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- article 27

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May 29, 1945

TO: Executive Committee (Via Commission III) for  
Coordination Committee

SUBJECT: Action of Committee III/1 at Fifteenth Meeting,  
May 28

1. Approval of paragraph 6 of Section B, Chapter VI, by  
Committee III/1

This is to inform you that Committee 1, Commission III, at its fifteenth meeting held on May 28, 1945 approved the addition of a paragraph to be numbered paragraph 6 of Section B, Chapter VI of the Dumbarton Oaks Proposals to read as follows:

"(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."

The French text reads as follows:

"(6) Le Conseil de Sécurité participera à l'élection des juges à la Cour de Justice Internationale conformément au statut de la Cour."

2. Meaning of "In the First Instance"

At the above meeting the Committee also discussed the words "in the first instance" appearing in the following sentence of Section A, Chapter VI of the Dumbarton Oaks Proposals as amended by the four sponsoring powers:

"The General Assembly should elect six states to fill the non-permanent seats, due regard being specially paid in the first instance to the contribution of members of the Organization towards the maintenance of international peace and security and towards the other purposes of the Organization, and also to equitable geographical distribution."



The discussion raised the question whether or not "in the first instance" qualified that part of the sentence respecting the contribution of members only or whether it also applied to the last three words of the sentence respecting equitable geographical distribution. No vote was taken, inasmuch as the language in question had already been approved by the Committee, but it was agreed that the question should be brought to the attention of and referred to the Coordination Committee, with the relevant parts of the minutes, which are attached.

### 3. French Text of Section A, Chapter VI

In the consideration of the Draft Report of the Rapporteur of Committee III/1 on Section A, Chapter VI, at the above meeting, it was pointed out that the French text in the Rapporteur's Draft Report of the Dumbarton Oaks Proposals as amended by the four sponsoring powers (see page 3-4, Doc. WD 39 (French), III/1/31, May 27, 1945) was not a correct translation of the English text. A copy of this incorrect French text is attached.

The following points were raised in connection with this text:

a. The first two sentences respecting the composition of members of the Security Council should read as follows:

"Le Conseil de Sécurité devrait être composé de onze membres de l'Organisation. Les Etats-Unis d'Amerique, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, l'Union des Républiques Soviétiques Socialistes, la République de Chine et la République Française, devraient avoir des sièges permanents."

b. In the third sentence, the words "en premier lieu" should be substituted for "lors de la première élection."

c. In the third sentence, the words "de même que" should be substituted for the words "ainsi que de la nécessité."

It was decided at the meeting that these points should be brought to the attention of the Coordination Committee.

4. The above matters are brought to your attention for reference to the Coordination Committee.

Paul G. Pennoyer  
Secretary, Committee 1  
Commission III

Approved

Grayson Kirk  
Executive Officer  
Commission III



Meaning of "In the First Instance"

Excerpt from the Summary Report of Fifteenth

Meeting of Committee III/1, May 28, 1945 at 8:45 p.m.

The Delegate of Uruguay asked whether the term "in the first instance" referred merely to the first portion of the following phrase relating to the contribution of members toward the maintenance of peace and the other purposes of the Organization, or also to the second portion of the phrase relating to equitable geographical distribution. He had been informed that, grammatically speaking, the phrase covered both points.

The Delegate of the United Kingdom stated that the phrase "in the first instance" applied to the first criterion, but that since this might result in an inequitable geographical distribution, it might have to be tempered by the second criterion. If both criteria were applied in the first instance, what would be applied in the second instance? The first was the governing, major criterion and the other was secondary. This interpretation was supported by the Delegates of Canada and Egypt. The Delegate of Uruguay differed with this view, stating that if the two criteria were followed in the first instance, there were other criteria which might also be followed. The Delegate of Norway also considered that both criteria should be governing and that in any particular case certain unforeseen criteria might also be applied.

The Rapporteur suggested that the interpretations of this phrase as recorded be transmitted to the Coordination Committee for its guidance. The Delegate of Australia agreed that the matter be referred to the Coordination Committee and indicated that broadly speaking he considered the interpretation of the phrase given by the Delegate of the United Kingdom to be correct. The suggestion to refer the text, as adopted, to the Coordination Committee was approved by the Chairman.

## CHAPITRE VI Conseil de Sécurité

"SECTION A. COMPOSITION. Le Conseil de Sécurité devrait être composé de représentants de onze membres de l'Organisation, à raison d'un par membre. Les représentants des Etats-Unis d'Amérique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de l'Union des Républiques Soviétiques Socialistes, de la République de Chine et de la République Française, devraient avoir des sièges permanents. L'Assemblée Générale devrait élire six Etats aux sièges non-permanents en tenant compte tout spécialement, lors de la première élection, de la contribution apportée par les membres de l'Organisation au maintien de la paix et de la sécurité internationales et à la réalisation des autres idéaux de l'Organisation, ainsi que de la nécessité d'une répartition géographique équitable. Ces six Etats devraient être élus pour une durée de deux ans, trois d'entre eux se retirant chaque année. Ils ne devraient pas être immédiatement rééligibles. Lors de la première élection des membres non-permanents, trois d'entre eux devraient être choisies par l'Assemblée Générale pour un mandat d'une année et trois pour un mandat de deux ans.