

UNCIO-Working papers - Darlington Correspondence on general committees & commissions.

01 May 1945
30 June 1945

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

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THE UNITED NATIONS CONFERENCE
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June 1, 1945

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has not taken final action yet.

File
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Mr. Charles Darlington

Room 324

UMBARTON OAKS
PROPOSALS

DRAFT ADOPTED BY
TECHNICAL COMMITTEE

REVIEW BY
COORDINATION COMMITTEE &
ADVISORY COMMITTEE OF JURISTS

Chapter V, B

The General Assembly should receive and con-
sider annual and special reports from the Secu-
Council and reports from other bodies of the
Organization.

Committee II/2

Chapter V, B

8. The General Assembly should receive and con-
sider 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 inter-
national 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 con-
sider reports from the other bodies of the
Organization and may make any recommendations or
observations thereon.

VOTE

DATE

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May
30

VOTE

DATE

DRAFT ADOPTED BY TECHNICAL COMMITTEE

REVIEW BY COORDINATION COMMITTEE & ADVISORY COMMITTEE OF JURISTS

Committee II/2

Chapter V, B

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.

VOTE

DATE

✓

May
30

VOTE

DATE

DUMBARTON OAKS PROPOSALS

Chapter V, B

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

DUMBARTON OAKS PROPOSALS

DRAFT ADOPTED BY TECHNICAL COMMITTEE

No Dumbarton Oaks Proposal

Committee III/1

Chapter VI, B

6. The Security Council shall participate in the election of the judges of the International Court of Justice in accordance with the Statute of the Court.

VOTE

DATE

✓

May
28

REVIEW BY
COORDINATION COMMITTEE &
ADVISORY COMMITTEE OF JURISTS

[illegible]

DUMBARTON OAKS PROPOSALS

DRAFT ADOPTED BY TECHNICAL COMMITTEE

Chapter IX, A

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.

Committee II/3

Chapter IX, A

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the Organization shall promote:

(a) higher standards of living, full employment, and conditions of economic and social progress and development;

(b) solutions of international economic, social, health and other related problems; international cultural and educational cooperation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, religion or sex.

Responsibility for the discharge of this function shall be vested in the General Assembly, and, under the authority of the General Assembly, in the Economic and Social Council.

VOTE

DATE

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May
29

REVIEW BY
COORDINATION COMMITTEE &
ADVISORY COMMITTEE OF JURISTS

VOTE

DATE _____

3. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which should be based on respect for the principle of sovereign equality.

4. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by one of the United Nations, and shall be approved as provided for in paragraphs 8 and 10 below.

5. Except as may be agreed upon in individual trusteeship agreements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which member states may respectively be parties. This paragraph shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in paragraph 3.

6. The trusteeship agreement in each case shall include the terms under which the territory will be administered and designate the authority which shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations itself.

7. In addition, there may also be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the United Nations relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic

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8. All functions of the United Nations relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic

objectives as provided for in paragraph B, 2, above shall be applicable to the people of each strategic area. The Security Council shall, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 below to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

9. It shall be the duty of the administering authority to insure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority shall be empowered to make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations undertaken by the administering authority for the Security Council in this regard and for local defense and the maintenance of law and order within the trust territory.

10. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

11. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there shall be established a Trusteeship Council which shall operate under the authority of the Assembly. The Trusteeship Council shall consist of specially qualified representatives designated (a) one each by the states administering trust territories; (b) one each by the states mentioned by name in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other states elected for three-year periods by the General Assembly in order that the total number of representatives is equally divided between administering and non-administering states. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of other bodies which are brought into relationship with the United Nations, in regard to matters with which they are respectively concerned.

12. The Trusteeship Council shall adopt its own rules of procedure and the method of selecting its president. The Trusteeship Council shall meet as required in accordance with rules adopted by the Council. These rules shall include provision for the calling of a meeting on the request of a majority of the members of the Council.

13. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, shall

be empowered to consider reports submitted by the administering authority, to accept petitions and examine them in consultation with the administering authority, to provide for periodic visits to the respective trust territories at times agreed upon with the administering authority, and to take these and other actions in conformity with the terms of the trusteeship agreements.

14. The administering authority in each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council on the political, economic, social, and educational advancement of the inhabitants of the trust territory.

Approved:

/s/ Eugene P. Chase
Secretary, Committee 4
Commission II

/s/ Huntington Gilchrist
Executive Secretary, Commission II

June 16, 1945

TO: Coordination Committee Secretariat
FROM: Eugene P. Chase, Committee II/4
SUBJECT: Trusteeship Chapter, Section B

Committee II/4 adopted the English text of Section B of the Chapter on trusteeship on June 15. This text is submitted herewith. The French text, which is of equal validity, will be submitted after its adoption at the next meeting of Committee II/4.

B. INTERNATIONAL TRUSTEESHIP SYSTEM

1. The United Nations shall establish under its authority an international system of trusteeship for the administration and supervision of such territories, hereafter called trust territories, as may be placed thereunder by subsequent individual agreements and set up suitable machinery for these purposes.

2. The basic objectives of the trusteeship system, in accordance with the purposes of the United Nations laid down in Chapter 1 of the Charter, shall be:

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and
- (d) to insure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of (a) and (b) above, and subject to the provisions of paragraph 5 below.

3. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which should be based on respect for the principle of sovereign equality.

4. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by one of the United Nations, and shall be approved as provided for in paragraphs 8 and 10 below.

5. Except as may be agreed upon in individual trusteeship agreements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which member states may respectively be parties. This paragraph shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in paragraph 3.

6. The trusteeship agreement in each case shall include the terms under which the territory will be administered and designate the authority which shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations itself.

7. In addition, there may also be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the United Nations relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic

objectives as provided for in paragraph B, 2, above shall be applicable to the people of each strategic area. The Security Council shall, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 below to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

9. It shall be the duty of the administering authority to insure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority shall be empowered to make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations undertaken by the administering authority for the Security Council in this regard and for local defense and the maintenance of law and order within the trust territory.

10. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

11. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there shall be established a Trusteeship Council which shall operate under the authority of the Assembly. The Trusteeship Council shall consist of specially qualified representatives designated (a) one each by the states administering trust territories; (b) one each by the states mentioned by name in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other states elected for three-year periods by the General Assembly in order that the total number of representatives is equally divided between administering and non-administering states. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of other bodies which are brought into relationship with the United Nations, in regard to matters with which they are respectively concerned.

12. The Trusteeship Council shall adopt its own rules of procedure and the method of selecting its president. The Trusteeship Council shall meet as required in accordance with rules adopted by the Council. These rules shall include provision for the calling of a meeting on the request of a majority of the members of the Council.

13. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, shall

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Approved:

/s/ Eugene P. Chase
Secretary, Committee 4
Commission II

/s/ Huntington Gilchrist
Executive Secretary, Commission II

June 16, 1945

TO: Coordination Committee Secretariat
FROM: Eugene P. Chase, Committee II/4
SUBJECT: Trusteeship Chapter, Section B

Committee II/4 adopted the English text of Section B of the Chapter on trusteeship on June 15. This text is submitted herewith. The French text, which is of equal validity, will be submitted after its adoption at the next meeting of Committee II/4.

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- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and
- (d) to insure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of (a) and (b) above, and subject to the provisions of paragraph 5 below.

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14. The administering authority in each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council on the political, economic, social, and educational advancement of the inhabitants of the trust territory.

Approved:

/s/ Eugene P. Chase
Secretary, Committee 4
Commission II

/s/ Huntington Gilchrist
Executive Secretary, Commission II

MEMORANDUM

TO: Charles Darlington, Secretary of Executive Committee

FROM: W. A. Brown, Jr., Secretary of Committee II/1

ELECTION OF THE SECRETARY GENERAL OF THE ORGANIZATION

1. Action by Commission II on the Report of the Rapporteur of Committee II/1 on this Question.

At its meeting of May 30, 1945, Commission II considered the following recommendation in the report of the Rapporteur of Committee II/1.

"The Committee recommends that the Secretary General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The verbatim report of this meeting of Commission II will be found in Doc. 719 and the full text of the Rapporteur's Report in Doc. 666.

The Russian Delegate, Mr. Novikov, asked that action on this recommendation be postponed by Commission II since the question of the election of the Secretary General had been referred by the Delegation of the Soviet Union to the Steering Committee. The Chairman referred to rules of the Conference which provide that the Steering Committee shall consider any major policy or procedure question submitted to it during the Conference by the co-presidents or the chairman of any delegation, and ruled that action on the matter should be postponed by the Commission.

2. Previous Discussion and Action on the Question by Committee II/1.

At its meeting on May 12, 1945, Committee II/1 discussed at length alternative methods of election of the

Secretary General by the Security Council (See Doc. 295) and agreed to vote on these questions without further discussion at its next meeting.

At its meeting of May 14, 1945, (See Doc. 328) Committee II/1 took the following decision:

Decision:

The Committee approved a motion stating that the Secretary General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council.

At its meeting of May 16, 1945, (See Doc. 375) the Committee again discussed this question. The Delegate of the U. S. S. R. moved that the Committee reconsider its previous decision that the Secretary General should be elected by the General Assembly upon nomination by a majority of seven members of the Security Council. He moved that the words "by a majority of seven members" be deleted from the recommendation of the Committee on the ground that they were contrary to the agreements made at Yalta and that it was not within the competence of this Committee to discuss methods of voting within the Security Council. The Committee then took the following decision.

Decision:

The Committee agreed not to reconsider its action of the previous meeting relative to the election of the Secretary General, but to refer the question of the consistency of its decision with decisions taken by other committees to the Executive Committee for the Coordination Committee in the normal manner.

On May 25, 1945, the Drafting Subcommittee of Committee 2, submitted its report (See Doc. 560) in which it recommended the following text for insertion in Chapter V, Section B, paragraph 4:

"It [The General Assembly] shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members."

The report of the Drafting Subcommittee added to this recommendation the following footnote:

"This wording is intended by the Committee to mean a majority of any seven members, not requiring the concurrent votes of the five permanent members."

At its 11th meeting on May 25, 1945, Committee II/1 considered the report of the Drafting Subcommittee on this matter (See Doc. 594). It was pointed out in the discussion of the report that the wording of the text proposed by the Drafting Subcommittee relative to the election of the Secretary General employed the phraseology of the Yalta formula, as given in Chapter VI, Section C, paragraph 2 of the Dumbarton Oaks Proposals (Voting on Procedural Matters).

The Committee, by a vote of 30-0, approved the text recommended by the Drafting Subcommittee.

On May 25, 1945 the Secretary of the Committee submitted this text officially to the Coordination Committee and attached the following footnote: "This wording is intended by the Committee to mean a majority of any seven members, not requiring the concurrent votes of the five permanent members."

At its 12th meeting on May 26, 1945 (See Doc. 631) the Committee gave preliminary consideration to the report of the Rapporteur. The Delegate of the Soviet Union suggested that the Rapporteur should add to his Report a reference to the fact that some delegates had pointed out that it would have been more reasonable for the Committee to refer this matter to Committee III/1 than to reach a decision which involved the procedures of the Security Council. Such a reference was included in the Report submitted to Commission II (See Doc. 666).

At its 13th meeting on May 28, 1945, (See Doc. 660) the Committee considered and approved unanimously the Report of the Rapporteur, including the language relative to the election of the Secretary General, as reported to the Commission by the Rapporteur, Mr. Kiselev, of the Byelorussian Soviet Socialist Republic.

June 18, 1945

MEMORANDUM

TO: Mr. Padelford

FROM: Mr. Green

Mr. Brown telephoned this morning to ask for the latest papers relating to Article 4 on Membership. Mr. Brown points out that the draft of Article 4 dated June 14 (CO/127) does not make clear that the General Assembly should have power to accept or reject a recommendation of the Security Council. Mr. Brown says that unless this provision is clarified in the draft now being considered by the Advisory Committee of Jurists, it will be necessary for him to consult his committee. Since his committee is meeting for the last time tonight, he needs the latest draft urgently.

JG/eck

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

TO: Mr. William A. Brown, Jr. - Secretary II/1
FROM: Norman J. Padelford

Reference is made to the concern which you expressed to me and to Mr. Green whether the text of Article 4, paragraph 2 as approved by the Coordination Committee (CO/127) makes clear that the General Assembly has power to accept or reject a recommendation of the Security Council.

The matter was discussed by the Committee of Jurists at **its** meeting this morning. The Committee believes that the word "decision" leaves no doubt that the General Assembly may accept or reject a recommendation from the Security Council. That is to say, the General Assembly might accept or reject a recommendation for the admission of a new member, or it might accept or reject a recommendation to the effect that a given state should not be admitted to the United Nations.

Note was taken of the language employed in Article 20 concerning the general powers of the Assembly and voting therein.

Norman J. Padelford
Secretary, Committee
of Jurists

6/15

COMMISSION II

Committee 1, Structure and Procedures

Copied

Text of Chapter V, Section B, paragraph 2.

As approved by Committee II/2.

English text:

The General Assembly may admit new members to the Organization upon the recommendation of the Security Council.

French text:

L'Assemblée Générale a le pouvoir d'admettre de nouveaux membres dans l'Organisation sur la recommandation du Conseil de Sécurité.

The text being considered by the Coordination Committee.

English text:

The admission of any state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

French text:

L'admission de tout Etat comme membre des Nations Unies est prononcée par l'Assemblée Générale sur la recommandation du Conseil de Sécurité.

*deliberated
voted on
by
Haffner*

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 15, 1945

Mr. William A. Brown, Jr.
Secretary, Committee II/1
Veterans Building

Dear Mr. Brown:

Committee II/4 on the Trusteeship System at its meeting on June 15 adopted the following proposals:

(1) the insertion of the underlined words in the appropriate part of Chapter V:

The General Assembly shall elect the non-permanent members of the Security Council, and the members of the Economic and Social Council, and the elective members of the Trusteeship Council.

(2) the insertion of a new paragraph in Chapter V to read as follows:

The General Assembly shall have power to approve the trusteeship agreements for areas not designated as strategic, and to perform such other functions as are assigned to it under Chapter ____.

I therefore transmit these proposals to your Committee for insertion in the proper place in the Charter.

Yours truly,

Eugene P. Chase

Secretary, Committee II/4

N° 7

June 18, 1945.

TRUSTEESHIP

Section B
INTERNATIONAL TRUSTEESHIP SYSTEM

Consequential amendment to be added to the Article on the Voting Powers of the General Assembly, Chapter V, Section C, paragraph 2, listing among the questions requiring a two-thirds majority of those present and voting, a clause along the lines of the following:

"questions relating to the operations of the trusteeship system."

Amendement complémentaire à ajouter à l'article sur les pouvoirs de vote de l'Assemblée générale Chapitre V, Section C, paragraphe 2, ~~comportant~~ ^{comprenant}, parmi les questions nécessitant une majorité des deux tiers des membres présents et votants, une clause du genre suivant :

"questions relatives aux opérations du système de tutelle"

SECOND REPORT OF THE RAPPORTEUR OF COMMITTEE II/1

for Submission to Commission II
Revised and circulated to the members of the Committee for their approval June 19, 1945)

The first report of Committee 1 of Commission II was considered by Commission II at its meeting of May 30. Since that time the Committee has met twice and now submits its final report.

Opening Meetings of the Assembly

The Committee has discussed a proposal that the principle of free access to the sessions of the General Assembly by the public and press of the world be included in the Charter.

This proposal was supported by a number of delegations on the ground that the Assembly as an organ of world opinion should, from the moment of its establishment, declare its will to maintain with this world public opinion the most constant and close bonds. While expressing full agreement with the principle underlying this proposal, other delegations expressed the view that the question of open sessions should be dealt with as a procedural matter by the General Assembly itself.

The Committee adopted by unanimous vote the following motion:

"That the Rapporteur of this Committee be instructed to state in his report that this Committee is of the opinion that regulations to be adopted at the first session of the General Assembly shall provide that, save in exceptional cases, the sessions of the General Assembly shall be open to the public and the press of the world."

It now submits this declaration for the approval of the Commission.

Expenses of the Organization (Chapter V, Section B, para. 5 of the Dumbarton Oaks Proposals.)

The Committee discussed and approved a revision of the text of this paragraph which was referred to it by the Coordination Committee and which imposes a direct obligation on the members to bear the expenses of the Organization as apportioned by the

General Assembly. In approving this text, the Committee took into account the view of the Advisory Committee of Jurists that this obligation should be clearly stated in the Charter. The text of this paragraph which had been previously approved by the Committee and which is referred to in its first report to the Commission provided only that the General Assembly should be empowered to apportion the expenses among the members.

Admission of New Members

(Chapter V, Section B, paragraph 2 of the Dumbarton Oaks Proposals)

The Committee considered a revision of the text of this paragraph which was under consideration by the Coordination Committee in order to determine whether the power of the Assembly to admit new members on recommendation of the Security Council was in no way weakened by the proposed text.

a recommendation for the admission of a new member, or
The Committee was advised that the new text did not, in the view of the Advisory Committee of Jurists, weaken the right of the Assembly to accept or reject a recommendation to the effect that a given state should not be admitted to the United Nations.

upon
The Committee agreed that this interpretation should be included in its minutes as the ~~interpretation~~ that should be given to this provision of the Charter, and on this basis approved the text as suggested by the Coordination Committee.

we
Election of the Elected Members of the Trusteeship Council by the General Assembly

(Chapter V, Section B, paragraph 4 of the Dumbarton Oaks Proposals)

we
The Committee recommends that the elected members of the Trusteeship Council shall be elected by the General Assembly. In doing so it ~~concurs with~~ the recommendation on this subject of Committee II/4. *approves a*

Powers of the Assembly on Questions of Trusteeship (New paragraph to be added to Chapter V of the Dumbarton Oaks Proposals)

The Committee recommends that the General Assembly shall have power to approve the Trusteeship agreements for areas not designated as strategic and to perform such other functions as are assigned to it in the Chapter of the Charter on Trusteeship.

The Committee discussed the ~~question of whether the right "to approve Trusteeship agreements includes the right to reject and to amend"~~ It recommends that the text of this provision shall fully

interpretation that should be given to the word "approve" in this recommendation. Many members expressed the view that the right to approve includes and implies the right to reject. The Committee recommends that the text of this provision shall fully

safeguard the rights of the Assembly to approve the terms of these agreements, ~~to approve~~ ^{and} their alteration or amendment, ~~or to reject them.~~

Voting Majority on Important Questions (Chapter V, Section C, paragraph 2 of the Dumbarton Oak Proposals)

The Committee recommends that the following be added to the list of important questions to be decided by the General Assembly by a two-thirds majority::

- (1) election of the ^{live} ~~elect~~ members of the Trusteeship Council, ✓
- (2) questions relating to the operation^s of the Trusteeship System, ✓
- (3) expulsion of members from the Organization. ✓

The Committee has now completed its work and has made recommendations to Commission II on all matters within its terms of reference.

2 agendas

14th m.
10:30 AM June 18

Green H. Hackworth,	Chairman
China	Hsu Mo, Adviser
France	Jules Basdevant, Asst. Delegate
USSR	S. B. Krylov, "
UK	Sir William Mallin, Adviser

CABLE ADDRESS: UNATIONS NEW YORK

TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS



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LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

Legal Problems.

The Committee unanimously agreed that the Charter should provide for immunities and privileges for:

(a) Property owned or occupied by the United Nations Organization and devoted to its use, and

(b) Representatives of members and officials of the United Nations Organization and their staffs.

It was also unanimously agreed that a subcommittee should be appointed to draft the text of a provision regarding the principle of immunities and privileges to be included in the Charter for consideration by the Committee, and that this drafting subcommittee should reconsider the language adopted by the Committee, particularly with respect to the extension of immunities and privileges to the staffs of representatives of members and officials of the Organization, as well as to the correspondence of the Organization. It was also agreed that the drafting subcommittee would consider the amendments proposed by the delegates of Canada and by other countries.

(Doc. 228, IV/2/10)

Adopted by Comm. IV/2, May 10

*Rommel
Please
take up
with Mr.
Darlington
Mon AM*

*Rec'd by Darlington
APR 21
23 19*

1945 APR 21 23 19

UNCIO V STATE NR 26/21ST APRIL 6 50 PM ROUTINE GR 121 BTZ

TO: MR. ROSS AND MR. C. F. DARLINGTON, CONF. HQS. S.F.

FROM: MR. HISS

*Add to agenda for Heads of Delegations
" " Report of*

1. WE THINK THAT THE APPOINTMENT OF THE SECRETARY GENERAL SHOULD BE REGARDED AS PRO TEM AND ACCORDINGLY SHOULD BE PROPOSED BY THE STEERING COMMITTEE.

2. THE AGENDA NEEDS TO BE COVERED IN TERMS OF THE INVITATION, WHICH CLEARLY PRESCRIBES THE DUMBARTON OAKS PROPOSALS AS THE BASIS OF THE CHARTER.

3. MR. DUNN AGREES TO THE CIRCULATION OF THE MEMORANDUM TO THE SECRETARIES GENERAL AND TO THE NEGOTIATIONS WHICH WE TALKED ABOUT. ALSO, WITH HIS AUTHORIZATION WE ARE TAKING UP WITH THE BRITISH THE SPECIFICATIONS OF COMMISSIONS AND COMMITTEES JURISDICTION AS DESCRIBED ON THE CHART ENTITLED "PROPOSED STRUCTURE AND FUNCTIONS". THIS SHOULD BE INCLUDED IN YOUR MEMORANDUM.

SENT NR 26/21ST APRIL 7 19 PM EWT STATE MJM
RECD NR 26/21ST APRIL 4 19 PM PWT UNCIO AK

IX /x

Revised Paragraph 69

~~SECRETARIAT~~
~~SECRETARIAT~~

There shall be a permanent Secretariat comprising a Secretary-General and such staff as may be required, including specialized staffs for the General Assembly, the Security Council, Economic and Social Council, and the Trusteeship Council, and for any other organ of the United Nations which may require a specialized staff.

STATUS OF WORK IN TECHNICAL COMMITTEES
Saturday, 3:00 PM, June 16, 1945

Committee I/1. The Rapporteur's report on all the Committee's work except Chapter II, 8 was presented to the Commission Thursday and Friday and was approved. The Committee will report to the Commission on Chapter II, 8 when Committee I/2 reports on Chapter III, probably Monday.

Committee I/2. Last night the Committee voted unanimously to provide in the Charter for holding a Constitutional Convention to be called by a 2/3 vote in the General Assembly and a vote of any 7 in the Security Council. The Committee still has to complete action on certain remaining items on the Constitutional Convention, and on Expulsion, Suspension, Withdrawal and Amendment. The Committee is meeting at 3 p.m. and 8 p.m. today. It will hold meetings Sunday and may be able to complete this work and certain items on the Secretariat and to adopt the Rapporteur's report on Chapters III, IV, X, and XI. Commission meetings might be held Monday and Tuesday.

Committee II/1. Committee II/1 has remaining: Reconsideration of Expulsion as affected by I/2, and procedure of the General Assembly in selecting trusteeship council, in approving trusteeship agreements, and considering trusteeship reports. The Committee will meet to consider these items as soon as Committee I/2 has acted on Expulsion. No meeting is being held for Rapporteur's report. The Committee will report to Commission II Sunday evening merely to give certain delegations an opportunity to raise and discuss the question of making the General Assembly open to the press and public.

Committee II/2. The only item remaining is the Assembly's function with respect to Expulsion, now being dealt with by I/2, and the adoption of the Rapporteur's report. The Committee is meeting this afternoon to consider the Rapporteur's report. The Committee will report to Commission II Sunday evening at 8:30 p.m. on all matters except Expulsion.

Committee II/3. Committee II/3 has completed its work and the Rapporteur's report has been approved by the Commission.

Committee II/4. On Friday afternoon the Committee disposed of the Egyptian Amendments to the trusteeship paper and approved the English text of Sec. B, paras. 1-13. A sub-committee will meet Saturday afternoon to deal with the French

text. The Australian amendment (elaboration of general principles, to be included in Section A of the paper) remains to be considered. Further substantive progress is being held up pending agreement among the Big Five. One or two more meetings of the Committee will be necessary to complete substantive work--probably only one, now tentatively scheduled for Sunday afternoon. The Rapporteur's report is up to date and can probably be submitted for approval on Monday. A Commission meeting could thus be held on Tuesday.

Committee III/1 has completed its substantive work and has adopted its Rapporteur's report on Ch. VI, B (principal functions and powers). The Committee will meet tonight to approve Rapporteur's report on (1) Ch. VI, C and D, and (2) the two matters referred to the Committee by the Steering Committee (nomination of the Secretary General and Council reports to the Assembly). Coordination Committee has referred back a small textual change on which no difficulty is contemplated. A Commission meeting is planned for Monday.

Committee III/2 last night completed its work with the exception of approving the Rapporteur's report. This will be done at a meeting of the Committee this afternoon. A Commission meeting is planned for Monday.

Committee III/3. The Committee still has to consider Chapter XII. The Big Five are negotiating this and consulting home Governments. A meeting will be held as soon as the Big Five have reached agreement. The Committee has reported to Commission on all of its other work and Commission has approved Rapporteur's report.

Committee III/4. The Committee has reported all its work to the Commission and the Commission has approved the Rapporteur's report.

Committees IV/1 and IV/2 have completed their work and reported to Commission IV, (Friday) which accepted these reports and gave specific approval to the proposals presented.

Mr. D. B. King
J. E. Green
L

STATUS OF WORK IN TECHNICAL COMMITTEES
Thursday 7:00 PM, June 14, 1945

Committee I/1. Only one item remains, Domestic Jurisdiction, which will be completed at tonight's meeting and reported to Commission Friday morning.

Committee I/2. Committee I/2 still has to complete action on Expulsion, Suspension, Amendment, and Withdrawal. This afternoon's meeting considered the questions of amendments and withdrawal but did not reach a vote. It was a "turbulent" session. Meetings are scheduled for 3:00 PM and 8:00 PM on Friday. It is not known whether these two meetings will suffice to complete the substantive work. One further meeting will be required to adopt the Rapporteur's report.

The Committee Secretary has started preparation of the Rapporteur's report.

Committee II/1. Committee II/1 has remaining: Reconsideration of expulsion as affected by I/2, and procedure of the General Assembly in selecting trusteeship council, in approving trusteeship agreements, and considering trusteeship reports. It will meet as soon as II/4 and I/2 have acted and it could complete these items in one meeting. No meeting is being held for Rapporteur's report.

Committee II/2. The only item remaining is the Assembly's function with respect to expulsion, now being dealt with by I/2 and the adoption of the Rapporteur's report. One more meeting will be required to deal with these matters and will be held immediately upon conclusion of action of I/2.

Committee II/3. Committee II/3 has completed its work and the Rapporteur's report has been approved by the Commission.

Committee II/4. Committee II/4 still has to consider the Australian amendment, and the Egyptian amendments on the following: due regard for wishes of people in selecting trust authority, power of General Assembly to terminate trusteeship, specific obligations of trustees as regards native development, action to be taken in event trustee violates trust or is suspended. Two meetings contemplated tomorrow, provided negotiations among Big Four are completed. A third meeting may be required. Preliminary draft of Rapporteur's report has been made by Secretaries of Committee.

Committee III/1. The Committee still has to consider the matter of the Security Council's reports to the Assembly and has before it a report of the Joint Subcommittee III/1/C and II/2/B as well as a subsequent text adopted by II/2. No difficulty is expected.

The Committee also still has to approve the Rapporteur's report on Chapter VI, Sections B, C, and D. Substantive work will be completed tonight and Rapporteur's report approved tomorrow. Commission meeting could be held on Sunday.

Committee III/2. The Committee began discussion this afternoon of a proposed text for a chapter on the Pacific settlement of disputes drafted by III/2/B. It is hoped to complete this discussion at a meeting Friday morning. An effort will be made to persuade the Committee to waive the 24-hour rule and approve the Rapporteur's report at a second meeting on Friday. If this were done a Commission meeting might be held Sunday.

Committee III/3. The Committee still has to consider Chapter XII. The Big Five are negotiating this and consulting home Governments. A meeting on Saturday is possible. The Committee has reported to Commission on all of its other work and Commission has approved Rapporteur's report.

Committee III/4. The Committee has reported all its work to the Commission and the Commission has approved the Rapporteur's report.

Committees IV/1 and IV/2. Both Committees will report to Commission Friday.

Exec Committee Working File

EXECUTIVE COMMITTEE MASTHEAD

CHAPTER V. THE GENERAL ASSEMBLY

Section B. Functions and Powers

(Draft put forward by Mr. Evatt was a suggestion only, for the consideration of Subcommittee (A) of the Executive Committee)

1. The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of any of its organs or otherwise within the scope of the Charter; and, except as provided in Paragraph 2(b) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

Text dictated by A. H. K.

*June 17 & checked back with
him by telephone.*

✓

Mr. Darlington

CORRIGENDUM

SUMMARY REPORT FOR JUNE 16, 1945

Page 1, last paragraph, line 5: For "II/1" read "I/2"

Mr. Darlington
Rm 321

CORRIGENDUM

SUMMARY REPORT FOR JUNE 16, 1945

Page 1, last paragraph, line 5: For "II/1" read "I/2"

CHAPTER V. THE GENERAL ASSEMBLY

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(Draft put forward by Mr. Evatt as a suggestion only,
for the consideration of Subcommittee A of the
Executive Committee)

1. The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of any of its organs or otherwise within the scope of the Charter; and, except as provided in paragraph 2(b) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

EXECUTIVE COMMITTEE MASTHEAD

CHAPTER V. THE GENERAL ASSEMBLY

Section B. Functions and Powers

(Draft put forward by Mr. Evatt as a suggestion only,
for the consideration of Subcommittee A of the
Executive Committee)

1. The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of any of its organs or otherwise within the scope of the Charter; and, except as provided in paragraph 2(b) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

TEXT AS PASSED BY TECHNICAL COMMITTEE

(As all of this Chapter is new material, none of it is underlined as is done in other blue sheets to indicate additions to the Dumbarton Oaks Proposals.)

Trusteeship Chapter, Section B

B. International Trusteeship System

(Final text adopted by Committee II/4, June 15, 1945)

June 17, 1945

Revised Article 13

The General Assembly shall initiate studies and make recommendations for promoting international cooperation in the political field and encouraging the progressive development of international law and its codification; and also for the purposes set forth in Article 1, Paragraph 3, and in Article 88.

Interoffice Memoranda

June 8, 1945

To: Mr. Hiss
Mr. Rothwell ✓
Mr. Thompson

From: Mr. Coville

Subject: Procedure for Voting.

Mr. Pelt of the Netherlands Delegation telephoned to me at 3:45 p.m. today and had a comment to make with regard to the draft proposal on voting procedure. The copy which he had before him was this morning's earlier draft which was later changed about lunch time.

Mr. Pelt suggested at the end of the second numbered paragraph the following words be added "and in the absence of subsequent change of the committee's decision by the competent commission or in plenary session of the conference would be omitted from the Charter". I told him that there had been several changes in the draft which he has seen, and that I am afraid copies of the revision are in process of being made for the five o'clock meeting, making it impossible to consider his suggestion for inclusion in the paper itself; but that I would pass along his suggestion to Mr. Hiss.

Secr:CCoville:mhp

June 10, 1945.

TO: Dr. Isaiah Bowman
FROM: Elwood N. Thompson

Attached are typed copies of the drafts of Articles 1 and 2 upon which we completed work this afternoon. Paragraph 6 has been included in the copy of Article 2 for the sake of completeness. However, neither Article 1 nor Article 2 will be submitted to the Coordination Committee until we have had clearance from you concerning Paragraph 6 in Article 2. We can then submit both Articles to the Coordination Committee so that they can be considered together.

E. N. T.

June 10, 1945.

TO: Mr. Philip C. Jessup

FROM: Elwood N. Thompson

Attached are typed copies of the drafts of Articles 1 and 2 upon which we completed work this afternoon. Paragraph 6 has been included in the copy of Article 2 for the sake of completeness. However, neither Article 1 nor Article 2 will be submitted to the Coordination Committee until we have had clearance from you concerning Paragraph 6 in Article 2. We can then submit both Articles to the Coordination Committee so that they can be considered together.

E. N. T.

RESTRICTED
file

June 10, 1945.

MEMORANDUM

TO: Mr. Alger Hiss
Mr. Charles F. Darlington

FROM: Mr. Elwood N. Thompson

SUBJECT: Referral by Committee III/3 to the Steering Committee of Chapter XII of the Dumbarton Oaks Proposals Concerning Transitional Arrangements.

Attached are two documents concerning the above subject: (1) report to the Steering Committee of the Rapporteur of Committee III/3 concerning Chapter XII, with an addendum concerning a related Greek proposal referred by Committee III/2 to Committee III/3, (2) a draft of the Rapporteur's report, prepared by the Secretary of Committee III/3, William T. R. Fox, for our information but not for official use.

Committee III/3 first voted to postpone voting on the two articles of Chapter XII of the Dumbarton Oaks Proposals and referred the text to a drafting subcommittee for clarification. The drafting subcommittee was unable to agree on an alternative text which would conform to the substance of the provisions of Dumbarton Oaks Proposals. The subcommittee decided by a vote of 5 to 0, with four abstentions, to recommend to Committee III/3 the adoption of the text of Dumbarton Oaks Proposals and also to report explanations on the scope and meaning of Chapter XII. Committee III/3 at its meeting June 2 examined the subcommittee's report, and rejected paragraph 1 of Chapter XII by a vote of 21 to 9; the Chairman refrained from taking a vote on paragraph 2. The delegate from Australia expressed criticism of the explanations reported by the subcommittee to the full committee concerning the meaning of the Dumbarton Oaks text.

On the suggestion of the delegate of the United Kingdom, (Sir Alexander Cadogan), Committee III/3 decided to refer to the Steering Committee the explanations which had been presented to it by the drafting subcommittee, as well as the criticisms voiced by the delegate of Australia. It is specified in the

Rapporteur's report that the committee's rejection of Chapter XII is motivated only by the present form of the text and not by the principles involved.

A study of the attached documents, and conversations with the Secretary of Committee III/3, indicate that the primary problem is that of producing a text which states the principles of Dumbarton Oaks Proposals Chapter XII in language that is satisfactory to Committee III/3. Neither the Executive nor the Steering Committee is an appropriate body to perform this function. If redrafting requires political decisions by the sponsoring powers and France, it would appear that the Big Five should prepare a new draft of Chapter XII for submission to Committee III/3. It could then be moved in the Committee that it recall the Rapporteur's report to the Steering Committee and consider the new text. Presumably the new text would not be regarded as a new proposal requiring authorization of the Executive Committee in order to be admitted after the May 4 deadline. In case of such question, the action of the Executive Committee could be ascertained within 24 hours without calling a meeting.

June 4, 1945

MEMORANDUM

TO: Elizabeth Armstrong
Secretary, Committee I/2

FROM: Charles F. Darlington
Executive Officer, Coordination Committee

At its ninth meeting on June 1, 1945, the Coordination Committee instructed me to refer to you for your Committee's consideration an alternative draft of DO Chapter III, paragraph 1, second sentence, which the Coordination Committee has made a separate Article, No. 4. The original text passed by your Committee and the alternative draft of the Coordination Committee are contained in Document CO/31 (1), a copy of which is attached.

The thought was expressed by some members of the Coordination Committee that the phrase "in the judgment of the Organization" should be placed where it is in alternative Article 4 in order that it should apply only to the ability and readiness of peace-loving States to carry out their obligations under the Charter. The process of accepting the obligations by a non-member State did not seem to these members to be a matter that involved the judgment of the Organization. It should be understood, however, that the feeling of the Coordination Committee was not unanimous on this point, some members preferring the original wording of the Article.

Attached
Copy Doc. CO/31(1)

cc Malcolm W. Davis, Executive Officer, Commission I
Easton Rothwell
Robert Stewart
Mrs. Jane Carey (Rm 430 Veterans)

file

June 4, 1945

TO: Miss Elizabeth Armstrong
Secretary, Committee I/2

FROM: Mr. Charles F. Darlington
Executive Officer, Coordination Committee

At its meeting today the Coordination Committee discussed the text originally submitted by your Committee appearing as Chapter IV, paragraph 3, according to the Dumbarton Oaks arrangement:

"The Organization shall place no restrictions on the representation and participation of men and women on an equal basis in its principal organs and subsidiary agencies."

After considerable discussion the Committee agreed to the following draft which it felt might be an improvement:

"The (name to be inserted) shall place no restrictions on the equal eligibility of men and women to participate in any capacity in the activities of the (name to be inserted)."

This draft is now submitted to your Committee for its approval.

*file
Amendments
to DO*

June 2, 1945

MEMORANDUM

TO: William Adam Brown, Jr.,
Secretary Committee II/1

FROM: C. F. Darlington, Executive Officer
Executive Committee

This is to inform you that the Executive Committee has approved consideration by the Conference, as a proposed amendment to the Dumbarton Oaks Proposals, the suggestion of the Delegation of Peru regarding public deliberations of the General Assembly. It is therefore appropriate that your committee proceed to discuss this proposal.

copies to: Huntington Gilchrist, Executive Officer,
Commission II
Easton Rothwell
Robert Stewart

RR/eck

June 2, 1945

REPORT TO THE STEERING COMMITTEE OF COMMITTEE III/3 *
(enforcement measures)

Relative to Chapter XII (transitional arrangements)

I. In the session of May 30, 1945, Committee III/3 examined the text of Chapter XII (transitional arrangements) of the Dumbarton Oaks Proposals.

A - An amendment proposing the addition of the words "and France" after "the signatories to the declaration of Moscow" in paragraph 1 of Ch. XII was adopted by acclamation.

B - Several Powers having requested clarification regarding the form given to the provisions for transitional arrangements as a whole, in the Dumbarton Oaks Proposals, the Committee decided, by a vote of 17 to 15 to postpone voting on the two articles of Chapter XII and to refer this text to a drafting sub-committee for possible clarification.

II. The drafting sub-committee met May 31 and June 1; it was not able to agree on an alternative text to be submitted to the Committee, which would conform to the substance of the provisions of the Dumbarton Oaks Proposals.

After a long debate it was decided by a vote of 5 to 0 with four abstentions to recommend to Committee III/3 the adoption of the text of Dumbarton Oaks, as well as the inclusion in its report of the explanations on the scope of Chapter XII given in the course of the discussion.

* Secretariat translation of French text ^{of Rapporteur's report} received by the Steering Committee
Secretariat from the Secretaries of Committee III/3.