

UNCLO - COMMISSIONS & TECHNICAL COMMITTEES - COMMISSION 3 /
COMMITTEE 2 - DELEGATION'S CORRESPONDENCE

01 May 1945
30 June 1945

Clear - NK
03/06

S-1018
Box - 14
File - 09

(PAGE 5/2.2.3)

C
O
P
Y

23 June, 1945

Dear Colonel Capel Dunn:

In the absence of Mr. Fox I am answering your request of 22 June, 1945 for a corrigendum to the Summary Report of the 21st meeting of Committee III/3.

The matter was taken care of yesterday afternoon and the mimeographed corrigendum should reach you in due course of distribution processes.

Sincerely,

Claiborne Pell
Assistant Secretary
Committee III/3

Colonel Denis Capel Dunn

United Kingdom Delegation

Room 1126, Mark Hopkins Hotel

San Francisco, California

CP:an



UNITED KINGDOM DELEGATION
SAN FRANCISCO CONFERENCE

22nd June, 1945.

MR. FOX.

In confirmation of my telephone message left for you this morning, Colonel Capel Dunn asks that the following deletions may be made to Doc. 1111 (III/3/51), Summary Report of the Twenty-First Meeting of Committee III/3, and suggests the following substitutions in place thereof:-

Page 3, second paragraph, fourth line.

Delete the sentence beginning "He agreed that the . . . " down to the end - ". . . in relation to enemy states!"

Substitute -

"He said that it would be unwise to limit the definition of the expression "Governments having responsibility for such action" to governments parties to armistice terms, peace treaties and the Moscow Declaration. It was conceivable that in some cases there would be no peace treaty and that a government which had not been a party either to the Moscow Declaration or to an instrument of surrender might be called upon to assume some degree of responsibility for action in regard to an enemy state. As for the distinction between action "taken" and action "authorised" he explained that he conceived the distinction as one between positive and negative action - that is to say, action taken by the government itself having the responsibility, and action authorised by that government but taken by some other authority".

Page 3, third paragraph, last line.

Delete the last five words - ". . . . signature of the peace treaty."

Substitute -

" . . . termination of the war by a peace treaty or equivalent instrument.

S. Spence
(Secretary to Colonel Capel Dunn)

quadruple
space

June 6, 1945

My dear General van Tricht:

Thank you for your letter of May 30 in which you called attention to the two points which The Netherlands Delegation was especially interested in having the Rapporteur of Committee III/3 include in his Report of Commission III.

The two points had been included by the Rapporteur in his draft report, to be presented to the Committee for approval at its next meeting.

Sincerely yours,

Alger Hiss
Secretary General

Major General A. G. van Tricht,
The Netherlands Delegation,
Whitcomb Hotel,
San Francisco, California.

5-6
ER
HFarley:mf

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 30th 1945

Netherlands Delegation

Mr. Alger Hiss
Secretary
United Nations Conference
San Francisco

Attention: Mr. William T.R. Fox
Secretary of Committee III/3

Dear Sir,

As representative of the Netherlands on Committee III/3 I beg to draw your attention to the following matter.

The Netherlands Delegation attaches considerable importance to two points which were brought up in Committee III/3 and of which record has been kept in the Summary Reports of that Committee. The Delegation, for whom I am acting as spokesman in this matter, would be grateful if Monsieur Paul Boncour, the Rapporteur of our Committee would make specific mention of these two points in the Report which he is drawing up for presentation by Committee III/3 to Commission III, and which will cover the work accomplished by our Committee.

The two points referred to by me are the following:

1. The statement made by the Delegate of the Netherlands on May 14th 1945, during the Sixth meeting of Committee III/3 and recorded in the Summary Report in the following terms (see Doc. 320 (English) III/3 May 15th 1945.)

"He drew attention to the grave obligation thus demanded of the middle and smaller powers, that they must bind themselves now, in advance, to go to war upon a decision of the Security Council of Assembly - an obligation which would not be required of the great powers if they retained the veto. This would mean that the various governments must have faith in the Council to the extent that they would give it a blank check, not only the Council as it is now constituted but also future Councils whose composition cannot now be foreseen.

A similar act of faith in the Council, of course, would be demanded if the original text of the Dumbarton Oaks Proposal were adopted. Again the point was made that the Governments with permanent seats were not asked to perform this act of faith, that their veto power reserved to them the right, not to participate in any action with which they did not agree."

ER Point 1 is not an interpretation but a delegation statement + therefore under the formula I discussed with Pelt - this would not be for a report but only for a formal delegation statement at the Commission session.

CH

Not report

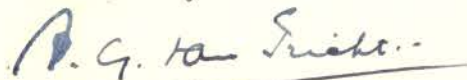
It will perhaps not be possible in the Report from the Committee to the Commission to make mention of the fact that it was the Delegate of the Netherlands who made this statement. As however similar statements were made on a previous occasion by the Delegates of New Zealand and Canada, both of which statements were included in the Summary Report of the Proceedings. (see Summary Report of Fourth Meeting of Committee III/3. Doc. 231. III/3/9 and Corrigendum,) the Rapporteur in that case will probably be able to refer to the gist of the statement as representing the opinion of several Delegations.

2. The second point referred to above concerned the question put by the Netherlands Delegate to the Sponsoring Powers in the 14th meeting of Committee III/3 on May 26th 1945 in respect of the right of a member of the Organisation, not represented on the Military Staff Committee "to lay before the Committee, either orally or in writing, questions properly belonging to the Committee's field of action, to have these questions discussed with the Committee in the form of an exchange of views, and to receive an answer in due course." This question, as will be remembered, was answered in the affirmative by the Delegate of the United Kingdom (see the Corrigendum to Document 628 (English) III/3/33 May 26th 1945.)

Thanking you in advance for your kind intermediary in forwarding these suggestions to Monsieur Paul Boncour.

I am,

Yours sincerely



Major General A. G. van Tricht

Netherlands Delegate

C
O
P
Y

May 30th 1945

*X to Rapporteur's
Report*

Mr. Alger Hiss
Secretary
United Nations Conference
San Francisco

Dear Sir:

Attention: Mr. William T. R. Fox
Secretary of Committee III/3.

As representative of the Netherlands on Committee III-3 I beg to draw your attention to the following matter.

The Netherlands Delegation attaches considerable importance to two points which were brought up in Committee III-3 and of which record has been kept in the Summary Reports of that Committee. The Delegation, for whom I am acting as spokesman in this matter, would be grateful if Monsieur Paul Bonecour, the Rapporteur of our Committee, would make specific mention of these two points in the Report which he is drawing up for presentation by Committee III-3 to Commission III, and which will cover the work accomplished by our Committee.

The two points referred to by me are the following:

1. The statement made by the Delegate of the Netherlands on May 14th 1945, during the Sixth meeting of Committee III-3 and recorded in the Summary Report in the following terms (see Doc. 320 (English) III-3 May 15th)

"He drew attention to the grave obligation thus demanded of the middle and smaller powers, that they must bind themselves now, in advance, to go to war upon a decision of the Security Council or Assembly - an obligation which would not be required of the great powers if they retained the veto. This would mean that the various governments must have faith in the Council to the extent that they would give it a blank check, not only the Council as it is now constituted but also future Councils whose composition cannot now be foreseen.

A similar act of faith in the Council, of course, would be demanded if the original text of the Dumbarton Oaks Proposals were adopted. Again the point was made that the Governments with permanent seats were not asked to perform this act of

faith, that their veto power reserved to them the right, not to participate in any action with which they did not agree."

It will perhaps not be possible in the Report from the Committee to the Commission to make mention of the fact that it was the Delegate of the Netherlands who made this statement. As however similar statements were made on a previous occasion by the Delegates of New Zealand and Canada, both of which statements were included in the Summary Report of the Proceedings, (see Summary Report of Fourth Meeting of Committee III-3, Dec. 291, III-3-9 and Corrigendum), the Rapporteur in that case will probably be able to refer to the gist of the statement as representing the opinion of several Delegations.

2. The second point referred to above concerned the question put by the Netherlands Delegate to the Sponsoring Powers in the 14th meeting of Committee III-3 on May 26th 1945 in respect of the right of a member of the Organization, not represented on the Military Staff Committee "to lay before the Committee, either orally or in writing, questions properly belonging to the Committee's field of action, to have these questions discussed with the Committee in the form of an exchange of views, and to receive an answer in due course." This question, as will be remembered, was answered in the affirmative by the Delegate of the United Kingdom (see the Corrigendum to Document 628 (English) III-3-33 May 26 1945.)

Thanking you in advance for your kind intermediary in forwarding these suggestions to Monsieur Paul Boncour.

I am,

Yours sincerely

Major General A.G. van Tricht

Delegation Belgique
Conférence des Nations-Unies
sur
l'organisation internationale

Délégation belge

San Francisco, le 27 mai 1945
Fairmont Hotel
Bureau 608

C O P I E

No.365

Mon cher Président,

Mon collègue, M. Loridan, rentrant de la réunion de 3/III, me dit qu'il y aurait intérêt peut-être pour votre facilité à ce que je formule par écrit les deux idées dont j'ai demandé l'insertion dans votre rapport et qu'il a rappelées à la séance d'hier. Les voici:

- 1) A propos du mot "recommandations", j'ai indiqué que l'action du Conseil, dans la mesure où elle se rapporterait au règlement du différend ou de la situation ayant donné naissance à la menace de guerre, la rupture de la paix ou l'agression, devait être considérée comme régie par les dispositions de la section A. En pareille hypothèse, le Conseil poursuivrait en réalité simultanément deux actions distinctes, l'une ayant pour objet le règlement du différend ou de la difficulté, l'autre les mesures coercitives ou provisoires, chacune d'elles régie par une section propre du chapitre VIII.
- 2) J'ai d'autre part indiqué que dans l'esprit du Comité, la faculté laissée au Conseil par le texte des articles 1 et 2 de ne pas recourir aux mesures prévues aux articles 3 et 4 ou de n'y recourir qu'après avoir tenté de maintenir ou ramener la paix, en invitant les parties à consentir certaines mesures conservatoires, se rapportait surtout à l'hypothèse de la menace de guerre. Le Comité était unanime à penser qu'au contraire, dans le cas d'agression consommée mettant en péril l'existence d'un Membre de l'Organisation, les mesures coercitives devraient être prises sans aucun retard avec toute l'ampleur requise pour les circonstances, sauf au Conseil à tenter simultanément d'amener l'agresseur à renoncer à son entreprise, par les moyens prévus dans la Section A et la prescription de mesures conservatoires.

Il va de soi que ces quelques lignes jetées sur le papier n'ont aucunement la prétention d'être insérées telles qu'elles dans votre rapport et que je vous fais pleine confiance, ce pour y exprimer notre pensée commune sous la forme qu'il vous plaira de lui donner.

.....

(Signé) Henri ROLIN

Greek Delegation
to the
United Nations Conference on
International Organization.

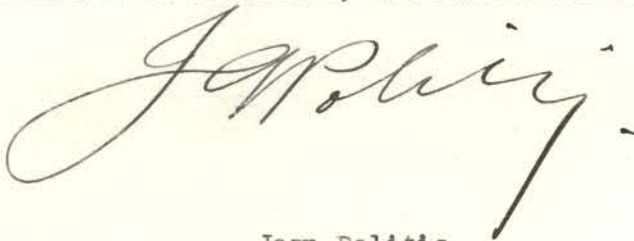
San Francisco
le 21 mai, 1945.

Monsieur le Président,

Le Comité III/3, au cours de sa huitième réunion, a institué un sous-comité composé du délégué du Royaume-Uni, du délégué de la Belgique et du soussigné, dans le but de procéder à une refonte des paragraphes 1 et 2 de la Section B du Chapitre VIII des propositions de Dumbarton Oaks, et des amendements et additions proposés par les Puissances Invitantes.

Le Sous-comité, ayant siégé le 18 mai, a élaboré le texte ci-joint, que j'ai été chargé de vous transmettre aux fins ultérieures.

Veuillez agréer, Monsieur le Président, les assurances de ma plus haute considération.



Jean Politis
Délégué de Grèce.

Son Excellence
Monsieur Camilo Ponce Enríquez,
Président du Comité 3 de la
Commission III.

May 6, 1945

Senor Camilo Ponce Enríquez
Chairman, Ecuadorian Delegation
St. Francis Hotel
San Francisco

Dear Senor Enríquez:

There will be a meeting of Chairmen and Secretaries of all Committees at 9:45 Monday morning, the seventh of May, in Room 219 of the Veterans' Building, to consider schedules of the Committee meetings for the coming week. The Presidents of the four Commissions will also be present.

The Secretariat has been asked to forward this information to the respective Chairmen of Committees and, accordingly, this note is sent to you.

Sincerely,

Clairborne Pell

for W. T. R. Fox

P:dms

May 5, 1945

To: Paul G. Pennoyer
Leland Goodrich
William T. R. Fox
Allan Dawson

From: Grayson Kirk

There will be a meeting of Chairmen and Secretaries of all Committees at 9:45 Monday morning in Room 219 to consider schedules of Committee meetings for the coming week. The Presidents of the four Commissions will also be present.

Will you please telephone this information to the Chairmen of your Committees and note the time and place on your own calendar?

*He was not in all day so
I left a message at the St. Francis
and also sent him ~~note~~ the
attached note.*

GKirk:mle

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 4, 1945.

Sir,

Please be informed that
Mr. Lin Chieh has been designated
as one of the Alternate representatives
for China to attend Committee 3 of
Commission III on Enforcement Arrangements.

Yours truly,

Lin Chieh,
Deputy Secretary-General,
Chinese Delegation

The Secretary,
Committee 3
Commission III.