

UNCIO - Working papers - Commissions & Technical Committees
- Commission II Committee II - 12th meeting

24 May 1945

24 May 1945

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Unrecorded

SUMMARY REPORT OF TWELFTH MEETING OF COMMITTEE II/2

Veterans Building, Room 202, May 24, 1945, 3:33 p.m.

The Chairman opened the meeting at 3:33 p.m.

1. Further Consideration of Paragraph 6, Section B, Chapter V, of Dumbarton Oaks Proposals.

The Committee resumed discussion of Question E, 1, in the Second Report of Sub-Committee A (Doc. 416, II/2/A/3, page 3). This Question, which derived from a Belgian amendment, was supported by Senator Rolin (Belgium), who said he did not wish to argue, but to bear witness. He adduced in support of the Question a number of cases of the successful formulation of general conventions by the League of Nations, both by the League Assembly and by expert committees, and pleaded for elasticity of method and faith in the good sense of the Assembly of the future. He objected to the idea of calling ad hoc conferences to formulate conventions on the ground that the personnel of conferences was liable to be different each time, whereas a team spirit favorable to cooperation would grow up among representatives who met constantly in Assembly meetings over a period of years.

The Delegate of India supported an affirmative answer to the question, saying that he was thinking more of humanitarian than of political questions. Much good work in formulating conventions on such questions had been done under Article 23 of the League Covenant, and he hoped to see the continuation of such good work made practicable under the new Organization. It was, of course, axiomatic that the Assembly should not promote conventions on matters within the competence of the Security Council without the Council's concurrence.

It was suggested in reply that the Assembly's powers in this matter of general conventions were adequately established by paragraph 6 as amended by the Four Sponsoring Powers, and that nothing would be gained by any addition.

The Chairman proposed to put the question to the vote. (For text see Doc. 536, II/2/24.) The Delegate of China objected, as seconder of an amendment proposed by the Delegate of the United States at the eleventh meeting, that this amendment should first be voted upon; whereon the Delegate of the United States withdrew his amendment. A vote by roll call was

demanding by Senator Rolin, with the following results:

Those voting in the affirmative were: Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, India, Iran, Iraq, Luxembourg, Netherlands, New Zealand, Peru, Philippine Commonwealth, Uruguay and Venezuela.

Those voting in the negative were: China, Czechoslovakia, Honduras, Nicaragua, Norway, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Kingdom, United States, White Russia and Yugoslavia.

The Delegates of Lebanon and Saudi Arabia abstained. The Delegates of Argentina, Costa Rica, Ecuador, Guatemala, Liberia, Mexico, Panama, Paraguay and Syria.

Decision: Question negatived under the two-thirds rule.

The Chairman ruled that the question was negatived but his ruling was called in question. The Chairman maintained his ruling, pending a ruling by the Executive Committee, to which he would refer the matter. He added that it was still open to any delegate to raise the question again either in commission or in plenary session.

The Committee then briefly discussed Question E, 2, a, b, c, and d. The Chairman put the four parts of the question to the vote separately.

- a. Should the General Assembly have the power of imposing conventions when, in its opinion, these are mere corollaries of principles it already recognizes as compulsory, or when it believes that the general observance of the obligations embodied in the conventions is necessary for the maintenance of international peace and security?

Decision: Affirmative votes 0, negative votes many (not counted); question negatived.

- b. Should this power also be extended to include other conventions?

Decision: Affirmative votes 0, negative votes many (not counted); question negatived.

- c. As regards member states, should the Assembly have the power to decide that such conventions shall come into force under the same conditions that may be provided for the coming into force of amendments to the Charter?

Decision: Affirmative votes 1, negative votes 27;
question negatived.

d. Should the General Assembly have the power to impose such conventions on non-member states?

Decision: Affirmative votes 0, negative votes many (not counted; question negatived.

The meeting adjourned at 5:19 p.m.

Commission II

Committee 2
Comité

Attendance Record
Bulletin de Presence

12th meeting
Thursday

Date 24 May 1945

Country
Nation

Name of Representative Present
Nom du Représentant Présent
(Please Print)
(en Majuscules, S.V.P.)

Argentina

Australia

Belgium

Bolivia

Brazil

Byelorussian S.S.R.

Canada

Chile

China

Colombia

Costa Rica

Cuba

Czechoslovakia

Two Egerton

Wol - TROLIN

Sandra

Infantig

Whitely

Keseler

Larick Chappin

Larick = José Moya

Carson Chang
Chang

Francis Quinn

Ján Španěl

Dominican Republic

Ecuador

Egypt

El Salvador

Ethiopia

France

Greece

Guatemala

Haiti

Honduras

India

Iran

Iraq

Lebanon

Liberia

Luxembourg

Mexico

Netherlands

[Signature]

Sty. Y. Andraos.
@ Leing

AGLION

C. G. Gramantopoulos

André LiAUTAUD

Jehan R. L. L. L.

V. T. Krishnamachari

Dr. Liama

A. J. Chalabi

A. YAFI *Yafiz*

Hynes G. G. G.

[Signature]

New Zealand

Nicaragua

Norway

Panama

Paraguay

Peru

Philippine Commonwealth

Saudi Arabia

Syria

Turkey

Ukrainian S. S. R.

Union of South Africa

Union of Soviet Socialist
Republics

United Kingdom

United States of America

Uruguay

Venezuela

Yugoslavia

Adm. Inq. 1942

Guillermo Sevilla Tassara

Jacobs. Worms = Miller

Luis Alvarado L.

Carly T. Garcia

~~Carly T. Garcia~~

A. S. Esmer

M. Petrovsky

Leif Zelan

Roschkin

Hayfort

Alf. Andena

Quacatus

Romero Lopez MR

T. V. Gurneum

Twelfth 11/2, May 24, 1934, Run 202

Ch is going to observe all rules

It is a question of power of the
is explicit powers

E. General Conventions,

1. in discussion again. Let also be concrete. Keeps to Int.

Robin. I don't want to add arguments. I approach in language.
It is not a question of the power of subjects of art. It is a question of
sterile recommendation. Give up of the Conv on trade in
women + children. As to the question of difficulty of an doing
drafting — well, it all depends on subject. Suppose, for example,
it is a tech matter, or a jurid matter. Obviously, one wouldn't
do the drafting itself. One would send it to Com, have it back, review it
and decide whether or not to recommend it; then it goes to
States for approval. Why worry about detailed
method? I have some faith in the good sense of the Ass. You will
find you get the devil of a spirit de corps in your reports. If
you summon ad hoc confs, you don't get same result. You
get different personnel each time. This is no attempt to
run Ass into super-fault, but an attempt to garner the
harvest of coop when it is ripe.

Phil. Let us have courage to choose a new + better
method as prop.

W.K. We still want say no to adequate powers in
§ 6. — to init confs, to call confs, etc, +
recommend confs for ratⁿ. Robin made it
clear he props an shd do actual drafting.
We hold to it that it is better not to
accept the method prop, but leave it for
action under § 6, where powers are adequate.
I think Robin's examples strengthen our case, not
his. It will meet seldom, have lots of important
bus, will draft hastily, get a bad instrument
wh. will either not be rat. at all or rat w. so
many reserves as to be useless. We hold to "no"

India. We have in mind soc + econ rather than pol ques.
Cf Art 23 Core powers over many humanitarian, health,
etc ques. It did much val work — eg. re narcotic drugs,
transit + commerce, sanit conv, etc. I think Soc + Econ
will inherit these funds. The only prac way in which
this power can be pres + extended is by adopting Conv^s
+ recommending them for approp action by members.
That is only way to achieve prac results, or, I say
yes to Belg amend. As far as many expert ops
under it, wh. it can use to prep convs, and, as it is

Gen int of C, to get them adopted it will take 90 can
to have wider, prelim consults. - only we can leave de-
tails to Ars. Of course Ars can't adopt conv on mats
w-in comp of S. Council wout SC's consent - that is
axiomat. We want the Ars power clearly established within
matter, which is not suffic covered by § 6 as amended.
The exact words are matter for drafting, settle.

Canada Clarifican - Balf props gives Ars 3 powers

1. Power to initiate prep of conv
2. " " pass on something done by expert body
3. " to draft convention itself

of y'day) As I see amend, amend only gives one of these powers -
hence we fav amend. Another Cttee of II has already
suff prep by Ars of conv on privileges & immunities
This ed not be done limita

Vote by roll call China objects - amend
Vand not prep to wory about amend unless
China insists.

Vote on Qn as orig drafted Eyes 25
Negatives under $\frac{2}{3}$ rule. Noes 13

(E 2 a-d) Vote disputed 3) 38
Ch. rules no
To go to Exec Cttee, meanwhile Ch ruling stands
Sec. Reads

Uruguay margin so small we might use a new
method - wd like to reconsid when all debs
are pres. Sugg we adjourn on this Qn. This
has been done in other Cttees.

Ch Is this seconded - it will need a $\frac{2}{3}$ vote

El Sal 2nded

Chile ~~Cttee~~
Phil Why reconsid when it has not been decided.
Exec Cttee has to give ruling. You can't
have another voting and call it "reconsid".
a plain may. will do on this motion

Robin We will take it to pub sess of Commⁿ

Ch I hold to my ruling pending ruling
of Exec Cttee, & then it is still open to go
to Commⁿ or Plenary.

Polun The word "impose" appears. We have no intention
to impose. We of Belgium are asking you inviting
powers to let us make a treaty of sov'ty, which we do not
ask of 84 Powers. Let us foresee prac case of
control of arms. At first mtg of Ass, a conv
will, I hope, be unan prop & decd in force
virtually
- an amend of Ch. ~~All we are asking~~ How
are you to put it in force. You can't write
60 arts into Ch. Your only way is by a gen
conv. All Belg asks is that you shd not reg a
more severe proceed of ordinary conv than for this amend by

Vand Del of 84 P view. Whether it is in sent or
not, & we are asked to answer involves
impositⁿ of Ch on unwilling States, &
involving sov'ty of all States involved.
Under whatever guise, this prop is to
give summary legis power to Ass -
a super-Pact. This is impossible - Ass
can't impose obligation on State - it has not
the means. We must say "no," or else destroy
whole theory of D.O.

France 4 forms of imposition in a-d, can't be
done. no machinery to make these imposⁿs

Ch Vote

Polun Only (c) is amende Belge - only yes

Ch Qu 2(a) Not counted - negative, no ayes
2(b) " " " " " "
2(c) Ayes - 1
Noes - 2

2(d) No ayes - noes not counted,
Ch 8.30. tomorrow - Third Rep of S.C. A
Adjourned 5.19.

CHECK SHEET FOR ATTENDANCE AND VOTES

Commission IICommittee 2Session No. 12

Date

May 24, 1945

Country	Delegate or Alternate	Atten- dance	Vote# Subject <u>Question</u> <u>E1</u>	Vote# Subject	Vote# Subject	Vote# Subject	Vote# Subject	Vote# Subject
			Yes:No	Yes:No	Yes:No	Yes:No	Yes:No	Yes:No
Argentina		—	:	:	:	:	:	:
Australia			X :	:	:	:	:	:
Belgium			X :	:	:	:	:	:
Bolivia			X :	:	:	:	:	:
Brazil			X :	:	:	:	:	:
Canada			X :	:	:	:	:	:
Chile			X :	:	:	:	:	:
China			X : X	:	:	:	:	:
Colombia			X :	:	:	:	:	:
Costa R.		—	:	:	:	:	:	:
Cuba			X :	:	:	:	:	:
Czecho.			:	X	:	:	:	:
Dom.Rep.			X :	:	:	:	:	:
Ecuador		—	:	:	:	:	:	:
Egypt			X :	:	:	:	:	:
El.Sal.			X :	:	:	:	:	:
Ethiopia			X :	:	:	:	:	:
France			X :	:	:	:	:	:
Greece			X :	:	:	:	:	:
Guatemala		—	:	:	:	:	:	:
Haiti			X :	:	:	:	:	:
Honduras			:	X	:	:	:	:
India			X :	:	:	:	:	:
Iran			X :	:	:	:	:	:
Iraq			X :	:	:	:	:	:
Lebanon			abstain	:	:	:	:	:
Liberia		—	:	:	:	:	:	:
Lux.			X :	:	:	:	:	:
Mexico		—	:	:	:	:	:	:
Neth.			X :	:	:	:	:	:
New Zeal.			X :	:	:	:	:	:
Nicaragua			:	X	:	:	:	:
Norway			:	X	:	:	:	:
Panama		—	:	:	:	:	:	:
Paraguay		—	:	:	:	:	:	:
Peru			X :	:	:	:	:	:
Philip.			X :	:	:	:	:	:
Saudi A.			abstain	:	:	:	:	:
Syria		—	:	:	:	:	:	:
Turkey			:	X	:	:	:	:
Ukraine			:	X	:	:	:	:
U.So.Af.			:	X	:	:	:	:
U.S.S.R.			:	X	:	:	:	:
U.Kingdom			:	X	:	:	:	:
U.S.A.			:	X	:	:	:	:
Uruguay			X :	:	:	:	:	:
Venezuela			X :	:	:	:	:	:
W. Russ.			:	X	:	:	:	:
Yugos.			:	X	:	:	:	:

25/13

Recorded by

H. Hawley

* Abstentions may be indicated by placing a dash ----- in appropriate voting space.

$$\frac{2}{3} \times 38 = \frac{76}{3} = 25\frac{1}{3}$$

CHECK SHEET FOR ATTENDANCE AND VOTES

Commission IICommittee 2Session No. 12thDate 24 May

Country	Delegate or Alternate	Atten- dance	Vote# 1 Subject <i>Quest E.1</i> <i>Ac. 416</i> <i>II 2/AB</i>	Vote# Subject	Vote# Subject	Vote# Subject	Vote# Subject	Vote# Subject
			Yes:No	Yes:No	Yes:No	Yes:No	Yes:No	Yes:No
Argentina		—	: :	: :	: :	: :	: :	: :
Australia			✓ : :	: :	: :	: :	: :	: :
Belgium			✓ : :	: :	: :	: :	: :	: :
Bolivia			✓ : :	: :	: :	: :	: :	: :
Brazil			✓ : :	: :	: :	: :	: :	: :
Canada			✓ : :	: :	: :	: :	: :	: :
Chile			✓ : :	: :	: :	: :	: :	: :
China			: : ✓	: :	: :	: :	: :	: :
Colombia			✓ : :	: :	: :	: :	: :	: :
Costa R.		—	: :	: :	: :	: :	: :	: :
Cuba			✓ : :	: :	: :	: :	: :	: :
Czecho.			✓ : ✓	: :	: :	: :	: :	: :
Dom. Rep.			✓ : :	: :	: :	: :	: :	: :
Ecuador		—	: :	: :	: :	: :	: :	: :
Egypt			✓ : :	: :	: :	: :	: :	: :
El. Sal.			✓ : :	: :	: :	: :	: :	: :
Ethiopia			✓ : :	: :	: :	: :	: :	: :
France			✓ : :	: :	: :	: :	: :	: :
Greece			✓ : :	: :	: :	: :	: :	: :
Guatemala		—	: :	: :	: :	: :	: :	: :
Haiti			✓ : :	: :	: :	: :	: :	: :
Honduras			: : ✓	: :	: :	: :	: :	: :
India			✓ : :	: :	: :	: :	: :	: :
Iran			✓ : :	: :	: :	: :	: :	: :
Iraq			✓ : :	: :	: :	: :	: :	: :
✓ Lebanon			<i>absent</i>	: :	: :	: :	: :	: :
Liberia		—	: :	: :	: :	: :	: :	: :
Lux.			✓ : :	: :	: :	: :	: :	: :
Mexico		—	: :	: :	: :	: :	: :	: :
Neth.			✓ : :	: :	: :	: :	: :	: :
New Zeal.			✓ : :	: :	: :	: :	: :	: :
Nicaragua			: : ✓	: :	: :	: :	: :	: :
Norway			: : ✓	: :	: :	: :	: :	: :
Panama		—	: :	: :	: :	: :	: :	: :
Paraguay		—	: :	: :	: :	: :	: :	: :
Peru			✓ : :	: :	: :	: :	: :	: :
✓ Philip.			✓ : :	: :	: :	: :	: :	: :
Saudi A.			<i>absent</i>	: :	: :	: :	: :	: :
Syria		—	: :	: :	: :	: :	: :	: :
Turkey			: : ✓	: :	: :	: :	: :	: :
Ukraine			: : ✓	: :	: :	: :	: :	: :
U. So. Af.			: : ✓	: :	: :	: :	: :	: :
U. S. S. R.			: : ✓	: :	: :	: :	: :	: :
U. Kingdom			: : ✓	: :	: :	: :	: :	: :
U. S. A.			: : ✓	: :	: :	: :	: :	: :
Uruguay			✓ : :	: :	: :	: :	: :	: :
Venezuela			✓ : :	: :	: :	: :	: :	: :
W. Russ.			: : ✓	: :	: :	: :	: :	: :
Yugos.			: : ✓	: :	: :	: :	: :	: :

25 13

Recorded by

12 3
38 3
25 3
Smilger

* Abstentions may be indicated by placing a dash ----- in appropriate voting space.