

UNCIO - Commissions + Technical Committees - Commission 3 / Committee 1 - 2nd Meeting (joint)

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION
San Francisco, California, U.S.A.

Joint Meeting III/1/B v III/3/A
May 31, 1945
Attendance

ATTENDANCE RECORD

Commission III

Committee III/3/A
III/I/8

Date MAY 30 1945

Delegation CHINA

(fill in name of country)

Voting Delegate

--

Victor Hoo

Signature

(to be collected by the usher)

C. F. Chang, alternate

ATTENDANCE RECORD

MAY 30 1945

Commission III

Committee

III/1/B
III/2/A

Date

Delegation

AUSTRALIA

(fill in name of country)

Voting Delegate --

Ala. L. Watt

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission

III

Committee

~~11/3/A~~
11/1/B

Date

MAY 3 1945

Delegation

UNION OF SOVIET SOCIALIST REPUBLICS
(fill in name of country)

Voting Delegate

A. Lavrentiev

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III

Committee III / 1 / B

Date MAY 30 1945

Delegation ETHIOPIA
(fill in name of country)

Voting Delegate -- Ambayou
Signature

(to be collected by the usher)

ATTENDANCE RECORD

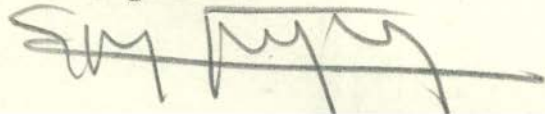
Commission III Committee 111/3/A
111/1/B Date MAY 30 1945

Delegation CUBA
(fill in name of country)

Voting Delegate --

GUY PEREZ CISNEROS
Signature

(to be collected by the usher)



ATTENDANCE RECORD

Commission III

Committee

III/3/A
II/1/B

Date MAY 30 1945

Delegation

EL SALVADOR

(fill in name of country)

Voting Delegate

--

Winton Daniel Carter

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III

Committee III / 3 / A
III / 1 / B

Date MAY 30 1945

Delegation FRANCE
(fill in name of country)

Voting Delegate

Luerin de Beaumont

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission

III

Committee

III/3/A

III/1/B

Date

MAY 30 1945

Delegation

UNITED STATES OF AMERICA

(fill in name of country)

Voting Delegate

John Quincy

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee III / 3 / A Date MAY 30 1945
III / 1 / B

Delegation LIBERIA
(fill in name of country)

Voting Delegate [Signature]
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee III/3/A
III/1/B Date MAY 30 1945

Delegation UNITED KINGDOM
(fill in name of country)

Voting Delegate Eschard Maj Gen
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III

Committee III/3/A
11/1/8

Date MAY 30 1945

Delegation CANADA
(fill in name of country)

Voting Delegate --

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee ^{III/3/A}III/1/B Date MAY 30 1945

Delegation NEW ZEALAND
(fill in name of country)

Voting Delegate *B. Anderson*
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III

Committee III/1/B
1st/3/A

Date MAY 30 1945

Delegation BELGIUM
(fill in name of country)

Voting Delegate --

van Langenhouwer
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III

Committee III/3/A
III/1/B

Date MAY 30 1945

Delegation EGYPT

(fill in name of country)

Voting Delegate --

Ray
Signature

(to be collected by the usher)

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

III / 3 / A.

Belgium van Langevelde

Canada Wrong

China Hoo

Mexico

N. G. Branden

U. K.

U S S R Rodionov

U S S R Connolly

Rappaport Paul Boncompagni

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

III / 1 / B

China 11/1 Humber

France Briss &

US Councily Jacob

UK M. Zim

USSR Laurentif

Cuba Perez

Egypt Day

Netherlands Kiehltra

Australia Watt

El Salvador Castro

Greece Agbuides

11 / 3 / A

Norway - Mal
Dr. Rasmstad

Canada ✓

Chile not here

Ethiopia ✓

Mexico not here

Liberia ✓

May 30th, 1945.

REDRAFT OF PARAGRAPH 5 of CHAPTER VI. D.

N | "Any member of the Organization not having a seat on the Security Council if it is a party to a dispute under consideration by the Security Council shall be invited to participate in the discussion relating to the dispute and shall enjoy the same position with regard to discussion and voting as the other party to the dispute. In the case of a non-member of the Organization, the Security Council shall lay down such conditions as it may deem just for the participation of such a non-member in the discussion of a dispute to which it is a party."

EXPLANATION. This redraft makes two changes in the original proposals as amended by the sponsoring powers. In the first place it separates the procedure to be followed in the case of a member of the organization not sitting in the Council from that to be followed in the case of a non-member of the Organization. Secondly, it adds the language of the Netherlands amendment at the end of the first sentence.

COMMENT.

(1) It seems just that members of the Organization who are parties to a dispute before the Council should have their position more clearly defined in the Charter than that of non-members of the Organization who would not be bound by the provisions of the Charter.

In the case of the latter, the Four Power amendment has already recognized the need for laying down ad hoc the conditions of participation.

2. The principal change in the redraft is to incorporate the Netherlands amendment. Unless some such change is made a most inequitable situation might arise. A member without a seat in the Council who was involved in a dispute with any member of the Council, whether permanent or not, might be at a serious disadvantage if it was not given the same rights as the member of the Council during the consideration of the dispute. Under the redraft, if no parties to the dispute were members of the Council, they^{would}/all participate equally during its discussion by the Council without any voting right at any stage. If, however, one of the parties sat on the Council, it would be necessary to give to the other party the same right to sit and vote as the Council member possessed under the Charter. There would, of course, be no voting by any of the parties while the discussion of the dispute was proceeding under Chapter VIII.A. If, however, a pacific settlement was not effected under Chapter VIII A, the voting rights of the Council member would be restored for any action taken under Chapter VIII.B. and his vote might be decisive in determining or preventing the application of sanctions. It is surely just that the party not sitting in the Council should have an equal position.

COMMISSION III, SUBCOMMITTEE III/1/BADVANCE PROGRESS REPORT

A joint meeting of Subcommittees III/1/B and III/3/A was convened in the Veterans Building, Room 311, May 31, 1945, at 10:45 a.m., by Donald Blaisdell (U.S.A.), Chairman of Subcommittee III/1/B.

I. Action: Subcommittee III/3/A passed (8 to 0) the United Kingdom amendment to insert a new paragraph between paragraphs 5 and 6, Section B, Chapter VIII. This was in lieu of the proposed Canadian amendment to insert a new paragraph between paragraphs 7 and 8 of Section B, Chapter VIII, which was withdrawn. (Further action on this remains to be taken by Committee III/3.)

II. Subcommittee III/1/B: Paragraphs 4 and 5, Section B, Chapter VI.

(1) Canada withdrew its amendment to paragraph 4, in view of explanations given by the U.S.A. and U.K. This amendment provided that non-members of the Security Council should be invited to sit as a member during consideration of matters specially affecting its interests.

(2) The Canadian Delegation withdrew its amendment to paragraph 5 in favor of the Netherlands amendment but at the end of the meeting presented a redraft of paragraph 5 combining the Canadian and Netherlands amendments. In effect, this combined amendment provides that members of the Organization not having a seat on the Security Council should participate in its discussions of a dispute to which it is a party in the same position as the other parties to the dispute; but in the case of non-members of the Organization, the Security Council should lay down such conditions as it may deem just for its participation.

(3) The Subcommittee III/1/B still has to consider the Mexican amendment to paragraph 4; the Chilean, Ethiopian, and Mexican amendments to paragraph 5; and the Liberian proposed additional amendment in addition to the combined Netherlands-Canadian amendment given above. The Egyptian Delegate and one or two others suggested that no decision could be taken on these points until the answers to the questions on the voting formula were known.

III. Procedural questions: The two Subcommittees met together because it was held by some delegations that the questions discussed constituted an indivisible whole.

RESTRICTED

Subcommittees III/1/B and III/3/A

SUMMARY REPORT ON DISCUSSION OF PARAGRAPHS
4 AND 5, SECTION D, CHAPTER VI OF THE DUM-
BARTON OAKS PROPOSALS

Joint Meeting, Veterans Building, Room 311, May 31, 1945, 10:45 a.m.

After considering the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, a decision was postponed pending discussion of Canadian amendments to paragraphs 4 and 5 of Section D, Chapter VI.

1. Canadian Amendment to Paragraph 4, Section D, Chapter VI
(See Doc. 360 (English) p.14; (French), p.17)

"4. Any member of The United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of matters specially affecting the interests of that member of The United Nations."

The Delegate of Canada explained that the purpose of the Canadian amendment was simply to provide that any member of the Organization which was not a member of the Security Council should sit as a temporary member, with the right to vote, whenever matters specially affecting its interests were under consideration. With respect to this paragraph, his Delegation was not so much concerned with the settlement of disputes as with the discussion of situations which might lead to friction or to disputes.

The Representative of China questioned whether the Canadian amendment made clear--as the Dumbarton Oaks Proposals did--where the decision lay concerning which countries should sit ~~in~~ ^{with} the Council; and whether the provision by which these invited countries should vote would not materially change the voting system. The Delegate of the United States indicated that he thought the Canadian amendment would have the effect of destroying the character of the Council as a continuing body and entity, and would thus weaken its authority and prestige. The Representative of the United Kingdom stressed the danger of reducing the efficiency and quickness of action of the Security Council. He pointed out that there were safeguards elsewhere in the Charter for members of the Organization whose interests were specially affected by Council action. One was the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, which had just been discussed at this Subcommittee meet-

ing; and another was paragraph 11, Section B, Chapter VIII, giving states the right to consult with the Council over the solution of special economic problems created as a result of its measures.

In view of the explanations made by representatives of the sponsoring governments, the Canadian delegate declared that he would withdraw the Canadian amendment.

2. Canadian Amendment to Paragraph 5, Section D, Chapter VI (Doc. 360 (English), p.15; (French), p.17)

"5. Any member of The United Nations not represented on the Security Council, and any state not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of the dispute."

Pointing out that the important issue here was whether or not to give non-members of the Council the same voting rights with respect to the imposition of sanctions as those enjoyed by members, the Delegate of Canada felt that The Netherlands amendment to paragraph 5 was better worded than his own, which was faulty in putting non-members of the Organization on the same footing as member states not members of the Council. At the close of the meeting he gave the Delegates present a draft amendment which combined the Canadian and Netherlands amendments, but did not move it.

Representatives of Australia, Egypt, and New Zealand emphasized that the "shadow of the veto" would make it difficult for the Delegates to take any decisions on paragraphs 4 and 5 of Section D, Chapter VI, before the sponsoring governments made known their position on the voting question.

3. Amendment to Section B of Chapter VIII

Decision: Subcommittee III/3/A decided, by a vote of 8 to 0, New Zealand abstaining, to approve the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between paragraphs 5 and 6 instead of between 7 and 8, and to read as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to participate in th

participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Chairman adjourned the meeting at 12:50 p.m.

RESTRICTED

Subcommittees III/1/B and III/3/A

SUMMARY REPORT ON DISCUSSION OF PARAGRAPHS
4 AND 5, SECTION B, CHAPTER VI OF THE DUN-
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1. Canadian Amendment to Paragraph 4, Section B, Chapter VI
(See Doc. 32 (English) P-13; (French) P-17)

"4. Any member of The United Nations
not represented on the Security Council
shall be invited to send a representative
to sit as a member at any meeting of the
Security Council during the consideration
of matters specially affecting the interests
of that member of the United Nations."

The Delegate of Canada explained that the purpose of the Canadian amendment was simply to provide that any member of the Organization which was not a member of the Security Council should sit as a temporary member, with the right to vote, whenever matters specially affecting its interests were under consideration. With respect to this paragraph, his Delegation was not so much concerned with the settlement of disputes as with the discussion of situations which might lead to friction or to disputes.

The Representative of China questioned whether the Canadian amendment made clear--as the Dunbarton Oaks Proposals did--where the decision lay concerning which countries should sit in on the Council; and whether the provision by which those invited countries should vote would not materially change the voting system. The Delegate of the United States indicated that he thought the Canadian amendment would have the effect of destroying the character of the Council as a continuing body and entity, and would thus weaken its authority and prestige. The Representative of the United Kingdom stressed the danger of reducing the efficiency and quickness of action of the Security Council. He pointed out that there were safeguards elsewhere in the Charter for members of the Organization whose interests were specially affected by Council action. One was the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, which had just been discussed at this Subcommittee meet-

ing; and another was paragraph 11, Section B, Chapter VIII, giving states the right to consult with the Council over the solution of special economic problems created as a result of its measures.

In view of the explanations made by representatives of the sponsoring governments, the Canadian delegate declared that he would withdraw the Canadian amendment.

2. Canadian Amendment to Paragraph 5, Section B, Chapter VI (Esp. Ed. (English), P. 15 (French), P. 17)

"5. Any member of The United Nations not represented on the Security Council and any state not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to send a representative to sit as a member of any meeting of the Security Council during the consideration of the dispute."

Pointing out that the important issue here was whether or not to give non-members of the Council the same voting rights with respect to the imposition of sanctions as those enjoyed by members, the Delegate of Canada felt that The Netherlands amendment to paragraph 5 was better worded than his own, which was faulty in putting non-members of the Organization on the same footing as member states not members of the Council. At the close of the meeting he gave the Delegates present a draft amendment which combined the Canadian and Netherlands amendments, but did not move it.

Representatives of Australia, Egypt, and New Zealand emphasized that the "shadow of the veto" would make it difficult for the Delegates to take any decisions on paragraphs 4 and 5 of Section B, Chapter VI, before the sponsoring governments made known their position on the voting question.

3. Amendment to Section B of Chapter VIII

Decision: Subcommittee III/1/A decided, by a vote of 8 to 0, New Zealand abstaining, to approve the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between paragraphs 2 and 6 instead of between 1 and 5, and to read as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfillment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to

participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Chairman adjourned the meeting at 12:50 p.m.

RESTRICTED

Subcommittees III/1/B and III/3/A

SUMMARY REPORT ON DISCUSSION OF PARAGRAPHS
4 AND 5, SECTION D, CHAPTER VI OF THE DUM-
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Joint Meeting, Veterans Building, Room 311, May 31, 1945, 10:45 a.

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1. Canadian Amendment to Paragraph 4, Section D, Chapter VI
(See Doc. 360 (English) p.14; (French), p.17)

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The Delegate of Canada explained that the purpose of the Canadian amendment was simply to provide that any member of the Organization which was not a member of the Security Council should sit as a temporary member, with the right to vote, whenever matters specially affecting its interests were under consideration. With respect to this paragraph, his Delegation was not so much concerned with the settlement of disputes as with the discussion of situations which might lead to friction or to disputes.

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Representatives of Australia, Egypt, and New Zealand emphasized that the "shadow of the veto" would make it difficult for the Delegates to take any decisions on paragraphs 4 and 5 of Section B, Chapter VI, before the sponsoring governments made known their position on the voting question.

3. Amendment to Section B of Chapter VIII

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participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Chairman adjourned the meeting at 12:50 p.m.

Subcommittees III/1/B and III/3/A

SUMMARY REPORT ON DISCUSSION OF PARAGRAPHS
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Subcommittees III/1/B and III/3/A

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The Representative of China questioned whether the Canadian amendment made clear--as the Dumbarton Oaks Proposals did--where the decision lay concerning which countries should sit with the Council; and whether the provision by which these invited countries should vote would not materially change the voting system. The Delegation of the United States indicated that he thought the Canadian amendment would have the effect of destroying the character of the Council as a continuing body and entity, and would thus weaken its authority and prestige. The Representative of the United Kingdom stressed the danger of reducing the efficiency and quickness of action of the Security Council. He pointed out that there were safeguards elsewhere in the Charter for members of the Organization whose interests were specially affected by Council action. One was the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, which had just been discussed at this Subcommittee meet-

ing; and another was paragraph 11, Section B, Chapter VIII, giving states the right to consult with the Council over the solution of special economic problems created as a result of its measures.

In view of the explanations made by representatives of the sponsoring governments, the Canadian delegate declared that he would withdraw the Canadian amendment.

2. Canadian Amendment to Paragraph 5, Section D, Chapter VI (Doc. 360 (English), p.15; (French), p.17)

"5. Any member of The United Nations not represented on the Security Council and any state not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of the dispute."

Pointing out that the important issue here was whether or not to give non-members of the Council the same voting rights with respect to the imposition of sanctions as those enjoyed by members, the Delegate of Canada felt that The Netherlands amendment to paragraph 5 was better worded than his own, which was faulty in putting non-members of the Organization on the same footing as member states not members of the Council. At the close of the meeting he gave the Delegates present a draft amendment which combined the Canadian and Netherlands amendments, but did not move it.

Representatives of Australia, Egypt, and New Zealand emphasized that the "shadow of the veto" would make it difficult for the Delegates to take any decisions on paragraphs 4 and 5 of Section D, Chapter VI, before the sponsoring governments made known their position on the voting question.

3. Amendment to Section B of Chapter VIII

Decision: Subcommittee III/3/A decided, by a vote of 8 to 0, New Zealand abstaining, to approve the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between paragraphs 5 and 6 instead of between 7 and 8, and to read as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to

participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Chairman adjourned the meeting at 12:50 p.m.

RESTRICTED

Subcommittees III/1/B and III/3/A

SUMMARY REPORT ON DISCUSSION OF PARAGRAPHS
4 AND 5, SECTION D, CHAPTER VI OF THE DUM-
BARTON OAKS PROPOSALS

Joint Meeting, Veterans Building, Room 311, May 31, 1945, 10:45 a.m.

After considering the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, a decision was postponed pending discussion of Canadian amendments to paragraphs 4 and 5 of Section D, Chapter VI.

1. Canadian Amendment to Paragraph 4, Section D, Chapter VI
(See Doc. 360 (English), p.14; (French), p.17)

"4. Any member of The United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of matters specially affecting the interests of that member of The United Nations."

The Delegate of Canada explained that the purpose of the Canadian amendment was simply to provide that any member of the Organization which was not a member of the Security Council should sit as a temporary member, with the right to vote, whenever matters specially affecting its interests were under consideration. With respect to this paragraph, his Delegation was not so much concerned with the settlement of disputes as with the discussion of situations which might lead to friction or to disputes.

The Representative of China questioned whether the Canadian amendment made clear--as the Dumbarton Oaks Proposals did--where the decision lay concerning which countries should sit with the Council; and whether the provision by which these invited countries should vote would not materially change the voting system. The Delegation of the United States indicated that he thought the Canadian amendment would have the effect of destroying the character of the Council as a continuing body and entity, and would thus weaken its authority and prestige. The Representative of the United Kingdom stressed the danger of reducing the efficiency and quickness of action of the Security Council. He pointed out that there were safeguards elsewhere in the Charter for members of the Organization whose interests were specially affected by Council action. One was the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, which had just been discussed at this Subcommittee meet-

ing; and another was paragraph 11, Section B, Chapter VIII, giving states the right to consult with the Council over the solution of special economic problems created as a result of its measures.

In view of the explanations made by representatives of the sponsoring governments, the Canadian delegate declared that he would withdraw the Canadian amendment.

2. Canadian Amendment to Paragraph 5, Section D, Chapter VI (Doc. 360 (English), p.15; (French), p.17)

"5. Any member of The United Nations not represented on the Security Council and any state not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of the dispute."

Pointing out that the important issue here was whether or not to give non-members of the Council the same voting rights with respect to the imposition of sanctions as those enjoyed by members, the Delegate of Canada felt that The Netherlands amendment to paragraph 5 was better worded than his own, which was faulty in putting non-members of the Organization on the same footing as member states not members of the Council. At the close of the meeting he gave the Delegates present a draft amendment which combined the Canadian and Netherlands amendments, but did not move it.

Representatives of Australia, Egypt, and New Zealand emphasized that the "shadow of the veto" would make it difficult for the Delegates to take any decisions on paragraphs 4 and 5 of Section D, Chapter VI, before the sponsoring governments made known their position on the voting question.

3. Amendment to Section B of Chapter VIII

Decision: Subcommittee III/3/A decided, by a vote of 8 to 0, New Zealand abstaining, to approve the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between paragraphs 5 and 6 instead of between 7 and 8, and to read as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to

participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Chairman adjourned the meeting at 12:50 p.m.

(Summary Report of Joint Meeting of Subcommittees III/1/B
and III/3/A, Veterans Building, May 31, 1945, 10:45 a.m.)

Room 311,

Paragraph 4, Section D, Chapter VI.

The Secretary of Committee III/1, at the request of the Chairman, read the text of paragraphs 4 and 5 of Section D, Chapter VI of the Dumbarton Oaks Proposals.

The question of procedure arose as to whether these paragraphs should be considered separately or together. It was held by some that they constituted an inseparable whole and by others that, since some Delegations had offered amendments to paragraph 5 and not to paragraph 4, they should be discussed separately.

(a) Canadian amendment to paragraph 4

The Delegate of Canada, in response to the Chairman's invitation to discuss the Canadian amendment to paragraph 4, explained that its purpose was simply to provide that any member of the Organization, which was not a member of the Security Council, should sit as a temporary member, with the right to vote on ~~decisions~~ whenever matters specially affecting its interests were under consideration. He admitted that in view of the emphasis placed upon keeping the Council small and ^{adhering to} upon the Yalta voting procedure, the Canadian amendment might cause alarm, but pointed out that with respect to ~~this~~ ⁴ paragraph his Delegation was not so much concerned with ^{settling} disputes as with ^{handling} situations which might lead to friction or disputes. In ^{discussing such situations} such cases, wide areas might be under consideration ^{so that} ~~in which~~ one or more permanent members of the Council, perhaps a non-permanent member, and one or more non-members of the Council might be interested. In such cases, ^{he argued,} members of the Organization who did not sit on the Council should have the same rights as those who did. He concluded by asking

Delegates representing the Sponsoring Governments to explain what would happen in such cases under the Dumbarton Oaks Proposals.

The Delegate of China, ~~in turn~~, raised two questions concerning the Canadian amendment: 1) In the Dumbarton Oaks text it was clear that the Security Council was to decide what members of the Organization might be invited to sit ^{with} on the Council when their interests were affected, but the Canadian amendment did not make clear where the decision lay; and 2) Since the Canadian amendment provided that an interested party should sit as a member, and would thus have a vote, this procedure would materially change the voting system, especially if more than one state were temporarily added to the Council.

The Delegate of the United States, emphasizing the point made that someone must decide when a state was to be invited to sit on the Council, said that the Security Council ^{should} ~~must~~ be regarded as a continuing body, an entity. The Canadian amendment might lead to the expansion of the Council by quite a number and would thus ^{upset the balance, besides introducing} ~~accentuate~~ the possibility of "litigants" passing upon their own "cases." If all interested members were invited to sit as members, the vitally important authority and prestige of the Council as a quasi-judicial body might be destroyed.

The Representative of the United Kingdom, recognizing the Canadian concern with situations giving rise to friction rather than with disputes, stressed the dilemma of ^{difficultly} attempting ^{permitting} all countries "specially affected" to sit on the Council to meet legalistic requirements, and, at the same time, to keep it strict and ~~workable~~ efficient and quick-acting Security Council.

If the choice were left to the countries, then, he feared, an overwhelming
majority of them would suddenly find their interests "specially affected."
If left to the Council, he felt that it would have a very difficult time deciding.
He felt that very difficult problems might arise if the
Council should be invited because, since each would have a vote,
Councils was required to invite all interested parties to
the selection might well determine the decision of the Council on the question before it
participate in discussions as voting members. He hoped, there-

fore, that paragraph 4 of the Dumbarton Oaks draft would be
regarded as acceptable, particularly in view of two safeguards
elsewhere in the Charter: (1) the United Kingdom ^{substitute for the Canadian} amendment
to Section B, Chapter VIII, ^{already presented for} ~~now under~~ consideration; ^{at this meeting} and (2)
the provisions in paragraph 11, Section B, Chapter VIII, giving
a state which found itself confronted with special economic
problems, as a result of measures taken by the Council, the right
to consult with the Security Council on their solution.

The Canadian Delegate, ~~in reply to China's questions,~~
stated that the language of the Canadian amendment was taken
from a similar provision in the Covenant of the League. In
reply to the United States, he pointed out that the real pro-
blem here arose because a state already a member of the Council
might be a party to a dispute and hence it seemed just to give ~~the~~
other parties the same rights. With reference to the fears ex-
pressed by the United Kingdom, he felt that same discretion
would have to be exercised by the Council in order to avoid
expanding its membership too greatly. In view of the explana-
tions made ^{by representatives of the sponsoring governments,} however, the Delegate of Canada withdrew his amend-
ment to paragraph 4, Section D, Chapter VI.

The Egyptian Delegate felt that the all important question
for Delegates in dealing with paragraph 4 was whether or not "the
veto" could be used in the Council when decisions concerning what
states could be invited to participate in a discussion were
decided. The Chairman replied:

this question was still under consideration by the Sponsoring Governments and could not yet be answered.

Paragraph 5, Section D, Chapter VI

The Canadian Delegate ^{stated} ~~explained~~ ^{in his opinion,} that, the drafting of the Canadian amendment to paragraph 5 was defective in that it put ~~non-~~ members of the Organization ~~who were non-members of the Council~~ on the same footing as ~~states not even~~ ^{who were not members of the Council.} members of the Organization. In consideration of a dispute, since no one who was a party to the dispute could vote, the only serious question arose ~~was~~ when it came to a decision to impose sanctions. Then in justice and equity, non-members of the Council should have the same rights as members of the Council. He believed that ~~the Netherlands~~ ^{the} amendments ^{offered by the Netherlands} contained a good formula and, therefore, would withdraw the Canadian amendment with the understanding that the amendments/proposed by the Netherlands and others would be discussed.

The Australian representative asked, as a matter of procedure, if it would not be difficult for delegates to decide upon what position to take with respect to paragraph 5 since it had not ^{yet} been discussed in Committee III/1. Furthermore, ~~as~~ as the Egyptian Delegate had pointed out, the "shadow of the veto" ^{it difficult to take} made any decision on these points ^{at the present time.} ~~virtually impossible~~. The Delegate of New Zealand supported the position taken by Egypt and Australia with respect to the importance of the veto, ~~and~~ because under the Yalta ~~formula~~ formula a litigant in a dispute might be not only a judge in his own case but even the sole judge. Nothing was to be gained by ignoring this fact. He had no objection, however, to voting on the amendment by the

United Kingdom to Section B, Chapter VII, but thought it would be wiser to postpone all other decisions until the position of the Sponsoring Governments on the all-important question of voting was known.

New Zealand abstaining
Decision: Subcommittee III/3/A decided, by a vote of 8 to 0, to approve the amendment ~~of the United Kingdom to insert between paragraphs 5 and 6, Section B, Chapter VIII, the following:~~

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between para. 5 and 6, instead of between 7 and 8, and to read as follows

The Delegate of Canada announced that he had copies of a proposed text for paragraph 5, Section D, Chapter VI, which represented a combination of the Canadian and Netherlands amendments. These would be circulated to the delegates present.

after
The Chairman, announcing that further meetings, either joint or separate, of the two Subcommittees, would be subject to call, adjourned the meeting at 12:50 p.m.

(SUMMARY REPORT OF JOINT MEETING OF SUBCOMMITTEES III/1/B AND III/3/A, Veterans Building, Room 211, May 31, 1945, 10:45 a.m.)

Paragraph 4, Section D, Chapter VI

The Secretary of Committee III/1, at the request of the Chairman, read the text of paragraphs 4 and 5 of Section D, Chapter VI of the Dumbarton Oaks Proposals.

The question of procedure arose as to whether these paragraphs should be considered separately or together. It was held by some that they constituted an inseparable whole and by others that, since some Delegations had offered amendments to paragraph 5 and not to paragraph 4, they should be discussed separately.

(a) Canadian amendment to paragraph 4

The Delegate of Canada, in response to the Chairman's invitation to discuss the Canadian amendment to paragraph 4, explained that its purpose was simply to provide that any member of the Organization, which was not a member of the Security Council, should sit as a temporary member, with the right to vote whenever matters specially affecting its interests were under consideration. He admitted that in view of the emphasis placed upon keeping the Council small and adhering to the Yalta voting procedure, the Canadian amendment might cause alarm, but pointed out that, with respect to paragraph 4, his Delegation was not so much concerned with settling disputes as with handling situations which might lead to friction or disputes. In discussing such situations wide areas might be under consideration in which one or more permanent members of the Council, perhaps a non-permanent member, and one or more non-members of the Council might be interested. In such cases, he argued, members of the Organization who did not sit on the Council should have the same rights as those who did. He concluded by asking Delegates representing the sponsoring governments to explain what would happen in such cases under the Dumbarton Oaks Proposals.

The Delegate of China raised two questions concerning the Canadian amendment: 1) In the Dumbarton Oaks text it was clear that the Security Council was to decide what members of the Organization might be invited to sit with the Council when their interests were affected, but the Canadian amendment did not make clear where the decision lay; and 2) since the Canadian amendment provided that an interested party should sit as a member, and would thus have a vote, this

procedure would materially change the voting system, especially if more than one state were temporarily added to the Council.

The Delegate of the United States, emphasizing the point made that someone must decide when a state was to be invited to sit on the Council, said that the Security Council should be regarded as a continuing body, an entity. The Canadian amendment might lead to the expansion of the Council by quite a number and would thus upset the balance, besides introducing the possibility of "litigants" passing upon their own "cases." If all interested members were invited to sit as members, the vitally important authority and prestige of the Council as a quasi-judicial body might be destroyed.

The Representative of the United Kingdom stressed the difficulty of permitting all countries "specially affected" to sit on the Council and, at the same time, keeping it ^{an} efficient and quick-acting Security Council. If the choice were left to the countries, then, he feared, an overwhelming number of them would suddenly find their interests "specially affected." If left to the Council, he felt that it would have a very difficult time deciding which countries should be invited because, since each would have a vote, the selection might well determine the decision of the Council in the question before it. He hoped, therefore, that paragraph 4 of the Dumbarton Oaks draft would be regarded as acceptable, particularly in view of two safeguards elsewhere in the Charter: (1) The United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, already presented for consideration at this meeting; and (2) the provisions in paragraph 11, Section B, Chapter VIII, giving a state which found itself confronted with special economic problems, as a result of measures taken by the Council, the right to consult with the Security Council on their solution.

The Canadian Delegate stated that the language of the Canadian amendment was taken from a similar provision in the Covenant of the League. In reply to the United States, he pointed out that the real problem here arose because a state already a member of the Council might be a party to a dispute and hence it seemed just to give the other party the same rights. With reference to the fears expressed by the United Kingdom, he felt that some discretion would have to be ~~exercised~~ exercised by the Council in order to avoid expanding its membership too greatly. In view of the explanations made by representatives of the sponsoring governments, the Delegate of Canada withdrew his amendment to paragraph 4, Section D, Chapter VI.

The Egyptian Delegate felt that the all-important question for Delegates in dealing with paragraph 4 was whether or not the "veto" could be used in the Council when decisions concerning

what states could be invited to participate in a discussion were decided. The Chairman replied that this question was still under consideration by the Sponsoring Governments and could not yet be answered.

Paragraph 5, Section D, Chapter VI

The Canadian Delegate stated that, in his opinion, the drafting of the Canadian amendment to paragraph 5 was defective in that it put non-members of the Organization on the same footing as members of the Organization who were not members of the Council. In consideration of a dispute, since no one who was a party ~~to~~ to the dispute could vote, the only serious question arose when it came to a decision to impose sanctions. Then, in justice and equity, non-members of the Council should have the same rights as members of the Council. He believed that the amendment offered by the Netherlands contained a good formula and, therefore, would withdraw the Canadian amendment with the understanding that the amendments proposed by the Netherlands and others would be discussed.

The Australian representative asked, as a matter of procedure, if it would not be difficult for delegates to decide upon what position to take with respect to paragraph 5 since it had not yet been discussed in Committee III/1. Furthermore, as the Egyptian Delegate had pointed out, the "shadow of the veto" made it difficult to take any decision on these points at the present time. The Delegate of New Zealand supported the position taken by Egypt and Australia with respect to the importance of the veto, because under the Yalta formula a litigant in a dispute might be not only a judge in his own case but even the sole judge. Nothing was to be gained by ignoring this fact. He had no objection, however, to voting on the amendment by the United Kingdom to Section B, Chapter VIII, but thought it would be wiser to postpone all other decisions until the position of the Sponsoring Governments on the all-important question of voting was known.

Decision: Subcommittee III/3/A decided, by a vote of 8 to 0, New Zealand abstaining, to approve the United Kingdom substitute for the Canadian amendment to Section B, Chapter VIII, the substitute to be inserted between paragraphs 5 and 6 instead of between 7 and 8, and to read as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Delegate of Canada announced that he had copies of a proposed text for paragraph 5, Section D, Chapter VI, which represented a combination of the Canadian and Netherlands amendments. These would be circulated to the delegate present.

The Chairman, after announcing that further meetings, either joint or separate, of the two Subcommittees would be subject to call, adjourned the meeting at 12:50 p.m.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 5, 1945

To:	Hector David Castro	Delegation of El Salvador
	H. V. Evatt	Delegation of Australia
	V. K. Wellington Koo	Delegation of China
	Guy Perez Cisneros	Delegation of Cuba
	Mamdouh Bay Riaz	Delegation of Egypt
	Jules Basdevant	Delegation of France
	Thanassis Agnides	Delegation of Greece
	J. G. Kielstra	Delegation of the Netherlands
	A. I. Lavrentiev	Delegation of the Union of Soviet Socialist Republics
	Sir Alexander Cadogan	Delegation of the United Kingdom
	Donald C. Blaisdell	Delegation of the United States

Subject: Joint Meeting of Subcommittees III/1/B and III/3/A

Herewith is a copy of the Summary Report prepared by the Secretariat of Subcommittee III/1/B on Discussion of Paragraphs 4 and 5, Section D, Chapter VI of the Dumbarton Oaks Proposals at the Joint Meeting of Subcommittees III/1/B and III/3/A held on May 31, 1945. This is being sent to members of Subcommittee III/1/B but is not being circulated to members of Committee III/1.

It is also not being sent to members of Subcommittee III/3/A. It is understood that the Secretary of Subcommittee III/3/A is not sending any Summary Report covering this Joint Meeting to members of that Subcommittee since Subcommittee III/3/A has already reported on the matter to Committee III/3.

Paul G. Pennoyer
Secretary
Committee III/1

Mr. Blaisdell-

Also enclosed is a copy of the fuller summary embodying your corrections. This is for your own files and is not being sent to other members of either Subcommittee III/1/B or to members of Subcommittee III/3/A.