of admission" be referred to Committee I/2 and that "procedure concerning admission" be left with Committee II/1. Perhaps it would be less confusing to leave the rest of the present allocation as it stands.

Paragraph 1, B, V *Venezuela*
amend
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 29, 1945

TO: Eugene Staley, Secretary of Committee II/2

FROM: Elizabeth H. Armstrong, Secretary of Committee I/2 *OK*

SUBJECT: Reference of Proposal to Committee II/2 by
Committee I/2

May I call to your attention a decision made by a Subcommittee of Committee I/2 to refer to Committee II/2 the following matter:

[The Special Subcommittee of Committee I/2 on the Secretariat considered a proposed amendment to paragraph 3, Chapter X submitted by the delegation of Venezuela extending the right of the Secretary-General to bring any matter which in his opinion might threaten international peace and security to the attention of the Security Council and/or to the General Assembly.

It was agreed by the Subcommittee that since Committee II/2 was concerned with the relations of the Security Council and the General Assembly, this amendment would properly come within its terms of reference.]

Sincerely,

Elizabeth H. Armstrong
Elizabeth H. Armstrong

June 12, 1945

MEMORANDUM TO: Mr. Victor Andrade, Chairman, Committee II/2
FROM: Eugene Staley, Secretary, Committee II/2

On June 12 the Coordination Committee referred back to Committee II/2 for clarification the last sentence of Chapter V, Section B, paragraph 1, as approved by Committee II/2 on May 29 (Doc. 686, II/2/34, May 30, 1945). This sentence and the one preceding it read

" While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General should be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters".

or the members of the Organization if the Assembly is not in session

Two types of notification are involved: the first, when the Security Council is dealing with a matter; the second, when the Security Council ceases to deal with a matter. Discussion in the Coordination Committee raised a number of questions, especially in relation to the second type of notification. These may be summarized as follows:

1. Does the Committee intend "with the consent of the Security Council" to apply also to notifications of the second type?

2. Does the Committee intend that the words "at each session" should also apply to notifications of the second type? Or is it the intention that the Members of the Assembly (or of the Organization?) shall be notified when the Assembly is not in session?

In answering this second question, certain subsidiary questions would seem to arise:

- (a) How is the word "immediately" to be interpreted, especially between sessions?
- (b) Does a General Assembly exist when the Assembly is not actually in session?
- (c) Another question that may be raised by the answer given to those above is whether the requirements established in Chapter V, Section B, paragraph 1, are consistent with the decisions of Committee II/1 regarding Chapter V, Section D, paragraph 2, which provided that the General Assembly should elect its own President for each session and that he should not hold office between sessions.

Documentation

The text of the paragraph in question appears as a redraft submitted by the four Sponsoring Powers and France on May 15 (summary of seventh meeting, Doc. 354, II/2/15, May 16, Pages 1 and 2). The question of principle involved was reported by Subcommittee A in Doc. 235, II/2/A/1, May 11, question No. 2. This question of principle was approved by 28 votes to 0 at the eighth meeting of Committee II/2 on May 16 (Doc. 392, II/2/17, May 18). Redrafted text was submitted by Subcommittee B in Doc. 601, II/2/B/4, May 26, and was approved by Committee II/2 at its 15th meeting on May 29 (Doc. 686, II/2/34, May 30).

Le 12 juin 1945

MEMORANDUM A : Monsieur Victor Andrade
Président du Comité II/2

*Revised
- to check*

DE : Eugène Staley
Secrétaire du Comité II/2

Le 12 juin, le Comité du Coordination a renvoyé au Comité II/2 pour éclaircissements, la dernière phrase du paragraphe 1 de la Section B du Chapitre V, approuvé par le Comité II/2 à sa séance du 29 mai (Doc. 686, II/2/34, 30 mai 1945) Cette phrase et celle qui la précède sont ainsi conçues "Tant que le Conseil de Sécurité accomplit, à propos d'un différend ou d'une situation quelconque, la mission qui lui est assignée en vertu de la présente Charte, l'Assemblée Générale ne fera aucune recommandation concernant ce différend ou cette situation à moins d'y être invitée par le Conseil de Sécurité. Le Secrétaire Général devra porter à la connaissance de l'Assemblée Générale, lors de chaque session, avec l'assentiment du Conseil de Sécurité, les questions relatives au maintien de la paix ou de la sécurité internationales, dont le Conseil de Sécurité serait en train de s'occuper; il avisera également l'Assemblée Générale, dès que le Conseil de Sécurité aura cessé de s'occuper de ces questions."

Il y a deux genres de notifications dans ce texte: la première: lorsque le Conseil de Sécurité s'occupe d'une question; la deuxième, quand le Conseil de Sécurité cesse de s'occuper d'une question. La discussion du Comité de

Coordination a soulevé plusieurs questions, surtout en ce qui concerne le second genre de notification. Voici ^{un} ~~le~~ résumé *des questions qui se posent :*

1. Dans l'intention du Comité la phrase "avec l'assentiment du Conseil de Sécurité" s'applique-t-elle ^{aussi} aux notifications du deuxième genre?

2. Le Comité désire-t-il que les mots "lors de chaque session" s'appliquent aux notifications du deuxième genre? ^{ou} son intention est-elle que les membres de l'Assemblée (ou de l'Organisation) soient avisés quand l'Assemblée ne siège pas? *Certaines sous-questions qui doit être considérées en donnant réponse à question 2:*

(a) Quelle est l'interprétation des mots "dès que", surtout dans l'intervalle des sessions?

(b) Une Assemblée Générale existe-t-elle quand l'Assemblée ne siège pas?

(c) Une autre question qui risque d'être soulevée par les réponses données aux questions précédentes est de savoir si les conditions fixées du Chapitre V, Section B, paragraphe 1, sont compatibles avec les décisions du Comité II/1, relatives au Chapitre V, Section D, paragraphe 2, qui stipulent que l'Assemblée Générale élira son propre président pour chaque session, et que le Président ne restera pas en fonction dans l'intervalle des sessions de l'Assemblée.

DOCUMENTATION

Le texte du paragraphe en question est une nouvelle rédaction proposée par les quatre puissances invitantes et la France le 15 mai (Compte-rendu de la septième séance, Doc. 354, II/2/15, 16 mai, pages 1 et 2). La question de principe a été mentionnée dans le rapport du Sous-comité A, Doc. 235, II/2/A (1), 11 mai, question no 2. Cette question de principe fut approuvée par 28 voix contre 0 à la huitième séance du Comité II/2 du 16 mai (Doc. 392, II/2/17, 18 mai). La nouvelle rédaction du texte fut soumise par le Sous-comité B dans le document 601 II/2/B (4), 26 mai, et approuvée par le Comité II/2 à sa quinzième séance, le 29 mai (Doc. 686, II/2/34, 30 mai).

May 29, 1945

To: Executive Committee

Subject: Approval of Paragraph 1, Section B, Chapter V
by Committee II/2

This will inform you that Committee 2 of Commission II on May 29 completed the consideration of and approved Paragraph 1 of Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

Section B. Functions and Powers

1. The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph 2(b) of this section, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.

2. In particular, and without limiting the generality of the preceding paragraph, -1- The, the General Assembly should have the right:

(a) to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations to the governments or to the Security Council on such principles; and

(b) to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own

initiative make recommendations on any matter-relating-to the-maintenance of international peace and security-which is being dealt with by the Security Council. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.

2. The paragraph as now approved by the Committee reads as follows:

1. The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph 2(b) of this section, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.

2. In particular, and without limiting the generality of the preceding paragraph, the General Assembly should have the right:

(a) to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations to the governments or to the Security Council on such principles; and

(b) to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.

3. This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 12, 1945

MEMORANDUM TO: Mr. Victor Andrade, Chairman, Committee II/2
FROM: Eugene Staley, Secretary, Committee II/2

On June 12 the Coordination Committee referred back to Committee II/2 for clarification the last sentence of Chapter V, Section B, paragraph 1, as approved by Committee II/2 on May 29 (Doc. 686, II/2/34, May 30, 1945). This sentence and the one preceding it read

" While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General should be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters".

Two types of notification are involved: the first, when the Security Council is dealing with a matter; the second, when the Security Council ceases to deal with a matter. Discussion in the Coordination Committee raised a number of questions, especially in relation to the second type of notification. These may be summarized as follows:

1. Does the Committee intend "with the consent of the Security Council" to apply also to notifications of the second type?

2. Does the Committee intend that the words "at each session" should also apply to notifications of the second type? Or is it the intention that the Members of the Assembly (or of the Organization?) shall be notified when the Assembly is not in session?

In answering this second question, certain subsidiary questions would seem to arise:

- (a) How is the word "immediately" to be interpreted, especially between sessions?
- (b) Does a General Assembly exist when the Assembly is not actually in session?
- (c) Another question that may be raised by the answer given to those above is whether the requirements established in Chapter V, Section B, paragraph 1, are consistent with the decisions of Committee II/1 regarding Chapter V, Section D, paragraph 2, which provided that the General Assembly should elect its own President for each session and that he should not hold office between sessions.

Documentation

The text of the paragraph in question appears as a redraft submitted by the four Sponsoring Powers and France on May 15 (summary of seventh meeting, Doc. 354, II/2/15, May 16, Pages 1 and 2). The question of principle involved was reported by Subcommittee A in Doc. 235, II/2/A/1, May 11, question No. 2. This question of principle was approved by 28 votes to 0 at the eighth meeting of Committee II/2 on May 16 (Doc. 392, II/2/17, May 18). Redrafted text was submitted by Subcommittee B in Doc. 601, II/2/B/4, May 26, and was approved by Committee II/2 at its 15th meeting on May 29 (Doc. 686, II/2/34, May 30).

Le 12 juin 1945.

MEMORANDUM A : Monsieur Victor Andrade
Président du Comité II/2

DE : Eugène Staley
Secrétaire du Comité II/2

Le 12 juin, le Comité du Coordination a renvoyé au Comité II/2 pour éclaircissements, la dernière phrase du paragraphe 1 de la Section B du Chapitre V, approuvé par le Comité II/2 à sa séance du 29 mai (Doc. 686, II/2/34, 30 mai 1945) Cette phrase et celle qui la précède sont ainsi conçues "Tant que le Conseil de Sécurité accomplit, à propos d'un différend ou d'une situation quelconque, la mission qui lui est assignée en vertu de la présente Charte, l'Assemblée Générale ne fera aucune recommandation concernant ce différend ou cette situation à moins d'y être invitée par le Conseil de Sécurité. Le Secrétaire Général devra porter à la connaissance de l'Assemblée Générale, lors de chaque session, avec l'assentiment du Conseil de Sécurité, les questions relatives au maintien de la paix ou de la sécurité internationales, dont le Conseil de Sécurité serait en train de s'occuper; il avisera également l'Assemblée Générale, dès que le Conseil de Sécurité aura cessé de s'occuper de ces questions."

Il y a deux genres de notifications dans ce texte: la première: lorsque le Conseil de Sécurité s'occupe d'une question; la deuxième, quand le Conseil de Sécurité cesse de s'occuper d'une question. La discussion du Comité de

Coordination a soulevé plusieurs questions surtout en ce qui concerne le second genre de notification. Voici ^{un} ~~le~~ résumé ~~de la discussion~~ *des questions qui se posent :*

1. Dans l'intention du Comité la phrase "avec l'assentiment du Conseil de Sécurité" s'applique-t-elle aux notifications du deuxième genre?

2. Le Comité désire-t-il que les mots "lors de chaque session" s'appliquent aux notifications du deuxième genre? *ou* son intention est-elle que les membres de l'Assemblée (ou de l'Organisation) soient avisés quand l'Assemblée ne siège pas? *P. Certains ^{sans} notifications semblent se passer en relation à la réponse à cette question.*

(a) Quelle est l'interprétation des mots "dès que", surtout dans l'intervalle des sessions?

(b) Une Assemblée Générale existe-t-elle quand l'Assemblée ne siège pas?

(c) Une autre question qui risque d'être soulevée par les réponses données aux questions précédentes est de savoir si les conditions fixées du Chapitre V, Section B, paragraphe 1, sont compatibles avec les décisions du Comité II/1, relatives au Chapitre V, Section D, paragraphe 2, qui stipulent que l'Assemblée Générale élira son propre président pour chaque session, et que le Président ne restera pas en fonction dans l'intervalle des sessions de l'Assemblée.

DOCUMENTATION

Le texte du paragraphe en question est une nouvelle rédaction proposée par les quatre puissances invitantes et la France le 15 mai (Compte-rendu de la septième séance, Doc. 354, II/2/15, 16 mai, pages 1 et 2). La question de principe a été mentionnée dans le rapport du Sous-comité A, Doc. 235, II/2/A (1), 11 mai, question no 2. Cette question de principe fut approuvée par 28 voix contre 0 à la huitième séance du Comité II/2 du 16 mai (Doc. 392, II/2/17, 18 mai). La nouvelle rédaction du texte fut soumise par le Sous-comité B dans le document 601 II/2/B (4), 26 mai, et approuvée par le Comité II/2 à sa quinzième séance, le 29 mai (Doc. 686, II/2/34, 30 mai).

Paragraph 3, B, V Res' ration
Expulsion

org of work

May 22, 1945

TO: Mr. Eugene Staley
Secretary of Committee II/2

FROM: William A. Brown
Secretary of Committee II/1

I. Restoration of Voting Rights

At its meeting of May 21, Committee II/1 discussed the question of including the restoration of voting rights among the important questions to be decided by the General Assembly by a two-thirds majority.

According to Chapter V, Section B, paragraph 3 the authority to restore the rights of suspended members is assigned to the Security Council, but Committee II/1 understands that the question of whether the Assembly may share in this power is under discussion in Committee II/2. Should the Assembly be given such power, Committee II/2 wishes to consider including restoration of rights in Chapter V, Section C, paragraph 2.

I am instructed to refer this matter to you with a statement of the discussion begun in Committee II/1 on restoration of rights. This is summarized in the minutes of the Ninth Meeting of Committee II/2 (Doc. 494).

II. Expulsion

Committee II/1 has not approved the inclusion of expulsion of members among the questions requiring a special majority vote in the Assembly mentioned in Chapter V, Section C, paragraph 2. Many members of the Committee advocate the elimination of all references to expulsion from Chapter V, or the elimination of this matter from the list of important questions.

May 30, 1945 - Committee II/2

read

SUSPENSION; RESTORATION OF RIGHTS, AND EXPULSION

At its fourth meeting, Committee II/2 agreed that Committee I/2 should be asked to consider questions of the conditions under which a member of the Organization might have its rights (a) suspended, or (b) restored, or (c) might be expelled. Questions of procedure on these points would be considered by Committee II/2.

Committee I/2 has taken the following action:

At its thirteenth meeting on May 25, Committee I/2 voted 19 to 16 to include in the Charter a reference to expulsion. The Chairman ruled that the motion, having failed of a two-thirds majority, had not carried, and that the Committee had therefore rejected the idea of expulsion in the Charter. It is understood that a question regarding this interpretation of the vote is being raised before the Executive Committee.

Committee I/2 then accepted by a vote of 25 to 2 the following text to replace the provision for suspension and restoration of rights in Chapter V, Section B, paragraph 3:

"The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para. ..."

It is to be noted that the action of Committee I/2 says that "The Organization" may suspend. This leaves open the question of which organ or organs of the Organization should have the power to suspend. Similarly, the procedure for restoration of rights is left open. These problems are left for decision by Committee II/2.

Committee II/1, which deals with structure and procedures of the General Assembly, has recommended that among

the questions to be decided in the Assembly by a two-thirds majority should be: "Suspension of the exercise of the rights and privileges of members".

revised
The question of adding to the list of important questions the restoration of the rights of members was raised in the Committee. It was urged by several members that the restoration and suspension of rights were closely related questions and should be dealt with by the Assembly in the same manner. On the other hand, it was pointed out that in the Dumbarton Oaks Proposals only the Security Council has the right to restore the rights of members. Before the discussion of this point was fully developed this question was also referred to Committee II/2. In the event that the Assembly is given authority in this matter it will be taken up again by Committee II/1.

Committee I/2 postponed consideration of the voting majority to be required in connection with expulsion pending final recommendations on the general question of expulsion.

para 3

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June 20, 1945

To: Executive Committee

Subject: Approval of Paragraph 3, Section B, Chapter V,
by Committee II/2

This will inform you that Committee 2 of Commission II on June 20 completed the consideration of and approved Paragraph 3 of Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

Section B. Functions and Powers

3. The General Assembly should, upon recommendation of the Security Council, be empowered to may at any time suspend from the exercise of any the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the these rights and privileges thus suspended may be restored ^{by} decision of the Security Council.

4. the General Assembly should be empowered, upon recommendation of the Security Council, to may expel from the Organization any member of the Organisation which persistently violates the principles contained in the Charter.

2. The paragraph as now approved by the Committee reads as follows:

3. The General Assembly, upon recommendation of the Security Council, may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of these rights and privileges may be restored by decision of the Security Council.

4. The General Assembly, upon recommendation of the Security Council, may expel from the Organization any member which persistently violates the principles contained in the Charter.

3. This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

June 18, 1945

To: Secretary, Committee II/2

From: Secretary, Committee I/2 *W*

Committee I/2 at its twenty-ninth meeting on June 17 adopted the following text on suspension, restoration and expulsion:

"3. The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para ...

"4. The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter."

Alfred N. Arnushon
Secretary, Committee I/2 ✓

June 18, 1945

To: Secretary, Committee II/2
From: Secretary, Committee I/2

Committee I/2 at its twenty-ninth meeting on June 17 adopted the following text on suspension, restoration and expulsion:

"3. The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para ...

"4. The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter."

Mr. Eugene Staley

-2-

Committee ^{II/1}~~I/2~~ suspended discussion of this question until it learns what action will be taken by your Committee on the question of expulsion.) ^{su I/2}

Will you please advise me as soon as this question has been dealt with in your Committee, so that Committee I/2 may resume its discussion of Chapter V, Section C.

Paragraph 6, B, V

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 15, 1945

MEMORANDUM

TO: Secretary, Committee II/2

FROM: Executive Officer, Commission II

To bring about coordination, it is suggested that when Committee II/2 reports to Commission II on Paragraph 6, Section B, Chapter V the words "educational and health" be inserted after the word "cultural" so that the phrase will read "in the political, economic, social, cultural, educational and health fields,". This text is the text of this phrase as approved by Committee II/3 on May 25, 1945. The change thus made in the text as approved by Committee II/2 on June 7, 1945 might be explained ~~in a separate~~ at the appropriate place in the report of the Rapporteur if he is agreeable to this.

There are two other purely drafting differences between the texts as approved by Committee II/3 and Committee II/2 but these are points which do not involve substance and will no doubt be taken care of by the Coordination Committee.

Huntington Gilchrist

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION


M E M O R A N D U M

June 15, 1945

To: Secretary, Committee II/2
From: Secretary, Committee III/1
Subject: CHAPTER V, SECTION B, PARAGRAPH 8

Reference is made to the memorandum from the Secretary of Committee II/2 to the Secretary of Committee III/1, dated June 13, 1945, indicating the text of Chapter V, Section B, Paragraph 8, together with an interpretation with respect to the said text, which were adopted at the meeting of Committee II/2 on June 13.

This is to inform you that at the meeting of Committee III/1, held at 8:30 p.m. on June 14, 1945, both the said text and interpretation were approved by Committee III/1.


Paul G. Pennoyer
Secretary, Committee III/1

para 6

June 16, 1945

MEMORANDUM

TO: Mr. Charles Darlington, Secretary,
Coordination Committee

FROM: Mr. Eugene Staley,
Committee II/2

Committee II/2 at its twenty-third meeting on June 16, 1945, concurred with Committee II/3 in the addition of the words "educational and health" after the word "cultural" in the first sentence of Chapter V, Section B, paragraph 6. This was on the understanding that no substantive change is involved in the subsequent portions of the paragraph as already transmitted by Committee II/2 and that the Coordination Committee would make the drafting changes necessary to harmonize the texts approved by the two Committees.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 25, 1945

Honorable Victor Andrade, Chairman,
Committee II/2,
United Nations Conference on
International Organization.

My dear Mr. Chairman:

It has come to my attention that Committee II/2 has hesitated to proceed with the discussion of proposals regarding the reconsideration or revision of treaties which have been advanced by various governments in connection with Chapter V, Section B, paragraph 6, fearing a possible conflict with the jurisdiction of Committee 2 of Commission IV.

Upon inquiry I learned that Committee IV/2 at its meeting on May 21 voted that it should not deal with the subject of reconsideration or revision of treaties unless and until it were asked by the Steering Committee to consider some particular aspect of this problem. The view was expressed by a number of delegates that the question should properly be dealt with by Committee II/2.

So far as Commission IV is concerned, your committee will, therefore, be fully justified in proceeding to discuss and to take decisions on all questions relating to proposals for including something on reconsideration or revision of treaties in the Charter.

Sincerely yours,

President, Commission IV

Parra-Pérez

To initial file - Haley

June 7, 1945

TO: Executive Committee

SUBJECT: Approval of Paragraph 6, Section B, Chapter V
by Committee II/2

This will inform you that Committee 2 of Commission II on June 7 completed the consideration and approved Paragraph 6, Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, and social and cultural fields and of adjusting situations likely to impair the general welfare to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

(New paragraph to follow paragraph 6:)

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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.

II. The paragraph as now approved by the Committee reads as follows:

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights

existing

*the
educational
and health*

and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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.

III. This letter is forwarded to you in compliance with "Conference Procedure on Drafting the Final Charter" as approved by the Steering Committee on May 11, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

June 14, 1945

TO: Coordination Committee Secretariat
FROM: Eugene Staley, Committee II/2
SUBJECT: Redraft of Article 14

1. The discussion in the Coordination Committee on June 12 on Article 14 revealed that there was a misconception that Committee II/2 had rejected the amendments of Committee II/3 to Article 14.

Herewith is submitted a text which takes into account the recommendations both of Committee II/2 and II/3.

2. The text as amended by the two committees should read as follows:

The General Assembly ~~should~~ shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political, economic, and social, cultural, educational and health fields, and of adjusting situations likely to impair the general welfare assisting in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, sex and also for the encouragement of the progressive development of international law and for its codification.

3. Taking into account the suggestions of the Secretariat (WD 239, CO/49 (3)) and a drafting suggestion made by the Canadian Delegate at the meeting of Committee II/2 on June 13, the text of Article 14 might read:

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

Approved:

Secretary, Committee 2
Commission II

Executive Secretary, Commission II

Toin : fo - Transmittal, 36

June 15, 1945

TO: Charles Darlington
Secretary, Committee on Coordination

FROM: Eugene Staley
Secretary, Committee II/2

A suggestion regarding the drafting of paragraph 6 of Section B, Chapter V, was made in the course of the meeting of Committee II/2 this morning by the Canadian member, Mr. Chipman, and it was agreed that this would be passed on to the Coordination Committee. Mr. Chipman's suggestion follows:

6. The General Assembly should initiate studies and make recommendations to promote

- (a) international cooperation in political, economic, social, cultural, educational, and health fields;
- (b) the realization of human rights and basic freedoms for all without distinction of race, language, religion or sex; and
- (c) the progressive development and codification of international law.

sent 6/14
June 14, 1945

TO: Coordination Committee Secretariat
FROM: Eugene Staley, Committee II/2
SUBJECT: Redraft of Article 14

1. The discussion in the Coordination Committee on June 12 on Article 14 revealed that there was a misconception that Committee II/2 had rejected the amendments of Committee II/3 to Article 14.

Herewith is submitted a text which takes into account the recommendations both of Committee II/2 and II/3.

2. The text as amended by the two committees should read as follows:

The General Assembly ~~should~~ ^{shall} initiate studies and make recommendations for the purpose of promoting international cooperation in the political, economic, and social, cultural, educational and health fields, and of adjusting situations likely to impair the general welfare assisting in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, sex and also for the encouragement of the progressive development of international law and for its codification.

3. Taking into account the suggestions of the Secretariat (WD 239, CO/49 (3)) and a drafting suggestion made by the Canadian Delegate at the meeting of Committee II/2 on June 13, the text of Article 14 might read:

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

Approved:

Secretary, Committee 2
Commission II

Executive Secretary, Commission II

June 7, 1945.

TO: Executive Committee

SUBJECT: Approval of Paragraph 6, Section B, Chapter V
by Committee II/2

This will inform you that Committee 2 of Commission II on June 7 completed the consideration of and approved Paragraph 6, Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, and social and cultural fields and of adjusting situations likely to impair the general welfare to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

(New paragraph to follow paragraph 6:)

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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.

II. The paragraph as now approved by the Committee reads as follows:

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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.

III. This letter is forwarded to you in compliance with "Conference Procedure on Drafting the Final Charter" as approved by the Steering Committee on May 11, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

71
June 7, 1945

MEMORANDUM

TO: Charles Darlington, Secretary of the Coordination Committee

FROM: Eugene Staley, Secretary of Committee II/2

Attached you will find a copy of the amended text of Chapter V, Section B, paragraph 6, which we have just formally transmitted. The pencil marks on this copy indicate certain suggestions for revision which were made to me by the Canadian member of Committee II/2, Mr. Chipman. I promised to pass them along to you.

COMMISSION II General Assembly

Committee 2 Political and Security Functions

THIRD REPORT OF SUBCOMMITTEE II/2/B

Subcommittee II/2/B composed of the Chairman, the Rapporteur, and the Representatives of Australia, Belgium, Mexico, the United Kingdom, the Union of Soviet Socialist Republics, and the United States met to prepare a redraft of paragraph 6, Section B, Chapter V, on the basis of the amendments proposed by the four sponsoring governments and approved by Committee II/2 at its third meeting on May 9, 1945 (Doc. 203, II/2/8), and the questions relating to paragraph 6 to which Committee II/2 gave an affirmative answer at its tenth meeting on May 21 (Doc. 507, II/2/22).

The Subcommittee agreed to submit alternative redrafts to Committee II/2. This decision was taken because some members of the Committee felt that paragraph 6 should specifically state that the Assembly should be empowered to initiate studies and make recommendations for promoting the revision of international law since the Committee had voted affirmatively on this question at its tenth meeting. Other members were of the opinion that the question of revision was covered by the statement in the amendment proposed by the four sponsoring governments that the Assembly should initiate and make recommendations for the encouragement of the development of international law especially when the word "progressive" was added, as proposed in the second alternative. The first alternative was supported by five, the second alternative by three members of the Committee.

First Alternative

(Differences in wording between the alternative texts are underlined)

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human

Second Alternative

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human

First Alternative

rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the codification of international law, the encouragement of its development and the promotion of its revision."

(New paragraph to follow paragraph 6:)

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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."

Second Alternative

rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for ^(c) the encouragement of the progressive development of international law and for its codification."

(New paragraph to follow paragraph 6:)

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to 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."

May 24, 1945

MEMORANDUM

TO: The Secretary of Committee IV/2
FROM: The Secretary of Committee II/2
SUBJECT: Interpretation of the Charter

Committee II/2 at its eleventh meeting on May 23 had before it the following question of principle, which was based on a proposed amendment submitted by Belgium:

"Should the General Assembly have sovereign (exclusive) competence to interpret the provisions of the Charter?"

In the discussion the Belgian Delegate explained that the word "exclusive" did not accurately describe the intention of the amendment. The Assembly should have the original role in interpretation of the Charter, but it might, of course, consult the International Court. Several Delegates held that the Assembly and the Security Council should each interpret those parts of the Charter concerned with their respective activities, and that parts of the Charter affecting both organs would require some method of joint interpretation. It was pointed out that in some countries a parliamentary body is the final authority on constitutional questions, while in other countries, especially those with written constitutions, interpretation of the constitution is a judicial function.

The discussion having revealed that more was involved than the role of the Assembly in the process of interpreting the Charter, Committee II/2 decided to refer the whole topic to Committee IV/2 for consideration.

It was made plain that the question referred to Committee IV/2 was the whole issue of how and by

whom the Charter should be interpreted, and not merely the particular question quoted above which had opened the discussion.

A handwritten signature in blue ink, consisting of a stylized 'E' and 'S' intertwined within a circular flourish.

Eugene Staley,
Secretary, Committee II/2

para 8

June 13, 1945

To: Executive Committee

Subject: Revision and Approval of Paragraph 8, Section B,
Chapter V by Committee II/2.

1. This will inform you that Committee 2 of Commission II on June 13 completed the reconsideration of and approved paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals (which had been referred back to it by the Coordination Committee for joint consideration with Committee III/1) with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council and; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization.

2. The paragraph as now approved by the Committee reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization.

3. This letter is forwarded to you in compliance with "Conference Procedure in Drafting Final Charter" as approved by the Steering Committee on May 11, 1945.

Secretary
Committee 2, Commission II

Approved:

Executive Officer
Commission II

Transmitted file

June 13, 1945

To: Executive Committee

Subject: Revision and Approval of Paragraph 8, Section B,
Chapter V by Committee II/2.

1. This will inform you that Committee 2 of Commission II on June 13 completed the reconsideration of and approved paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals (which had been referred back to it by the Coordination Committee for joint consideration with Committee III/1) with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council and; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization.

2. The paragraph as now approved by the Committee reads as follows:

Art 15
place after Art 15
1. 8. The General Assembly ^{shall} should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has ~~adopted or applied~~ ^{taken} to maintain international peace and security.

OK decided upon or shall
OK organs
2. The General Assembly ~~should~~ ^{shall} receive and consider reports from the other ~~bodies~~ ^{organs} of the Organization. *OK*

3. This letter is forwarded to you in compliance with "Conference Procedure in Drafting Final Charter" as approved by the Steering Committee on May 11, 1945.

Secretary
Committee 2, Commission II

Approved:

Executive Officer
Commission II

COPY

June 13, 1945

To: Executive Committee

Subject: Revision and Approval of Paragraph 8, Section B,
Chapter V by Committee II/2.

1. This will inform you that Committee 2 of Commission II on June 13 completed the reconsideration of an approved paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals (which had been referred back to it by the Coordination Committee for joint consideration with Committee III/1) with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council ~~and;~~
such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization.

2. The paragraph as now approved by the Committee reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly ~~should~~ receive and consider reports from the other bodies of the Organization.

3. This letter is forwarded to you in compliance with "Conference Procedure in Drafting Final Charter" as approved by the Steering Committee on May 11, 1945.

Secretary
Committee 2, Commission II

Approved:

Executive Officer
Commission II

May 30, 1945

To: Executive Committee

Subject: Approval of Paragraph 8, Section B, Chapter V,
by Committee II/2

This will inform you that Committee 2 of Commission II on May 30 completed the consideration of and approved Paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council ~~and reports from other bodies of the Organization;~~ such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

The paragraph as now approved by the Committee reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

May 30, 1945

To: Executive Committee

Subject: Approval of Paragraph 8, Section B, Chapter V,
by Committee II/2

This will inform you that Committee 2 of Commission II on May 30 completed the consideration of and approved Paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council ~~and reports from other bodies of the Organization;~~ such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

The paragraph as now approved by the Committee reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

May 30, 1945

To: Executive Committee

Subject: Approval of Paragraph 8, Section B, Chapter V,
by Committee II/2

This will inform you that Committee 2 of Commission II on May 30 completed the consideration of and approved Paragraph 8 of Section B of Chapter V of the Dumbarton Oaks Proposals with the following changes:

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council ~~and reports from other bodies of the Organization;~~ such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

The paragraph as now approved by the Committee reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 2
Commission II

Approved:

Executive Officer
Commission II

Committee 2 Political and Security Functions

A redraft of Paragraph 8, Section B, Chapter V would appear to involve consideration of the following materials:

1. Original provision of Dumbarton Oaks.

Chapter V, Section B, Paragraph 8 of the Dumbarton Oaks Proposals reads as follows:

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

2. Questions relating to Paragraph 8, Section B, Chapter V to which Committee II/2 gave an affirmative answer:

Committee II/2 affirmed the following questions:

(1) Should the Security Council report to the Assembly on any matters concerning international peace and security with regard to which it has adopted and/or applied measures which have been deemed necessary?

(2) Should the General Assembly be empowered to receive and discuss the reports provided for in paragraph 8?

(3) Should the General Assembly be empowered to study and approve or disapprove in whole or in part the reports of the Security Council?

The affirming of this question was made subject to the limitation that the Assembly should make recommendations with respect to matters being dealt with by the Security Council.

(4) Subject to the provisions of paragraph 1, should the General Assembly be empowered to submit recommendations to the Security Council with a view to insuring the complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security?

REPORT OF SUBCOMMITTEE III/1/C--

REPORTS FROM SECURITY COUNCIL TO GENERAL ASSEMBLY

As I have already indicated at the sixth meeting of the Steering Committee on June 8, 1945, it was agreed that the proposed text of Chapter V, Section B, paragraph 8, of the Dumbarton Oaks Proposals as adopted by Committee II/2 on May 30, 1945, was referred back to that Committee for consultation by it with Committee III/1 in order that there be prepared a jointly agreed upon redraft. This paragraph, which relates to the matter of the receipt and consideration by the General Assembly of reports of the Security Council, reads as follows:

[See attached Doc. 677, May 29, 1945]

Copies of this paragraph have already been distributed to members of the Committee.

At the sixteenth meeting of Committee III/1 on June 9, 1945, as you will recall, Subcommittee III/1/C was appointed composed of Delegates of Brazil, China, France, Norway, the Union of South Africa, the Soviet Union, the United Kingdom, and the United States, to consider this question in consultation with the appropriate subcommittee of Committee II/2.

Subcommittee III/1/C met jointly with Subcommittee II/2/B in regard to this matter on June 11, 1945, and a joint report has been prepared covering the findings reached at this joint meeting. Dr. V. K. Wellington Koo was

appointed Chairman of Subcommittee III/1/C at this meeting and I will now call upon him to present the said joint report, of which you will find copies in English and French before you.

/Dr. Koo reads the report./

This report which you have just heard was considered by Committee II/2 at 10:30 a.m. this morning, June 13, and I will now read a communication received from the Secretary of that Committee addressed to the Secretary of Committee III/1 with respect thereto. (See Memorandum attached.)

The revised text of paragraph 8, Section B, Chapter V just read is therefore before Committee III/1 for approval. Copies thereof and of the interpretation in French and English will be found in each place.

Are there any comments?

(Dr. Koo indicates that he will recommend the approval of the revised texts. The Chairman can then state that unless there is any objection he will consider this revised text as approved.)

June 13, 1945

MEMORANDUM

FROM: Secretary, Committee II/2
TO: Secretary, Committee III/1
SUBJECT: Paragraph 8, Section B, Chapter V

ok (2)

At the meeting of Committee II/2 held at 10:30 a.m., June 13, the joint report of Subcommittee II/2/B and III/1/C was presented. Paragraph 8, Section B, Chapter V referred to therein was approved by Committee II/2 in the following amended form:

A "8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

"The General Assembly should receive and consider reports from the other bodies of the Organization."

An interpretation with respect to this paragraph was also accepted by the Committee, reading as follows:

"That paragraph 8 does not limit in any way the powers of the Assembly set forth in paragraphs 1 and 6, and when the General Assembly is considering reports from the Security Council it may exercise the powers of discussion and recommendation stated in those paragraphs."

consequently

June 4, 1945

To: Paul G. Pennoyer, Secretary, Committee III/1
From: Eugene Staley, Secretary, Committee II/2
Subject: Approval by Committee II/2 of Provision Relating
to Reports by Security Council to the General
Assembly

On May 30 Committee II/2 adopted the following text
as a revision of Paragraph 8, Section B, Chapter V, of
Dumbarton Oaks:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

You will observe that the first paragraph of this text describes the character of the reports which the General Assembly is to receive from the Security Council. Committee III/1 may wish to consider bringing the provisions relating to the reports to be submitted by the Security Council to the General Assembly into harmony with the text adopted by Committee II/2.

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 4
May 31, 1945

To: Paul G. Pennoyer, Secretary, Committee III/1
From: Eugene Staley, Secretary, Committee II/2
Subject: Approval by Committee II/2 of Provision Relating
to Reports by Security Council to the General
Assembly

On May 30 Committee II/2 adopted the following text as a
revision of Paragraph 8, Section B, Chapter V, of Dumbarton Oaks:

8. The General Assembly should receive and
consider annual and special reports from the
Security Council; such reports should include an
account of the measures which the Security Coun-
cil has adopted or applied to maintain interna-
tional peace and security.

Subject to the provisions of paragraph 1 of this
Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part
any report from the Security Council and to make any
recommendations or observations thereon;

b) to submit recommendations to the Security
Council with a view to ensuring complete observance of
the duties of the Security Council inherent in its re-
sponsibility to maintain international peace and
security.

376
The General Assembly should receive and consider re-
ports from the other bodies of the Organization and may
make any recommendations or observations thereon.

You will observe that the first paragraph of this text
describes the character of the reports which the General As-
sembly is to receive from the Security Council. It is sug-
gested that Committee III/1 may wish to bring the provisions
relating to the reports to be submitted by the Security Coun-
cil to the General Assembly, in harmony with the text adopted
by Committee II/2, by adopting a provision requiring the Se-
curity Council to furnish to the General Assembly reports of
the character described in the first sentence of Paragraph 8.

MEMORANDUM

May 29, 1945

TO: Huntington Gilchrist,
Executive Officer, Commission II

FROM: Leland M. Goodrich,
Secretary, Committee III/2

Following the suggestion from the Secretariat appended to a memorandum from the United Kingdom Delegation of May 20, 1945, dealing with Request for Advisory Opinions from the International Court of Justice (Doc. 634, III/2/22), the question of empowering the Security Council to request advisory opinions from the Court was brought before Committee III/2 for consideration at its meeting today, May 29. The consensus of opinion was that the question as stated on page 3 of the memorandum is broader than the terms of reference of Committee III/2. The Committee, however, voted to approve the second sentence of paragraph 6 of Chapter VIII, Section A, which empowers the Security Council "to refer to the Court, for advice, legal questions connected with other disputes."

June 6, 1945

MEMORANDUM

To: Norman J. Padelford, Executive Officer,
Commission IV

From: Eugene Staley, Secretary, Committee II/2

At its meeting this morning Committee II/2 had before it the following question which had been referred to it in connection with a memorandum submitted by the United Kingdom Delegation (Doc. 633, II/2/30):

Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

After discussion, Committee II/2 voted by 27 affirmative votes against 6 negative votes to answer this question in the affirmative.

The view was expressed by members of the Committee that Committee II/2, having acted on this matter from the point of view of the powers of the Assembly, could best leave the problem of drafting a text for insertion in the Charter to one of the Committees of Commission IV, and the Chairman of Committee II/2 has directed me to bring this point to your attention.

June 6, 1945

MEMORANDUM

To: John W. Halderman, Secretary, Committee IV/1

From: Eugene Staley, Secretary, Committee II/2

At its meeting this morning, Committee II/2 considered, insofar as the powers of the Assembly are concerned, a proposal that the General Assembly should be empowered to request advisory opinions from the International Court of Justice. The Committee took note of the fact that Committee IV/1 at its meeting on May 31 had adopted a text on this point as follows:

For insertion in Chapter VII of the Charter

The General Assembly and the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

For insertion as paragraph (1) of Article 65 of the Statute of the Court:

(1) The Court may give an advisory opinion on any legal question at the request of whoever may be authorized by the Charter of the United Nations to make such a request.

Committee II/2 agreed to concur in the decision of Committee IV/1 as regards the powers of the Assembly.

June 6, 1945

MEMORANDUM

To: Charles Darlington, Secretary of the
Coordination Committee

From: Eugene Staley, Secretary, Committee II/2

Attached is a memorandum which I have just sent to the Secretary of Committee IV/1 informing him that Committee II/2 has, as regards the powers of the Assembly, concurred in the action of Committee IV/1 in providing that the General Assembly may request advisory opinions from the International Court of Justice.

Committee II/2 does not propose to submit any new text on this point, but you may wish to have notice of our action.

Attachment:

Memorandum addressed to
Secretary of Committee IV/1.

I. Requests for advisory opinions from the International Court of Justice

- (a) The question of whether a provision for reference by the Assembly of juridical matters to the International Court should be included in the Charter was discussed, but not voted on, by Committee II/2. It was not clear from the discussion whether the Assembly should be authorized, or whether it should be required, to refer such questions to the International Court. At its fifth meeting, Subcommittee B decided that the entire question of referral by the Assembly of juridical questions to the Court should be submitted to Committee II/2.
- (b) The United Kingdom Delegation has suggested (Doc. 595 II/I/29 at page 4):
 - (i) that specific provision be made in the Charter to empower the General Assembly and the Security Council to request advisory opinions from the Court;
 - (ii) that suitable provision be made to enable such international agencies as the General Assembly may authorize for the purpose to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities;
- (c) The United Nations Committee of Jurists has stated that it did not feel able to adopt the suggestion that the right to request an advisory opinion should be accorded to international organizations because that Committee regarded this as a matter of policy which raised other than purely

judicial considerations, and was not, therefore, one to be determined by them. (See Doc. 595, II/1/29 at page 2)

- (d) The United Kingdom Delegation has also suggested that its proposal might be considered in the first instance, by Committee III/2 insofar as concerns the Security Council, and by Committee II/2 insofar as concerns the General Assembly and other international agencies.
- (e) This subcommittee could bring the matters discussed above to the attention of Committee II/2 by submitting the following questions to it:
1. Should the Charter contain a specific provision empowering the General Assembly to request from the International Court advisory opinions (concerning juridical questions)?
 2. Should the Charter contain a specific provision requiring the General Assembly to refer juridical questions to the International Court?
 3. Should provision be made to enable such (of the) international agencies (brought into relation with the United Nations Organization) as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

II. Referral to Committee II/2 of the Ecuador Amendment Regarding a Statute Concerning Regional Commissions

- (a) Committee III/2 at its meeting on May 16 had under consideration the following amendment proposed by Ecuador for insertion after Chapter VIII, Section A, Paragraph 3:

"The General Assembly shall approve by the affirmative vote of a two-thirds of its members a Statute providing for the establishment of continental or regional commissions charged with

promoting and obtaining through the procedure of conciliation, a settlement of the differences or controversies of a political nature which might arise between the States belonging to the respective continents or regions. The General Assembly shall coordinate, as well, the provisions of this Statute with those contained in the agreements or treaties of conciliation existing among the members of the General Organization. This Statute will have binding force as soon as it is ratified, according to their respective constitutional procedures, by two-thirds of the Members of the General Organization."

Committee III/2 decided to refer to Committee II/2 the proposals of Ecuador insofar as they relate to the powers of the Assembly, retaining for its own consideration the question of inserting in Section A suitable reference to the use of procedures for peaceful settlement of regional agreements.

- (b) It is suggested that this amendment not be broken down into questions but that it be submitted in its present form for the consideration of Committee II/2.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 9, 1945

To: Eugene Staley, Secretary, Committee II/2
From: John Halderman, Secretary, Committee IV/1

At its meeting of the evening of June 7, 1945, Committee IV/1, acting in pursuance of the decision reached by Committee II/2 on June 6, approved a second sentence to Article 7 of the Chapter dealing with the Court in the Charter. This article now reads as follows:

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question. ~~Such other~~ organs of the ~~Organization~~, and ~~specialized agencies~~ brought into relationship with it, ~~as~~ may at any time be authorized ~~thereto~~ by the General Assembly, may also request advisory opinions of the Court on ~~questions of~~ ~~a juridical character arising within the scope of their~~ activities.

Just

COMMISSION IV Judicial Organization

Committee 1 International Court of Justice

TEXT PROPOSED BY DELEGATION OF THE UNITED KINGDOM
TO CARRY OUT IN CHAPTER VII OF THE CHARTER THE
DECISION REACHED BY COMMITTEE II/2 ON JUNE 6, 1945,
RELATIVE TO ADVISORY OPINIONS

(Substituted for Doc. 824, IV/1/65)

Add to the existing text of paragraph 7 of Chapter VII:

"Such other organs of the Organization, and such specialized agencies brought into relationship with it, as may at any time be authorized thereto by the General Assembly, may also request advisory opinions of the Court on questions of a ~~constitutional or~~ juridical character arising within the scope of their activities."

TEXTE PROPOSE PAR LA DELEGATION DU ROYAUME-UNI EN VUE
DE DONNER EFFET, AU CHAPITRE VII DE LA CHARTE, A LA
DECISION PRISE LE 6 JUIN 1945 PAR LE COMITE II/2
AU SUJET DES AVIS CONSULTATIFS.

(Remplace le doc. 824 IV/1/65)

Ajouter au texte actuel de Chapitre VII, paragraphe 7:

"Les autres organes de l'Organisation et les organismes techniques reliés à celle-ci et que l'Assemblée Générale a constamment la faculté d'autoriser à cet effet, pourront également demander des avis consultatifs à la Cour sur des questions qui pourraient se soulever dans le domaine de leurs activités et présenteraient un caractère ~~constitutionnel ou~~ juridique."

* This document identical with WD 219.

Progress work

MEMORANDUM

May 14, 1945

TO: Huntington Gilchrist
FROM: Eugene Staley
SUBJECT: Progress Report on Committee II/2

1. Documentary Basis of Committee's Work

The terms of reference of the work of Committee II/2 include the following paragraphs of the Dumbarton Oaks Proposals:

Chapter V, Section B, paragraphs 1, 3, and 6 (so far as concerns questions of political cooperation and adjustments of situations likely to impair the general welfare) and 8, together with the second of the Chinese proposals.

Comments and amendments submitted by participating governments have been excerpted by the Committee staff and grouped in Doc. 171, II/2/7, and its annexes, Doc. 176, II/2/7 (1), Doc. 271, II/2/7 (2), and Doc. 270, II/2/7 (1)(a).

The Committee set up a Sub-committee to frame questions which would raise the main issues suggested by the amendments proposed to paragraph 1 of Section B, Chapter V. Nine questions were thus arrived at, and the Committee is now using them as a basis for its current discussions.

The text of these questions is in Doc. 235, II/2/A (1). The first question has been slightly modified by the Committee to read positively instead of negatively, and the revised version is quoted in Doc. 252, II/2/12.

2. Progress So Far Re Adoption of Text

The only text so far adopted is the amendment to paragraph 6 of Section B, Chapter V, proposed by the Sponsoring Powers. This consists of two paragraphs, of which the second paragraph was originally put forth by the United States and later by all four sponsors. Text is quoted in Doc. 203, II/2/8.

3. Progress in General

The Committee has passed the general discussion stage and appears to have settled down to work. The debate is of good quality now on real issues. The nine questions mentioned above hold promise of focusing the problems, so that voting on these questions of principle should take

place as fast as the speaking lists can be exhausted - which does not appear to be very fast at present.

4. Work Still to be Done

Once the nine questions regarding paragraph 1 have been discussed and voted upon, there will have to be a drafting committee to put the results into the language of a text. The same process will have to be gone through for paragraphs 3, 6, and 8, but these three paragraphs will probably be relatively easy to dispose of once the main issues connected with paragraph 1 have been decided.

5. Jurisdictional Problems

The President of Commission I has agreed with the President of Commission II that Committee I/2 should consider questions of the conditions under which a member of the Organization might have its rights (a) suspended (b) restored or (c) might be expelled, in accordance with Chapter V, Section B, paragraph 3. Questions of procedure on these points would remain allocated to Committee II/2.

Both Committees have approved this agreement. There may be some difficulty in deciding what are questions of conditions and what are questions of procedure, but we hope to iron these out by conference between the secretaries or perhaps the chairmen concerned.

Jurisdictional overlapping is bound to arise at some stage with Committee III/3 in connection with proposals to give additional powers to the Assembly under Ch. VI, Secs. B and C, and Ch. VIII, Secs. A and B. Both these are outside our terms of reference but delegations have used them to propose enlargements in the political and security functions of the Assembly.

6. Procedural Problems

No particular problems to report under this heading.

7. Main Issues and Conflicts of View on Points of Substance

The main issue at present is between those who would broaden the powers of the Assembly with respect to matters

being dealt with by the Security Council, and those who would not. Various means of increasing the Assembly's prerogatives in this respect have been put forward, ranging from proposals to strike out the last sentence of paragraph 1, Section B, Chapter V to relatively mild proposals providing that the Assembly should be notified when the Security Council is actually dealing with a matter and when the Council ceases to deal with it.

Another issue arises between those who would broaden the language of Dumbarton Oaks by giving the Assembly power to deal with "any matter" within the sphere of international arrangements (some advocates of this would make exceptions of matters being handled by the Security Council) and those who argue that the first sentence of the paragraph and the amendment already approved for paragraph 6 cover everything that would be covered by this proposed modification.

8. Future Procedure

It seems likely that the Committee will decide to set up a drafting committee after having reached some decisions of principle on the questions now before it, and that the same procedure will then be repeated for paragraphs 3, 6, and 8.

9. Time Considered Necessary to Complete Work

At the present rate the work may take two weeks more. The discussions today showed a tendency to produce fairly long speeches. If the Chairman were to apply a five minute rule on speeches I think the time might be cut.

May 24, 1945

MEMORANDUM FOR MR. ROTHWELL

It would now appear that considerable business from Committee II/1 will be ready for a Commission session on Monday or Tuesday of next week but that very little business from any of the other Committees in the Commission II group will be ready for the Commission until the second half of the week.

Huntington Gilchrist

cc: Mr. Brown
Mr. Staley
Mr. Gideonse
Mr. Chase

Mr Staley

May 22, 1945

MEMORANDUM FOR MR. ROTHWELL

As a result of a canvass just made, it seems clear that no business from Committee II/1 will be ready for the Commission this week but almost all of that Committee's business would be ready for a Commission session on Monday or Tuesday.

It is very doubtful whether any business from Committee II/2 would be ready for a Commission meeting this week although there is a bare possibility that some items might be ready at the very end of the week. How soon the position will be clear it is now impossible to say and I think that business with this Committee should not be counted upon for a Commission session this week.

No business from Committee II/4 will be ready for the Commission this week and I will advise you later as regards Committee II/3.

Huntington Gilchrist

June 11, 1945

STATEMENT BY THE EXECUTIVE OFFICER AT MEETING
OF COMMISSION II, MONDAY, JUNE 11, 1945
ON THE STATE OF THE WORK OF THE COMMISSION

Since the last meeting of Commission II on May 30, 1945, substantial progress has been made by all of the other Committees of this Commission.

Committee 1 (Structure and Procedure of the Assembly) has held one further meeting since it reported to the Commission on May 30th and will soon submit its second and perhaps final report.

Committee 2 (Political and Security Functions of the Assembly) has still to finish its work on one paragraph of the Dumbarton Oaks Proposals and to act on a re-reference by the Steering Committee of another paragraph. The report of the rapporteur is nearing completion. This Committee should be ready to report to the Commission within 4 or 5 days.

Committee 4 (Trusteeship System) has completed its consideration of the working paper which was adopted as the basis for its work in the absence of any text on this subject in the Dumbarton Oaks Proposals. This Committee still has to consider two additional proposals which have been presented to it and to approve the report of its rapporteur. It is expected that its work can be completed during the latter part of the week.

Coordination

Mr. Haley

June 1, 1945

TO: Secretaries of Committees in Commission II Group

I assume that each Secretary will follow closely the texts proposed by his Committee through the various stages in the Coordination Committee, Jurists Committee or other bodies which may be involved after these texts have been certified in the Coordination Committee, and will let me know promptly of any changes made at any such stage in proceedings which may appear to be doubtful from the point of view of the intentions of the Technical Committee concerned.

I mention this particularly because as you may have noticed, the Coordination Committee may consider these texts on more than one occasion and redrafts may be prepared more than once by the Secretariat of the Coordination Committee or by other bodies.

Huntington Gilchrist

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

~~Does H. B. to text of para 6?~~

Coords Com

Cx off w/ ~~text~~ Sec, when
text coming up. Should
carefully review background
w/ text — even Verbatim
rept. (Names of delegates
most prominent in discussion,
etc. so can resolve by
checking w/ deleg most
concerned.)

When texts approved in
Drafting Com, send
privately to Darlington for
their advance info.

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**SUMMARY OF MINUTES OF MEETING OF EXECUTIVE SECRETARY
WITH EXECUTIVE OFFICERS, ASSISTANT EXECUTIVE OFFICERS,
AND COMMITTEE SECRETARIES, MAY 25, 1945**

The means by which adequate liaison may be maintained between the Coordination Committee and the Technical Committees at this stage in the Conference's work was discussed on Friday afternoon, May 25, 1945. Remarks by Mr. Martin Hill and the general discussion which followed led to these conclusions:

1. The Committee Secretaries and/or the Executive Officers and Assistant Executive Officers should be present at meetings of the Coordination Committee when it discusses texts originating in the Committees for which these officers are responsible. These officers should be prepared to advise the Coordination Committee, in the light of their personal knowledge and relevant documentary material (including verbatim records if necessary) on the meaning of the Technical Committees' texts.

2. To this end, it is essential that all Executive Officers, their assistants and Committee Secretaries receive copies of the Coordination Committee documentation at an early hour each morning before the Coordination Committee meets. This will be done by providing Mrs. Deas with a sufficient number of copies of the agenda and the texts being submitted to the Committee. Mrs. Deas will

distribute these copies to all the officers concerned.

3. It will be the responsibility of the executive officers and their assistants to inform themselves whether the Coordination Committee will discuss at the day's meeting texts originating from their Technical Committees and to arrange for suitable representation at the meeting when necessary. Mr. Hill, or the staff of Mr. Darlington's office, will be available for consultation at any time concerning preparations for the discussion in the Coordination Committee.

4. It is believed that the informed explanations furnished by the Executive Officers or Committee Secretaries should, in the majority of cases, obviate the need for the Coordination Committee to refer texts back to the Technical Committees. Where texts are clearly illogical or inconsistent with other parts of the Charter, however, such reference will naturally be inevitable. Moreover, it may frequently happen that an Executive Officer or Committee Secretary is unable to give an adequate interpretation of the meaning of a particular text. In such cases, he will consult first with the Chairman of the Technical Committee concerned or with those who participated actively in the discussion of the text in question. If doubt continues to subsist, the Chairman will be asked to consult his Committee.

5. Discussion of the stage at which the Technical Committee Rapporteur should be brought into Coordination

Committee proceedings in order to make him familiar with Coordination Committee redrafts of texts from his Committee, did not yield clear conclusions. The sense of the meeting seemed to be that the Rapporteur should be brought into the meeting at which the Coordination Committee considers the final draft of a text originating in his Committee. Presumably this would be after the Committee of Jurists has reviewed the preliminary Coordination Committee drafts.

To some extent, the bringing in of the Technical Committee Rapporteurs is related to the question of whether or not final drafts from the Coordination Committee are likely to be sent back, in large blocks, for Technical Committee ratification. It is obviously important to minimize the risk of competition in the Commissions between Coordination Committee and Technical Committee texts. While reference of Coordination Committee texts to the Technical Committees prior to submission to the Commission is not provided for, and should if possible be avoided, the consensus of the meeting seemed to be that this procedure might be found desirable where the Coordination Committee texts differed appreciably from those submitted by the Technical Committees, in order to insure smooth passage of the former through the Commissions.

6. Texts provisionally approved and texts adopted by subcommittees will be sent to the office of Mr. Darlington,

with the strict understanding that they will not be placed
before the Coordination Committee until they have been
formally adopted by the Technical Committee.

HNT/cek
5-25-45

RESTRICTED
Doc. _____
II/2/_____
June 18, 1945

REPORT OF ACTION BY THE COORDINATION COMMITTEE ON
TEXTS RECOMMENDED BY COMMITTEE II/2

thus far
The texts ~~of the paragraphs~~ recommended by Committee II/2 were considered by the Coordination Committee on June 17, — except for the first paragraph of Chapter V, Section B, Paragraph 1 (now Article 11 of the Charter). The texts accepted by the Coordination Committee and those recommended by Committee II/2 are given below.

see next page here

copy
Article 12

Text as accepted by the Coordination Committee June 17,
1945:

Article 12

(formerly Chapter V, Section B, Paragraph 1,
except for the first paragraph of the amended
text, which is now Article 11, and the last two
sentences, which are now Article 12x.)

1. The General Assembly may consider the
general principles of cooperation in the main-
tenance of international peace and security,
including the principles covering disarmament
and the regulation of armaments, and make recom-
mendations to the members or to the Security
Council or both.

2. The General Assembly may discuss any
questions relating to the maintenance of inter-
national peace and security brought before it
by any member or members ^{1/} of the United Nations
or by the Security Council, or by a non-member
state in accordance with the provisions of para-
graph 2 of Article 38, ^{2/} and, except as provided
in Article 12x, may make recommendations with
regard to any such questions to the state or states
concerned or to the Security Council or both. ^{3/}
Any such questions on which action is necessary
shall be referred to the Security Council by the
General Assembly either before or after discussion.

^{1/} The Coordination Committee reserved judgment on the
use of the words "or members" until the Charter as a
whole could be examined to see whether the words "any
member or members" were used consistently throughout the
Charter.

^{2/} The words "or by a non-member . . . Article 38" were
inserted at the request of the Committee of Jurists. The
Coordination Committee approved these words but requested
the Jurists to state whether the test of the power of mem-
bers was the same in Article 38 and in the present article.
The Committee was concerned about a possible inconsistency
here.

^{3/} The Coordination Committee agreed to ask the Committee
of Jurists whether the words "or both" were necessary to
make the meaning quite clear. In this connection it was
agreed that there should be no change in the French trans-
lation.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set out in the preceding three paragraphs shall not limit the general powers set out in the preceding Article.

Article 12x | *caps*
(formerly the last two sentences of
Chapter V, Section B, Paragraph 1)

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in this Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council, and shall also notify the General Assembly, or the members of the Organization if the Assembly is not in session, immediately the Security Council ceases to deal with such matters.

✓
The test for Chapter V, Section B, Paragraph 1 sent to the Coordination Committee by Committee II/2 was:

1. The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph 2(b) of this section, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.

2. In particular, and without limiting the generality of the preceding paragraph, the General Assembly should have the right:

(a) to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations to the governments or to the Security Council on such principles; and

(b) to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly, or the members of the Organization if the Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13 | caps

(formerly Chapter V, Section B, Paragraph 6)

Text as accepted by the Coordination Committee June 17, 1945:

Article 13

The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political, economic, social, cultural, educational, and health fields; assisting in the realization of human rights and basic freedoms for all, without distinction as to race, sex, language, or religion; and encouraging the progressive development of international law and its codification. 1/

The text for Chapter V, Section B, Paragraph 6 as sent to the Coordination Committee by Committee II/2 was:

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social, cultural, educational and health fields to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

1/ The phrase "assisting in the realization of human rights and basic freedoms for all" was referred to the Jurist Committee in order to establish a uniform phraseology for the same thought and intent throughout the Charter.

In regard to the French text, the French language panel was asked by the Coordination Committee to consider whether the words "provoque des études" is equivalent to the words "shall initiate studies". Also in regard to the French text, it was noted that Committee II/3 had agreed that the word "intellectuel" would cover both cultural and educational fields.

Article 14 / caps

(formerly new paragraph to follow Chapter V,
Section B, Paragraph 6)

Text as accepted by the Coordination Committee June 17, 1945:

Article 14

Subject to the provisions of Article 12x,
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 provisions of the present
Charter setting forth the Purposes and Principles
of the United Nations.

The text for a new paragraph to follow paragraph 6 as sent
to the Coordination Committee by Committee II/2 was:

Subject to the provisions of paragraph 1
of this Section, the General Assembly should be
empowered to recommend measures for the peace-
ful adjustment of any situations, regardless of
origin, which it deems likely to impair the gen-
eral welfare or friendly relations among nations,
including situations resulting from a violation
of the Purposes and Principles set forth in this
Charter.

Article 18 | caps

(formerly Chapter V, Section B, Paragraph 8)

Text as accepted by the Coordination Committee June 17, 1945:

Article 18. 1/

1. The General Assembly shall receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the Organization.

The text for Chapter V, Section B, Paragraph 8 sent to the Coordination Committee by Committee II/2 was:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization.

1/ The Coordination Committee agreed to place Article 18 in the Charter following the present Article 15 (formerly Chapter V, Section B, Paragraph 7).

Correspondence with Delegations
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Mr. Eugene Staley.

El Embajador y Delegado Peruano Sr. Dr. Dn. Victor Andres Belaunde esta interesado en una copia del discurso pronunciado por el Delegado de los Estados Unidos de America Señor Arthur H. Vandenberg, en la sesion de el Comite Segundo de la Segunda Comision, (II/2) el dia 1 de junio a las 10.30 a.m.

Sent
HGA
2/6
Le ruego si tiene abien enviar una copia al Hotel St. Francis Room 312. o de lo contrario llamar por telefono.

Jose Luis de Cossio

Jose Luis de Cossio
Secretario de la Delegacion
Peruana.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 11, 1945

TO: Mr. Huntington Gilchrist

FROM: Eugene Staley

Attached is a letter from the Turkish Delegation and a copy of my reply. Probably you should pass this along so that it comes to the attention of the office which makes up the printed lists of Delegates assigned to different committees.

Eugene Staley

Attachments

ES:EKG

May 11, 1945

Mr. Süreyya Anderiman
Secretary General
The Turkish Delegation
St. Francis Hotel
San Francisco, Calif.

My dear Mr. Secretary General:

This is to acknowledge your letter of May 7 informing me that Mr. Nihat Erim will vote in the Second Committee of the Second Commission on behalf of the Turkish Delegation, and that Mr. Sukru Esmer will exercise the right of voting in his absence.

I have made note of this for our records.

Sincerely yours,

Eugene Staley
Secretary, Committee II/2

ES:EKG

COPY

Original sent to Executive Sec.
May 9, 1945.

May 7, 1945

The Turkish Delegation
Secretary General

To the Secretariat of the
2nd Commission

Dear Sir,

I have the honor to inform you herewith that
Mr. Huseyin Ragip Baydur, second delegate of the Turkish
Delegation, will vote in the 2nd Commission on behalf of
the Turkish Delegation, and that Mr. Sinasi Devrin will
exercise the right of voting in his absence.

Very truly yours,

SUREYYA ANDERIMAN

Sureyya Anderiman
Secretary General

cc: Mr. Kidner and Secretaries of Com. 1,2,3 and 4.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

San Francisco
Hotel St. Francis

June 6th, 1945

Mr. Eugene Staley, Secretary
Commission II, Committee 2
Veterans' Building
San Francisco

Dear Sir:

I am pleased to enclose herewith the English translation of the speech which I delivered this morning at the meeting of Committee II/2.

I would greatly appreciate if you kindly include this translation in the Summary Report of said meeting.

Sincerely yours,

Gonzalo Escudero
Gonzalo Escudero
Delegate of Ecuador

GE:MRP

H. H.

File 507

Thanks.

Please do the note together with that
for Dom. Repub.

June 9, 1945

Dear Excellency:

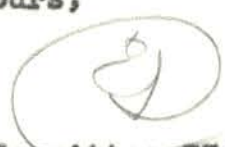
I have the honour to acknowledge your letter enclosing the English translation of the speech which you delivered at the twentieth meeting of Committee II/2 on June 6, 1945.

I very much regret that, as explained to a member of your Delegation by my associate-secretary who called for the purpose, your letter was received after the Summary Report of the twentieth meeting had left our hands and was in process of duplication. My associate-secretary took with her to yours copy of the twentieth Summary Report, and I hope that the resumé of your speech made from the Secretariat's notes and given in that report was satisfactory.

As a further measure, I would suggest that the Summary Report of the next meeting of Committee II/2 should contain a note by the Secretariat to the effect that the text of the speech delivered at the twentieth meeting by the Delegate of Ecuador has been deposited in the Archives of the Conference. This procedure has been adopted in the case of a speech by another delegate, at that delegate's request, and I therefore venture to put it forward for your favourable consideration.

Accept, Excellency, the assurances of my highest consideration.

Sincerely yours,



Secretary, Committee II/2

His Excellency
Gonzalo Escudero Moscoso,
Delegate of Ecuador,
Hotel St. Francis.

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Doc.

II/2/19 (1)

May 24, 1945

The following communication has been received by the Secretary of Committee II/2 from Mr. A. A. Roschin, (Rostchin ? Roshchin ?) member of the Committee representing the U. S. S. R. The reference is to the Summary Report of ninth meeting (Doc. 443, II/2/19, May 19, 1945), item 2, second paragraph, which begins "The general intention of the meeting was summed up as follows."

"Upon receiving the full text of the (etc.)

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Doc.

II/2/19 (1)

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Restricted

Doc ---

II/2/19 (1)

May 24, 1945

The following comment has been
rec'd by T. L. & Com. II/1 - from
Mr. A. A. Roschin, member of the
(Roschin?)
(Roshchin?)

Committee representing the U. S. S. R.

The reference is to ~~the report~~
~~paragraph under item 2~~ the summary
Report of ninth meeting (Doc 44 3, II/2/19,
May 19, 1945) item 2, second paragraph
which begins "The general intention of
the meeting was summed up as follows."

"Upon receiving the full text
of the --- (etc.)

Sbrenu Cmenin

Eugene Staley

2174

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

I have suggested
slight verbal corrections
on the English and
French translations
attached, and propose
to circulate them like
other Committee documents,
in the form indicated.

Does this meet your
approval?

Eugene Staley



THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Ask about underlining
the principle or the idea
on p. 1 of Eng. and
also on p. 2 of Eng.

no underlining
any place
B

2174

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

24 мая 1945 года.

Уважаемый г-н Евгений Стейли,

Получив полный текст краткого отчета о девятом заседании Комитета П/2, состоявшегося 18 мая 1945 г., я констатировал, что в отчете содержится неточное изложение итога обсуждения Комитетом девятого вопроса, сформулированного Подкомитетом А /Док.235, П/2/А/1/. Неточность состоит в том, что Комитет постановил ответить утвердительно на девятый вопрос, но Комитет не принимал того текста, который записан в протоколе как итог обсуждения девятого вопроса, сформулированного Комитетом А.

В связи с тем, что текст, изложенный в протоколе, не голосовался и не принимался Комитетом, я считаю более правильным ограничиться изложением в отчете лишь следующего решения Комитета:
"На девятый вопрос Комитет отвечает утвердительно".

Если же Вы считаете необходимым изложить в отчете суммированный итог обсуждения девятого вопроса, то следует привести соображения некоторых членов Комитета о том, что положительный ответ

Секретарю 2-го Комитета
2-й Комиссии
г-ну Евгению Стейли.

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THE UNITED NATIONS CONFERENCE
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2.

на девятый вопрос означает одобрение принципа или идеи, содержащейся в указанном выше девятом вопросе, но что не следует дословно записывать в Устав Организации содержащуюся в вопросе формулировку о том, что: "Генеральная Ассамблея имеет право обсуждать и делать рекомендации по любому вопросу, касающемуся международных отношений, за исключением случаев, особо оговоренных".

Такое толкование ответа на девятый вопрос было дано мной на Комитете, а если не ошибаюсь, то и делегатом Соединенного Королевства. Более того, я заявил на Комитете, что буду отвечать на девятый вопрос утвердительно, так как считаю, что ответ на этот вопрос уже получил воплощение в проекте пункта 1, раздела В, главы У, предложенном Комитету делегатом Соединенных Штатов сенатором Вандербергом от имени пяти держав и в пункте 6 этого же раздела, принятом Комитетом.

Прошу Вас, г-н Секретарь, внести уточнение в указанный выше краткий отчет о девятом заседании Комитета.

С искренним уважением,



Рощин, Советник Делегации СССР.

May 24, 1945

Dear Mr. Eugene Staley:

Upon receiving the full text of the brief report of the ninth session of the Committee II/2 which took place on May 18, 1945, I found that the report contained an inexact version of the summary of the Committee's discussion of the ninth question which had been formulated by the Subcommittee A. (Doc.235, II/2/A/1) The inexactitude consists in that the Committee decided to answer the ninth question in the affirmative, but the Committee did not accept the text which had been written into the protocol as summary of the discussion of the ninth question as formulated by Committee A.

Contingent with the fact that the text as set down in the protocol, had not been voted upon nor accepted by the Committee, I consider it more correct to limit the version to writing into the report only the following decision of the Committee: "The Committee answers the ninth question in the affirmative".

If, however, you should consider it necessary to set down in the report a summary of the discussion of the ninth question, then the considerations of certain members of the Committee should be adduced, to the effect that an affirmative reply to the ninth question means approval of the principle or the idea contained in the above indicated ninth question; but that one should not write verbatim into the Statute of the Organization the formula contained in the question, to the effect that: "The General Assembly has the right to discuss and make recommendations on any question concerning

international relations, with the exception of specially stipulated cases.

Such interpretation of the answer to the ninth question was given to the Committee by myself and, if I am not mistaken, also by the Delegate of the United Kingdom. Moreover, I stated to the Committee that I should answer the ninth question in the affirmative, it being my belief that an answer to this question had been already embodied in the draft of paragraph I, Section B, Chapter V, submitted to the Committee by the Delegate of the United States Senator Vandenberg in the name of five Powers, and also in paragraph 6 of the same Section, adopted by the Committee.

I request you, Mr. Secretary, to make more precise the above mentioned brief summary of the ninth session of the Committee.

Very sincerely yours,

Roshchin, Counselor of the Delegation of the USSR

Mr. Eugene Staley,
Secretary of Committee II/2

Le 24 mai 1945.

Cher Monsieur Eugène Staley:-

Après avoir reçu le compte rendu sommaire de la neuvième séance du Comité II/2 du 18 Mai 1945, j'ai constaté que ce compte rendu contenait un résumé inexact de la discussion, par le Comité, de la neuvième question formulée par le sous-comité A (Doc.235,II/2/A/1). L'inexactitude consiste en ce que le Comité a décidé de répondre affirmativement à la neuvième question, mais il n'a pas approuvé le texte du sommaire de la discussion de la neuvième question formulée par le Comité A porté au procès-verbal.

Etant donné que le texte indiqué dans le procès-verbal n'a pas été mis aux voix et n'a pas été approuvé par le Comité, je crois qu'il serait plus correct de nous en tenir à mentionner dans le rapport la décision suivante du Comité: "Le Comité répond à la neuvième question affirmativement.

Si vous croyez nécessaire de donner dans le compte-rendu un résumé de la discussion de la neuvième question, il faudrait spécifier l'opinion de certains membres du Comité qui croient qu'une réponse affirmative à la neuvième question signifie l'approbation du principe ou de l'idée qu'elle renferme, mais qu'il ne faut pas, dans le Statut de l'Organisation, répéter mot pour mot la formule de la question, savoir: "L'Assemblée Générale a le droit de discuter et faire des recommandations sur toute question relative aux rapports internationaux, à l'exception des cas spécialement stipulés."

Cette interprétation de la réponse à la neuvième question a été donnée par moi-même au cours de la séance du Comité et aussi, si je ne me trompe, par le Délégué du Royaume-Uni. J'ai déclaré, de plus, au Comité que je répondrai à la neuvième question par l'affirmative car je considère que la réponse à cette question a déjà été exprimée au paragraphe 1 de la Section B, du Chapitre V, du projet soumis au Comité par le Délégué des Etats-Unis, le Sénateur Vandenberg au nom des cinq Puissances et au paragraphe 6 de cette même section qui a été approuvé par le Comité.

Je vous prie, Monsieur le Secrétaire, de bien vouloir faire cette correction dans le compte-rendu sommaire de la neuvième séance du Comité.

Bien sincèrement à vous,

Rostchin, le Consultant de la Délégation
de l'Union des Républiques Soviétiques
Socialistes.

Mr. Eugene Staley,

Secretary,

Committee II/2.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

CORRIGENDUM

Insert in Summary Report of Nineteenth Meeting of
Committee II/2, June 4, 1945, Doc. 790, II/2/42, on page 4
following the ^{third} ~~fourth~~ paragraph:

"The Delegate of Chile urged that the question based
on the Egyptian amendment should not be sent back to Subcommittee
A for reformulation. That would suggest that the whole matter
be brought before the Committee again in a different form, whereas,
in his view, the Committee was agreed that it did not want to
see the principle of revision of treaties contained in the Charter.

RESTRICTED
Doc. _____
II/2/
June 2, 1945

CORRIGENDUM

CORRIGENDUM TO SUMMARY REPORT OF SEVENTEENTH MEETING
OF COMMITTEE II/2 (Doc. 748, II/2/39)

Change the ^{last} sentence ~~starting on page 3, line~~
to read as follows:

His Delegation had been astonished that the substance of this Article had not been reproduced in the Dumbarton Oaks plan, and would like it made clear that the principle involved had not been discarded.

MEMORANDUM

May 22, 1945

TO: Huntington Gilchrist
FROM: Eugene Staley

The following suggestion was made to me by the chairman of Committee II/2, Mr. Victor Andrade. He suggested that I pass it along. I have already mentioned it orally to Mr. Rothwell, but now put it in writing.

Mr. Andrade suggested that the gavels which have been used in presiding over committee meetings should be signed by the Secretary General or otherwise suitably inscribed and should be presented to the chairmen who have used them during this Conference. He said that he would like to have such a memento, and that he would get it put in the Museum in La Paz. If this were done generally it would aid in popularizing the new organization in many countries. Assuming that the new organization succeeds, the gavels could become valued historical items.

He also mentioned that the flags of the various nations which have stood in the courtyard during the Conference might also be used in a similar way. Each country could be presented with its flag for exhibition in a home museum with a placard recording that this was the flag that had flown at the San Francisco Conference.

(Note: A purely practical problem will arise if the suggestion about the gavels should be adopted. It will be necessary to get more gavels, and presumably they should be put into actual use.)

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 29, 1945

TO: George Haselton

FROM: Eugene Staley

In reply to your memorandum of May 24 requesting information relative to the number of hours conference personnel worked in excess of the normal 8-hour day, I am glad to give you the following information as it pertains to Committee II/2.

<u>Week Starting April 23</u>	No Overtime	<i>per</i> <i>person</i>
April 29 (Sunday)	4 hours	
<u>Week Starting April 30:</u>		
April 30	2 hours	
May 1	3 hours	
May 2	2 hours	
May 3	1 hour	
May 4	none	
May 5	2 hours	
May 6 (Sunday)	8	
<u>Week Starting May 7:</u>		
May 7	6 hours	
May 8	8 hours	
May 9	8 hours	
May 10	7 1/2 hours	
May 11	4 hours	
May 12	none	
May 13 (Sunday)	2 hours	
<u>Week Starting May 14:</u>		
May 14	6 1/2 hours	
May 15	4 hours	
May 16	6 hours	
May 17	none	
May 18	none	
May 19	none	
May 20 (Sunday)	4 hours	

MEMORANDUM

May 31, 1945

TO: Mr. Easton Rothwell
FROM: Mr. Bernard Meltzer
SUBJECT: Return to Washington

At the completion of my conference work, I have been planning to leave for Germany in order to work on a survey of the effects of strategic bombing. I spoke to the Personnel Office of the survey in Washington this morning, and I was informed that unless I was ready to leave Washington for Europe on June 3 my assignment would be canceled. I was also told that as a result of a clerical error I had not been informed earlier of the deadline for my departure.

I have discussed this matter with Mr. Staley, Secretary of Committee II/2, to which I am assigned, and in view of the circumstances he sees no objection to my immediate departure.

In view of the foregoing I should appreciate your approval of my return to Washington immediately by the fastest possible transportation.