

UNEO - Working papers - Commissions & Technical Committees
- Commission II & Committee II - 8th meeting

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(PAGS/2.2-3)

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SUMMARY REPORT OF EIGHTH MEETING OF COMMITTEE II/2

Veterans Building, Room 202, May 16, 8:37 p.m.

The eighth meeting of the Committee was opened by the Chairman at 8:37 p.m.

1. Further Discussion of Paragraph 1, Section B, Chapter V, of the Dumbarton Oaks Proposals

The Committee continued its discussion of paragraph 1, proceeding to the consideration of question 2 in the report of Subcommittee A (Doc. 235, II/2/A/1).

Decision: The Committee agreed to amend question 2 to read: (2) Should the Secretary General be required, with the consent of the Security Council, to notify the General Assembly of any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council, and also required to notify the General Assembly immediately the Security Council ceases to deal with any such matter?

The Delegate of Columbia asked to go on record as abstaining because he believed that question 1 formulated by Subcommittee A was still before the Committee. The Chairman

put question 2 as amended to the vote.

Decision: Question affirmed by 28 votes
to 0.

The Delegate of Belgium asked to go on record as abstaining, because he considered the amended form of the question to be more restrictive than the phraseology in the redraft of Paragraph 1, Section B, Chapter V, put forward by the four sponsoring powers and France (see text in Doc. 354, II/2/15), which he had regarded as the minimum which his government could accept.

The Delegate of Egypt wished to go on record as having voted in the affirmative only because he felt that the Committee had been given no choice.

The Committee then passed to the consideration of question 3, which appears in the report of Subcommittee A in two alternative forms.

(3) Should a procedure be adopted whereby the General Assembly, having received the Secretary General's report, may determine that the Security Council has ceased to exercise its functions with regard to any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council and proceed to make a recommendation or recommendations with regard thereto?

[Should some further procedure be provided for deciding when the Security Council has ceased to deal with a matter, so that the Assembly may be in a position to make recommendations at once?]

After discussion of the relative merits of the two versions, the Chairman invited the Committee to vote on the procedural question of which version they preferred to use in making their substantive vote.

Decision: The first version was chosen.

The Chairman then put this version to the vote under the two-thirds rule.

Decision: There were 12 affirmative and 18 negative votes: question negatived.

The Committee then voted on question 4 in the report of Subcommittee A.

(4) Should the General Assembly be able to require the Security Council to investigate situations which might seem to the Assembly likely to endanger world peace?

Decision: There were one affirmative vote and 21 negative: question negatived.

The Committee voted on question 5 without discussion.

(5) Should the General Assembly be entitled to call the attention of the Security Council to situations which, in its opinion, are likely to endanger peace or are capable of doing so?

Decision: The question was affirmed by 35 votes for ~~unanimous~~ to 0 against.

- (6) Should the decisions of the Security Council on any matter relating to the maintenance of international peace and security be subject to ratification or veto by a fixed majority (such as three-fourths or two-thirds) of the General Assembly?
- (7) Should the General Assembly be entitled to summon the members of the Security Council to appear before it to report on any measures the Security Council to appear before it to report on any measures the Security Council may have taken or may contemplate taking in dealing with any matter affecting international peace and security?

- (8) Should the General Assembly be entitled to exercise concurrently with the Security Council the powers set out in Chapter VIII, Section A?

In response to a suggestion that these questions were virtual paraphrases of previous questions, in the discussion of which the problem of a possible conflict between the Assembly and the Security Council had been fully explored, it was objected that to accept such an argument ^{was} tantamount to binding the Assembly always to concur in the decisions of the Security Council. The Delegate of the United Kingdom replied that on the contrary, the Assembly was free to discuss and make recommendations on any question once the Security Council had finished dealing with it. The Delegate of Belgium felt that this consideration was of such importance that it should be formulated as a question for subsequent discussion. As a realist he accepted with resignation that questions 6, 7 and 8 would inevitably be negatived in view of the course which previous discussion had taken, but wished to go on record as abstaining. The Delegate of Egypt wished to go on record as abstaining for the same reason. The Chairman then put questions 6, 7 and 8 to the vote separately.

Decision: Questions negatived.

The Delegate of Columbia asked leave to make his position clear. As one who had consistently supported giving the fullest possible powers to the Assembly, he had abstained in the previous votes; but he had voted against questions 6, 7 and 8 because he believed that to accept them would open the door to conflict between the Assembly and the Security Council.

The Committee began the discussion of question 9.

The meeting adjourned at 11:30 p.m.

Ch Hope we finish Agenda

Evatt Move we answer yes to Question 2.

Amir 2nd Second.

USSR Has some doubts about including ^{in this form} Ch.

^{for reasons} The S.C. would have to notify
Ass, ^{via Sec Gen} who wd put S.C. to some extent under
Sec Gen.

(2) If S.C. had adopted a method involving
some means secret (esp. milit),
it might be v. undesir to have Ass give
gen discuss.

We need to take precautions in
drafting.

I would rather see it handled by a
different phrase. The definition in

D.O., PB, shd be sustained. If Sec Gen.
to do this, I would like it to be on inst. of S.C.

Mexico NY Times has transcribed V's differently
from text - stops at "armaments".

Ch We only consid offic doc?

Mexico I consid that ~~only~~ Sec Gen can only inform
Ass when S.C. has done & ∴ when I
tells him ~~he~~ can do so.

Foot Only a pt of interpret. It is only
S.C. wh. can decide whether it is or has
ceased to deal w a matter.

See 2 as amended
I move it formally

Yugo I see and (2)

Haiti I agree to add those words

Quish No objection. You must put duty
of notifying on someone, so we put it
on Sec Gen.

Belf V's motion ~~isn't~~ said different, see
his last sentence. If we admit his days,
we arrive at something less than V's
text, which I rep as minimum

Yugo I do not think this is a substantive
point, & Qu 2 only dots 1's & 2's.

I ran There is no need to put in the extra words
suggested, & I rep V's text as minimum.
The Sec Gen can always be instructed
by S.C. to inform Ass.

Greece I think we have a 4 P text, & I would
like to know if the added words words
reflects the 4 P words near

Belf I think Yugo is being too subtle, as
the sentence reads

Fraser I think we are all agreed really

Haiti This is a useless discussion. It is unthink
that Sec Gen should act in defiance of
S.C., & without notification from S.C. to
him. Even if DSS

Belf I can't vote

WBB I accept Fook's version.

Ch First vote then is on whether we vote

accept the additional words (3)

Vote Ayes 18 } carried.
Noes 3 }

Colombia On record as abstaining ∴ no
we voting as Qn 1 is still before us
Vote on Qn 2 as amended

Ayes 28
Noes 0

Belg ^{on record} Abstain's for reasons given
in intervention

Egypt ^{on record} Voted in affirm, ∴ on record
given no choice, as 2 questions
taken up. New version reduces
Ans to ass of mates

Question 3.

Ch This has 2 readings. After discuss,
we must vote on the draft we want
to vote on.

Ans h (3) is Ans h original. Altern is
Doc 2, 3/14/62
Sub Off's version. We put a version
on p. 2 of our comments, whereby
Pres: Ans ed require Sec. Gen to
report. We have already decided
that Ans can't deal w. mats on
p. & cc concurrently w. S.C., but in order
to help Ans to know when S.C. has

done (Qu?). Qu B is, should some (4)
further safeguard be provided.
1 proper 2nd form of gm.

Hand Case of this is unwisdom of opening
door to any poss. of clash in time of
crisis betw. Ass. & S.C. — in
fav. of wh. we have already voted
twice. We can't ^{now} permit Ass. to take
on itself power to ~~intervene~~ ^{decide when S.C. has step} — a
thing we have already voted ² ~~ap~~. You
must ~~exp~~ have some compd in S.C.
& in trust betw. S.C. & Ass. S.C. wd
be in an imposs. posit., wh. cuts
at whole basis of D.O., as I said bef.
France I agree entirely V.

Egypt I am not quite convinced by V's inter-
pret he gave to our vote of last night.
We were told

1) to avoid a clash

2) while S.C. actively deals, S.A. cd
not hamper it by going in.

The words "actively dealing" as essential.
Ass. only meets 1 a yr. S.C. wd normally
have a yr. I agree w. reasonable
delay, but can we not lay this down

S.C. ^{f. milit. meas} unanim. agree of ~~form~~ members is
req. — if not obtained, complete hold-
up may ensue. Shd we not perhaps
this & take precaution S. to end it in a crisis?
I ask V, can't the S.C. trust the Ass?

- W.S.A. In rep. 1) is not son d. Crisis may arise b. shortly bef. Ars is due to meet.
2) In final anal, since S.C. has to take action, there is 0 Ars can do about it.
3) ^{This is one of the bases of my scheme - right of S.C.} I want mutual trust thro' out.

S. Africa. I hope we are not going to have all over again the argument on Qu 1. No one has effectively replied to V's point re clash Ars & S.C. This was accepted in voting on Qu 1. We can't go back on this now.

Fraser What is being discussed is "how long"? We must assume goodwill — well, there was goodwill in League.

S. Af Ars in League had = right.

Fraser Well, the appressor got away with it. We want improved mech., against hold-up by one person members for indef. time. It is true there are props! wh. may come down to us in future. ^{reversional or other} But that won't help — we still want a mech.; we want more thought. There is, of course, Ars's power to appress. censure — wh. may lead to lough heads. But this mat^{person} will prob come up else-where. Wherever it does, the mech will still be req^d to deal w. poss impasse. This is a prac diff to wh. I want solution.

Peru I think I see light, though the problem is v. diff. We have to envisage the situ

described by Fraser. There may paralyze
~~action~~ justice. It is over sanctions that this
paralysis may arise. W. out ft Powers, there
can be no sanctions. What, then, can be
attit of Ars? This may be the v moment
when ^{other} St P's may want collab of Ars,
when Ars cd strengthen them & I am not
putting a motion, I am seeking for light.

Last of
all and
perhaps
a clash

W.S.B.

2 Probs. 1) There are two essent orgs in
Organs, S.C. & Ars. We must delimit their comp
2) Is the narrow field of conflict betw them
I think that can best be done by careful
demarkation of their fields. D.O. has
gone far in so doing. We shd avoid even
evoking spectre of conflict.

Ch

We have now to choose on wh. draft
to vote on. This prelim vote does not
relate to substance, but simply which
text you are then to vote on.
Procedure vote - maj. vote.

Hoodman

To clarify my posit, I say that Org is more of
a polit than juridical body & as in
any case, then, I shall vote no.

By polit, I mean dealing w. facts
in fulfilling its task.

Fraser

There are 2 vital pts of diffce. In one
case, determinatⁿ of ending of S.C.'s act
lies w. Ars. In other, we only ask for a
proced wh will enable someone - it
may be S.C. - to decide. ∴ 1 out 2

Ch You have made a decision to find that out. (7)
tk I don't think it mat. of in prob, but
text ① better, as it puts decision on some one,
whereas 2nd text doesn't - it begs qn.

Ch First text - vote in favour

Ayes 18

Noes

Second text - vote in fav, 13

Hence text 1 by 18 - 13

Vote on text ①

Ayes 12

Noes 18

The Question is negatived.

Question 4

Nand 4 requires S.C. to investigate
5 - only gives right to call S.C.'s atten
my fork says yes to 5, not to 4.

Fraser No use discussing shadows - Vand
~~really~~ deals w this. I think we
shd drop 4 & deal w. 5.

Ch Vote on 4

Ayes 1

Noes 21

Question negatived

Question 5 (read.)

Ch No obs?

Vote on 5

Ayes 35

Motion carried

Ch. Compt - go on to 6

Others yes - and 7

Staley reads 6

U.S.A. I sup 6, 7, 8 are paraphrases of
the thing we have decided 3 times.

Egypt Do I understand that we must
say "yes" always to S.C. decision,
even after it has dropped. If so,
we might as well go home

W.K. No - once S.C. dropped, we can
discuss & recommend. All we want
is to avoid clash wh will arise if
we try to over-ride S.C.

Mexico That is true, but ^{as S.C. has to finish dealing w. conflict} it is making a
recommend on a dead gr. Cf Ch
VI, Sec B, para 4.

Belf I do not 6, 7, 8 are the same, if carefully
read. They are directed at special
cases. But we must be realistic
in view of what has happened.
I think then that I must vote No
to 6, 7, 8, with resignation. But
W.K. has given us a new question.
I don't think this is without import.
We can have the right to make
judg of history. To this I attach
great import. Let us therefore not
let this pt slip into record, but have it
out in form of a cu for discussion.

Egypt I agree Belf

9

Fraser I agree Belf, but let's be clear that there is some place where S.C. can have judgment passed on it. Ch VI, B, 4 must stand, as it is a matter of life & death. But I do not find these positions incompatible. We must carry out S.C. decisions, but there must be some place where small PS can give their views frankly, that is Ass, whether they praise or blame.

Juice I support Egypt, Belgium, N-3.

Colombia I think they are 3 quite different gms, & can't be voted together. The pts are v. different. I have always desired Ass to have fullest powers, & shall vote that way here & elsewhere. I do not approve of the meas of veto prop in 6, nor of right to call witness in 7, nor risk of clashes in f... No to all B. These gms go too far. We rely on difference between recommend & decision. Colombia takes her stand on this, recommend, but wants to avoid clashes. We have had to give up many things - ^{size} ~~compromise~~ of S.C., rights of reprieve, ~~extension of powers~~ ^{extension of powers} of Court. The powers

SC. mandatair
des pouvoirs.
This is in
D.O. text

I recom. unda.
 of As. where our last line of defence
 that is crumbling. I must be honest
 I had to abstain on previous votes,
 but I vote af 678, as too dangerous
 to, & 9 yes, in conform w desire
 of N3, Belg & others.

U.S.A. Can't we happily conclude by voting 678
 no, & 9 yes, in conform w desire
 of N3, Belg & others.
Mexico I agree w. V's opinion, not f. his
 reasons, but as they have already been
 vit. decided. Let us drop them.
 I second V in sense we vote 9 yes
 only, the more so since Mexico
 gave rise to 678.

Perm

Let us vote 678.

Ch

Not long to vote each sepa.

Belg

I will abstain on 678, for reasons
 I have given Egypt for same reasons
Question 6 aye 1.
No 23

7
aye 0
No

8
aye 0
Noes

Noes have it
 Noes have it

Question

(11)

Peru I think the affirmation in 9 too large. on purely medical questions, Ass should not deal, but ref to Court. I believe in ~~future~~ ^{future} of Ass, but not in going beyond its proper competence. Medical q's shd be in med. ref to Court to maintain distinction

Belg I want it made perf clear on report that this gr covers q's dr. wh. S.C. has ceased to deal, ^{2 have been dir + goled up} on wh. Ass can then recommend. cf Fort
In contrast to Peru, no limit on right of Ass. It is only concession we still ask, & don't want to give it up

USSR Too late - let us adjourn

Colombia 2 questions

1). ~~Are you going to embody points we have voted on in D.O., and back~~

Are we going to vote D.O. w/ the amends voted already?

Ch I will answer tomorrow, after consult Permit with S-C.D.?

Fraser Is not method - drafting Cttee taking all amends, ^{incl.} 4 P's, & we vote on result by Cttee

Freece Are we going to discuss Vand
Ch If moved, ~~yes~~, at next mtg, yes
— now we adjourn.

Commission II

Committee 2
Comité

Attendance Record
Bulletin de Presence

Date Wednesday
16 May 1945

| Country Nation | Name of Representative Present Nom du Représentant Présent (Please Print) (en Majuscules, S.V.P.) |
|---------------------|--|
| Argentina | <u>Ignacio Avalos</u> |
| Australia | <u>J. M. Watt</u> |
| Belgium | <u>Fernand DEHOLUSSE</u> |
| Bolivia | <u>J. Andrade</u> |
| Brazil | <u>C. Martins</u> |
| Byelorussian S.S.R. | <u>R. Kiselev</u> |
| Canada | <u>Esco Reid</u> |
| Chile | <u>Mano Rodriguez</u> |
| China | <u>Dr. Carson Chang; H.C. Wang</u> |
| Colombia | <u>Chun Shih Lin</u> |
| Costa Rica | <u></u> |
| Cuba | <u></u> |
| Czechoslovakia | <u>Jan Paprinsky</u> |

Dominican Republic

[Signature]

Ecuador

Egypt

Ady. G. Andraos.

El Salvador

Ethiopia

Dr. Lemmef

France

[Signature]

Greece

C. Giannantoni

Guatemala

Haiti

ANDRÉ LIAUTAUD

Honduras

JULIAN R. CACERES

India

W. J. CANTHORN

Iran

Dr. Siavari

Iraq

Lebanon

Liberia

Luxembourg

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Mexico

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New Zeala

P. Fraser

Nicaragua

Norway

Jacobs Worn - Mully

Panama

Paraguay

Peru

Victor A. Belauinb

Philippine Commonwealth

Saudi Arabia

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Antaki

Turkey

A. Z. Esmer

Ukrainian S. S. R.

M. Petrovsky

Union of South Africa

Leysda

Union of Soviet Socialist
Republics

Roschin

United Kingdom

Amphill

United States of America

W. Vandenberg

Uruguay

Zambrano

Venezuela

V. Brunkopf

Yugoslavia

T. V. Gussienic