

UNESCO - Commissions + Technical Committees - Commission 31 Rapporteur's Report

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REPORT OF THE RAPPORTEUR OF COMMISSION III
TO THE PLENARY SESSION

Rapporteur: Celso R. Velázquez (Paraguay)

The task assigned to Commission III by the Conference consisted of the preparation of draft provisions on four principal topics relating to the maintenance of international peace and security. These were: the structure and functioning of the Security Council, the determination of procedures for the pacific settlement of international disputes, the methods to be used by the United Nations for the enforcement of peace and security, and, finally, consideration of the regional arrangements which might serve as a useful complement to the central Organization. Each of these topics was assigned to a technical committee, the documentation consisting of the original Dumbarton Oaks Proposals, together with the amendments of the sponsoring powers and those submitted by the various national delegations.

After a total of 72 meetings, these four committees submitted the reports of their respective Rapporteurs to the Commission, and it is a source of gratification to be able to announce that their reports, ^{which have already been distributed,} ~~which are annexed to this Commission report,~~ ^{and which are an integral part of this report} were all approved by the Commission without any opposing votes and without abstentions except in a few instances. Though several delegations explained to the Commission the motives which had led them to oppose the views

which had prevailed on certain points in the Committees, they did not press their opposition further by seeking to have the Commission reverse decisions already taken. It may be noted also for the purposes of the record that no amendments were offered in the Commission meetings either to the texts adopted by the Committees or to the Rapporteurs' reports thereon. In short, the sessions of the Commission were characterized by a spirit of unity and cordiality which is a hopeful augury for the future of the great organization which we have labored to produce in the San Francisco Conference. Within the sessions of Commission III, the fifty nations were truly united. Let us hope that they will remain so!

It is the view of the officers of the Commission that the decisions of these Committees, which have been incorporated in the relevant sections of the final text of the Charter, constitute as a whole a sound foundation for the future. They represent an attempt to harmonize power with responsibility, recognizing that certain states must, by virtue of their immense strength, necessarily bear a predominant share of the responsibility for the enforcement of the future peace. At the same time, care has been taken to provide for the fullest possible participation of all members, great and small, in the task of preventing or repressing future threats to the peace. An attempt has been made to provide the

maximum possible guarantees of effectiveness without impairing the sovereignty of the members of the Organization.

The mechanism and the procedural arrangements for the protection of the future peace can be summarized briefly. First of all, the parties to any dispute which seems likely to endanger international peace and security obligate themselves to seek a solution by the use of the most appropriate form of procedure and by reference to the most appropriate of the available agencies. The Security Council may call upon the parties to carry out this obligation. It may also on its own initiative investigate any dispute or situation which seems to foreshadow international friction or to endanger the peace. The attention of the Council, or that of the Assembly, may be called to such a dispute or situation by any member of the Organization, and even a non-member state may do the same, if it is itself a party to the dispute and if it accepts in advance the Charter obligations of pacific settlement.

At any stage in the development of a dispute or situation, the Security Council, taking into account the pacific settlement measures already adopted by the parties, may recommend procedures of settlement or adjustment. In so doing, it is to bear in mind the fact that justiciable disputes would ordinarily be referred by the parties to the International Court of Justice.

If the parties to a dispute fail to settle it by the pacific means which they have agreed upon, they are obligated to refer it to the Security Council, and the latter, if it considers that the dispute constitutes a threat to international peace and security, shall decide whether to recommend either procedures or terms of settlement. The Council is also authorized, if all the parties to the dispute so request, to make recommendations with a view to the settlement of the dispute.

It seems clear that the enforcement of peace and security requires arrangements to ensure the speedy assembling of forces of such magnitude as to deter or to repress aggression. The general plan for the application of force adopted by the Commission embodies a wide grant of authority to the Security Council. Thus, it is empowered to determine the existence of a threat to the peace, to decide in general what measures shall be taken to cope with the danger, to adopt necessary provisional measures, and to call upon the member states of the Organization to apply various categories of measures not involving the actual employment of force.

If such measures are not believed to be adequate, either actually or in prospect, the Council is authorized to take all necessary steps, including the employment of land, sea and air forces, to deal with the situation. These forces are to be supplied by member states on the basis of

special agreements embodying the pledges of national contingents, forces, and facilities. These special agreements are to be negotiated on the initiative of the Council and will be concluded between the Council, on the one hand, and states or groups of states, on the other. All such agreements will be subject to ratification by the member states involved. States not members of the Council are given the assurance that, if they so request, they will be invited to participate in the decisions of the Council in all that concerns the employment of their contingents. Special provision is made for national air force contingents to be available for speedy action in behalf of the Organization.

Technical military advice and assistance is to be made available to the Council by a Military Staff Committee composed of the Chiefs of Staff of the permanent Council members, with whom will be associated technical representatives of all other member states whose collaboration will be important to a particular enforcement task. This Committee is to be responsible for the strategic direction of all forces placed at the disposal of the Organization. To facilitate its work, the Committee, after consulting with regional agencies, may establish regional subcommittees.

This general arrangement is reenforced by the obligation assumed by all members to join in affording mutual

assistance in carrying out all measures decided upon by the Council. When members encounter special economic problems as a result of their collaboration with the Council's enforcement program, they may consult with the Council in an effort to reach a solution.

To support the activities of the central Organization, special authorization has been given for the ^{existence} ~~creation~~ of ^{change} ~~creation~~ of regional security arrangements or agencies to deal with all security problems which are appropriate for regional action. It is specified, however, that all such activities must be consistent with the purposes and principles of the United Nations Charter. The general principle is that members should make every effort to settle local disputes by regional agencies before referring them to the Security Council, and the latter should encourage the use of these regional agencies by the parties. No enforcement action is to be undertaken by these regional agencies without the authorization of the Security Council, but an exception to this rule has been made with respect to measures directed against the ex-enemy states in the period before the Council, at the request of the states concerned, assumes full responsibility for preventing further aggression by these ex-enemy states. Another exception relates to action against the ex-enemy states taken or authorized as a result of the present war by the governments having the responsibility therefor.

This, too, will continue until the Council, at the request of these governments, will take over this responsibility. A final requirement is that the Security Council is to be kept fully informed concerning all the activities of these regional agencies.

This arrangement is one which aims at making the fullest possible use of existing and prospective regional organizations, but at the same time it is designed to forestall any essential conflict between these organizations and the Security Council. It is hoped that this plan may go far toward solving the traditional conflict between the requirements of an indivisible peace and the fact that states have traditionally been willing to accept extensive security responsibilities primarily in areas of particular national concern.

Finally, to provide fully for the concentration of responsibility in a small and efficient body, the Commission has approved the Dumbarton Oaks plan for a Security Council of 11 members, including permanent ^{seats}/~~members~~ for the five great powers. The non-permanent members are to be chosen by the Assembly, due regard being paid, in the first instance to the contributions made by members to the maintenance of peace and security and to the other purposes of the Organization. The principle of equitable geographical distribution is also to be considered. After intensive

discussion, approval was given to the voting formula for the decisions of the Council as adopted at the Crimea Conference.

To summarize this general scheme for future world security, it may be pointed out that it is based on the unanimity of the great powers, which will bear the brunt of future enforcement action, but that no action can be undertaken by them unless at least two of the non-permanent members of the Council concur in the proposal. The guiding principle is that, within a framework of common obligations and stated principles, the various members will assume those responsibilities which they are respectively best fitted to discharge in the common cause. The future alone can disclose whether we have builded wisely and well, but it is the hope and the conviction of the Commission that the labors of its Committees will represent a historic contribution to the future peace of all mankind.

SUGGESTED DRAFT FOR RAPPORTEUR'S
REPORT FOR COMMISSION III

The task assigned to Commission III by the Conference consisted of four principal topics relating to the maintenance of international peace and security. These were: the structure and functioning of the Security Council, the determination of procedures for the pacific settlement of international disputes, the methods to be used by the United Nations for the enforcement of peace and security, and, ^{finally} ~~firstly~~, consideration of the regional arrangements which might serve as a useful complement to the central organization. Each of these tasks was assigned to a technical committee, the documentation being the original Dumbarton Oaks Proposals, together with the amendments of the sponsoring powers and those submitted by the various national delegations.

After a total of 72 meetings, these four committees submitted their reports to the Commission, and it is a source of gratification to be able to announce that these Committee reports, which are annexed to this Commission report, were all approved by the Commission without any opposing votes. Though several delegations explained to the Commission the motives which had led them to oppose the views

which had prevailed on certain points in the Committees, they did not press their opposition further by reopening debate within the Commission. It may be noted also for the purposes of the record that no amendments were offered in the Commission meetings either to the texts adopted by the Committees or to the Rapporteurs' reports thereon. In short, the sessions of the Commission were characterized by a spirit of unity and cordiality which is a hopeful augury for the future of the great organization which we have labored to produce in the San Francisco Conference. Within the sessions of Commission III, the fifty nations were truly united. Let us hope that they will remain so.

It is the view of the Commission that the decisions of these Committees, which have been incorporated in the relevant sections of the final text of the Charter, constitute as a whole a sound foundation for the future. They represent an attempt to harmonize power with responsibility, recognizing that certain states must, by virtue of their immense strength, necessarily bear a predominant share of the responsibility for the enforcement of the future peace. At the same time, care has been taken to provide for the fullest possible participation of all members, great and small, in the task of preventing or repressing future threats to the peace, and it is the belief of the Commission that its arrangements provide the maximum possible guarantees of

effectiveness without sacrificing or even impairing the sovereignty of the members of the Organization.

The mechanism and the procedural arrangements for the protection of the future peace can be summarized briefly. First of all, the parties to any dispute which seems likely to endanger international peace and security obligate themselves to seek a solution by the use of the most appropriate form of procedure and the most appropriate of the available agencies. The Security Council may call upon the parties to carry out this obligation. It may also on its own initiative investigate any dispute or situation which seems to foreshadow international friction or to endanger the peace. The attention of the Council, or that of the Assembly, may be attracted to such a dispute or situation by any member of the Organization, and even a non-member state may do the same, if it is itself a party to the dispute and if it accepts in advance the Charter obligations of pacific settlement.

At any stage in the development of a dispute or situation, the Security Council, taking into account the pacific settlement measures already adopted by the parties, may recommend measures of settlement or adjustment. In so doing, it is to bear in mind the fact that justiciable disputes would ordinarily be referred by the parties to the International Court of Justice.

If the parties to a dispute fail to settle it by the pacific means which they have agreed upon, they are obligated to refer it to the Security Council, and the latter, if it considers that the dispute constitutes a threat to international peace and security, shall decide whether to recommend either procedures or terms of settlement. The Council is also authorized, if all the parties to the dispute so request, to make recommendations with a view to the settlement of the dispute.

It seems clear that this enforcement of security requires arrangements to ensure the speedy assembling of force of such magnitude as to deter or to repress aggression. The general plan for the application of force embodies a wide grant of authority to the Security Council. Thus, it is empowered to determine the existence of a threat to the peace, to decide in general what measures shall be taken to cope with the danger, to adopt necessary provisional measures, and to call upon the member states of the Organization to apply various categories of measures not involving the actual employment of force.

If such measures are not believed to be adequate, either actually or in prospect, the Council is authorized to take all necessary steps, including the employment of land, sea and air forces, to deal with the situation. These

forces are to be supplied by member states on the basis of special agreements embodying the pledges of national contingents, forces, and facilities. These special agreements are to be negotiated on the initiative of the Council and will be concluded between the Council, on the one hand, and states or groups of states, on the other. All such agreements will be subject to ratification by the individual member states. States not members of the Council are given the assurance that, if they so request, they will be invited to participate in the decisions of the Council in all that concerns the employment of their contingents. Special emphasis is laid upon the necessity to have national air force contingents immediately available for action in behalf of the Organization.

Technical military advice and assistance is to be made available to the Council by a Military Staff Committee composed of the Chiefs of Staff of the permanent Council members, with whom will be associated technical representatives of all other member states whose collaboration will be important to a particular enforcement task. This Committee is to be responsible for the strategic direction of all forces placed at the disposal of the Organization. To facilitate its work, the Committee may, after consulting with regional agencies, establish regional subcommittees.

This general arrangement is reenforced by the obligation assumed by all members to join in affording mutual assistance in carrying out all measures decided upon by the Council. When states encounter special economic problems as a result of their collaboration with the Council's enforcement program, they may consult the Council in an effort to reach a solution.

To support the activities of the central Organization, special authorization has been given for the creation of regional security arrangements or agencies to deal with all security problems which are appropriate for regional action. It is specified, however, that all such activities must be consistent with the purposes and principles of the United Nations Charter. The general principle is that such regional agencies should make every effort to settle local disputes before referring them to the Security Council, and the latter may refer disputes to these regional agencies if it wishes to do so. No enforcement action is to be undertaken by these regional agencies without the authorization of the Security Council, but an exception to this rule has been made with respect to measures directed against the ex-enemy states in the period before the Council, at the request of the states concerned, assumes full responsibility for preventing further aggression by these ex-enemy states. A final requirement is that the Security Council is to be

kept fully informed concerning all the activities of these regional agencies.

This arrangement is one which aims at making the fullest possible use of existing and prospective regional organizations, but at the same time it is designed to forestall any essential conflict between these organizations and the Security Council. It is hoped that this plan may go far toward solving the traditional conflict between the requirements of an indivisible peace and the fact that states have traditionally been willing to accept extensive security responsibilities primarily in areas of particular national concern.

Finally, to provide fully for the concentration of responsibility in a small and efficient body, the Commission has approved the Dumbarton Oaks plan for a Security Council of 11 members, including permanent seats for the five great powers. After intensive discussion, approval was given to the voting formula for the decisions of the Council as adopted at the Crimea Conference.

To summarize this general scheme for future world security, it may be pointed out that it is based on the unanimity of the great powers, which will bear the brunt of future enforcement action, but that no action can be undertaken by them unless at least two of the non-permanent

members of the Council concur in the proposal. The guiding principle is that, within a framework of common obligations and stated principles, the various members will assume those responsibilities which they are respectively best fitted to discharge in the common cause. The future alone can disclose whether we have builded wisely and well, but it is the hope and the conviction of the Commission that the labors of its Committees will represent a historic contribution to the future peace of all mankind.

CORRIGENDUM TO THE REPORT OF THE
RAPPORTEUR OF COMMISSION III
(Celso R. Velázquez, Paraguay) TO
THE PLENARY SESSION

Doc. 1170 (English) III/12, June 23, 1945

Page 4, paragraph 2, line 3, delete the following words: "forestall any essential conflict between these organizations and the Security Council." and substitute the following words: "ensure the fullest harmony between these organizations and the Security Council."

SUMMARY OF THE REPORT OF THE RAPPORTEUR OF
COMMISSION III (Celso R. Velázquez, Paraguay)
TO THE PLENARY SESSION

The task assigned to Commission III by the Conference consisted of the preparation of draft provisions on four principal topics relating to the maintenance of international peace and security. These were: the structure and functioning of the Security Council; the determination of procedures for the pacific settlement of international disputes; the methods to be used by the United Nations for the enforcement of peace and security; and, finally, consideration of the regional arrangements which might serve as a useful complement to the central Organization. Each of these topics was assigned to a technical committee, the documentation of which consisted of the original Dumbarton Oaks Proposals, together with the amendments of the sponsoring governments and those submitted by the various national delegations.

After a total of 72 meetings, these four Committees submitted the reports of their respective Rapporteurs to the Commission, and it is a source of gratification to be able to announce that their reports, which have already been distributed, and which are an integral part of this report, were all approved by the Commission without any opposing votes and without abstentions except in a few instances. Though

several delegations explained to the Commission the motives which had led them to oppose the views which had prevailed on certain points in the Committees, they did not press their opposition further by seeking to have the Commission reverse decisions already taken. It may be noted also for the purposes of the record that no amendments were offered in the Commission meetings either to the texts adopted by the Committees or to the Rapporteurs' reports thereon. In short, the sessions of the Commission were characterized by a spirit of unity and cordiality which is a hopeful augury for the future of the great Organization which we have labored to produce in the San Francisco Conference. Within the sessions of Commission III, the fifty nations were truly united. Let us hope that they will remain so!

The methods to be used for the promotion of pacific settlement and, if necessary, for the use of force to prevent or repress threats to the peace have been described fully in the Committee reports, and they have been summarized in my full report, the text of which has been distributed. It may be noted that the central feature of the system is the concentration of responsibility in a small Security Council of 11 members. The five Great Powers are to have permanent seats on the body, and the non-permanent members are to be chosen by the Assembly. The voting procedure, which was the subject of long and intensive discussion, is that

which was agreed upon at the Yalta Conference.

It is the view of the Commission that the security arrangements, which have been incorporated in the relevant sections of the final text of the Charter, constitute as a whole a sound foundation for the future. An attempt has been made to harmonize power with responsibility, and there has been full recognition of the fact that certain states, by virtue of their immense strength, must necessarily assume the major burden for security enforcement. However, the general guiding principle is that, within a framework of common obligations and stated principles, the various members, large and small, will assume those responsibilities which they are respectively best fitted to discharge in the common cause.

The future alone will disclose whether we have builded wisely and well, but it is the hope, and, I believe, the conviction, of the Commission that the labors of its Committees viewed in the perspective of time will represent a historic contribution to the future peace of all mankind.

SUGGESTED PRIVATE AGENDA FOR THE PRESIDENT
OF COMMISSION III

Opera House, June 20, 10:00 a. m.

- I. Opening remarks by the President concerning the nature of the work assigned to Committee III/1.

Note: Committee 1 has held 27 meetings. Four different Subcommittees held a total of 7 meetings. The Committee considered 55 different amendments in the course of its deliberations. While many questions of fundamental importance were dealt with by the Committee, particular interest was aroused by the problem of voting in the Security Council.

- II. President asks the officers of the Committee to take their places at the rostrum.

Note: The officers are:

Chairman: John Sofianopoulos, Minister of Foreign Affairs of Greece

Rapporteur: Hector David Castro, Ambassador of El Salvador to the United States

Secretary: Mr. Paul G. Pennoyer

- III. Report of the Rapporteur

Note: Mr. Castro undoubtedly will not wish to read his report in full.
Translation only if requested.

- IV. Discussion of the Report

- V. Adoption of the Report

Note: Should the report be discussed and adopted by sections (A,B,C,D) or as a whole? It might be better to adopt by sections, but this can be cleared before the meeting in discussion with Mr. Castro.

- VI. Adjournment

SUGGESTED PRIVATE AGENDA FOR THE PRESIDENT
OF COMMISSION III

Opera House, June 20, 3:30 p.m.

- I. Continuation (if necessary) of morning agenda for III/1.
- II. Announcement by the President concerning the report to be made by III/3.

NOTE: At its report to the first session of the Commission, Committee III/3 completed its assigned task with the exception of Chapter XII of the Dumbarton Oaks Proposals (Transitional Arrangements). The Committee is now ready to report on the Chapter.

- III. President asks the Committee officers to take their places at the rostrum.

NOTE: The officers are:

Chairman: Camilo Ponce Enriquez, Minister of Foreign Affairs of Ecuador

Rapporteur: Joseph Baul-Boncour, former Premier and Foreign Minister of France

Secretary: Mr. William T. R. Fox

- IV. Report of the Rapporteur

NOTE: This is a brief report. Should it be read in full? Since it will be read in French, would it be translated? (The English text will have been distributed.)

- V. Discussion of the Report
- VI. Adoption of the Report
- VII. Adjournment

SUGGESTED PRIVATE AGENDA FOR THE PRESIDENT
OF COMMISSION III

Opera House, June 18, 3:30 p.m.

- I. Opening remarks by the President concerning the nature of the work assigned to Committee III/2 and its importance.

NOTE: Committee 2 has held 15 meetings. A large part of the work was accomplished in sub-committees which held a total of 16 meetings. The Committee examined a total of 55 proposed amendments. The final text represents an amalgamation of many of these proposals.

- II. President pays tribute to the officers of the Committee and asks them to take their places on the rostrum.

NOTE: The officers are:

Chairman: José Serrato, Minister of Foreign Affairs of Uruguay.

Rapporteur: G. P. Arkadiev of the Soviet Russian Delegation.

Secretary: Mr. Leland Goodrich

III. Report of the Rapporteur

President asks Mr. Arkadiev to read his report.
(He will read it in English.)
French translation of the report.

IV. Discussion of the Report

President asks for discussion.

V. Adoption of the Report

VI. Announcement by the Executive Officer

VII. Adjournment

SUGGESTED PRIVATE AGENDA FOR THE PRESIDENT
OF COMMISSION III

Opera House, June 13, 8:30 p.m.

- I. Opening remarks by the President concerning the nature of the work assigned to Committee III/4 and its importance.

NOTE: Committee 4 has held 6 meetings. A large part of the work was accomplished in a sub-committee which held 10 meetings. The Committee examined a total of 32 proposed amendments, of which it accepted four. These four, however, represented an amalgamation of nearly all the amendments presented.

- II. President pays tribute to the officers of the Committee and asks them to take their places on the rostrum.

NOTE: The officers are:

Chairman: Alberto Lleras Camargo, Minister of Foreign Affairs of Colombia.

Rapporteur: Dr. V. K. Wellington Koo, Ambassador of China to the Court of Saint James's.

Secretary: Mr. Allan Dawson

- III. Report of the Rapporteur

President asks Dr. Koo to read his report.
French translation of the report.

- IV. Discussion of the Report

President asks for discussion.

- V. Adoption of the Report

- VI. Announcement by the Executive Officer

- VII. Adjournment

SUGGESTED PRIVATE AGENDA FOR THE
PRESIDENT OF COMMISSION III

Opera House, June 12, 3:30 p.m.

I. Opening Remarks by the President

1. President introduces the other Commission officers:

- (a) Rapporteur: Celso R. Velazquez,
Paraguayan Ambassador to the United States.
- (b) Assistant Secretary General: Julian R. Caceres, Honduran Ambassador to the United States.

2. Brief statement by the President concerning the scope of Commission activities, with particular reference to work of Committee 3 and its officers.

3. President asks the officers of Committee 3 to take their places at the tribune:

- (a) Chairman: Camilo Ponce Enriquez,
Minister of Foreign Affairs of Ecuador.
- (b) Rapporteur: Joseph Paul-Boncour, former Premier and Foreign Minister of France.
- (c) The Rapporteur's Associate: Jean de la Grandville of the French Delegation.
- (d) The Secretary: Dr. William T. R. Fox.

II. The Report of the Rapporteur

1. President suggests that, since the report was adopted unanimously by the Committee, it should be read in its entirety before the Commission acts upon it.

2. Reading of the Report.

3. Reading of the English translation.

4. President asks for comment on the Report.

5. The Adoption of the Report.

III. Announcement by the Executive Officer

IV. Adjournment