

UNCIO - Working Papers - Commissions & Technical Committees  
- Commission II & Committee II - General (1)

15 May 1945  
30 June 1945

clear - NK  
10/05

S-1018  
Box - 8  
File - 2

(PAGE 12.2.3)

DELEGATION OF IRAN  
UNITED NATIONS CONFERENCE  
SAN FRANCISCO  
HOTEL ST. FRANCIS

June 18, 1945

Mr. Huntington Gilchrist  
Veterans' Building  
San Francisco, California

Dear Sir:

Dr. Ali Akbar Siassi, Delegate of Iran in the Committee 2, Commission II, wishes to speak at the first meeting of the Commission when the report of the Committee 2 will be discussed. His speech will not take more than ten minutes.

Will you please be so very kind as to put his name in the Agenda among the earlier speakers of the day. The text of his speech will be forwarded to you as soon as possible.

Yours sincerely,

*F. Nabil*

F. Nabil  
Secretary General

May 21, 1945 U.S.S.R.

COMMITTEE II/2/B

WORKING MATERIALS RELATING TO  
PARAGRAPH 1, SECTION B, CHAPTER V.

The following materials would seem to be pertinent to the work of the Drafting Subcommittee on paragraph 1, Section B, Chapter V:

1. The original Dumbarton Oaks draft of this paragraph (Doc. 288, G/38, p. 10).

2. The decisions of Committee II/2 on questions 1-9 and the summary record of certain points which emerged in the discussion of these questions.

Question 1 - Summary Report of Seventh Meeting  
(Doc. 354, II/2/15)

Questions 2-8 - Summary Report of Eighth Meeting  
(Doc. 392, II/2/17)

Question 9 - Summary Report of Ninth Meeting  
(Doc. , )

3. The redraft of this paragraph proposed by the Four Sponsoring Governments and France (contained in Doc. 354, II/2/15).

In addition there are attached hereto two alternative drafts based on the foregoing materials. These suggested redrafts were prepared by the Secretariat of Committee II/2 at the request of the Chairman. Certain language shown in brackets in these redrafts is designed to focus on questions not clearly answered by the materials described above.



REDRAFT A

(prepared by Secretariat, Committee II/2)

1 I. The General Assembly should have the right to discuss any  
2 matter within the sphere of international relations, including  
3 the principles governing disarmament and the regulation of arma-  
4 ments, and to make recommendations to the governments (member)  
5 (non-member) or to the Security Council with regard to any such  
6 matter. Any such matter on which action (by the Security Council)  
7 is necessary should be referred to the Security Council by the  
8 General Assembly, either before or after discussion or recommenda-  
9 tion. Any such matter, or any aspect thereof, which is juridical  
10 in character should be referred to the International Court for its  
11 opinion. The General Assembly should have the right to call the  
12 attention of the Security Council to situations which are likely  
13 to endanger international peace or security. While the Security  
14 Council is exercising in respect of any dispute or situation the  
15 functions assigned to it under this Charter, the General Assembly  
16 should not make any recommendation with regard to that dispute



1 or situation unless the Security Council so requests. At each  
2 session of the General Assembly the Secretary General should, with  
3 the consent of the Security Council, notify the General Assembly  
4 \*of any matters within the sphere of international relations  
5 which are being dealt with by the Security Council and should also  
6 notify the General Assembly immediately the Security Council ceases  
7 to deal with such matters. (Query: Suppose the Security Council  
8 ceases to deal with a matter while the Assembly is not in session,  
9 should the Secretary General, with the consent of the Security  
10 Council, so notify the President of the General Assembly?)

\*Alternative Text: "of any disputes or situations which"

RESTRICTED

Doc.

II/2

June 20, 1945

Committee 2

Political and Security Functions

REVISED TEXT OF PARAGRAPH 1, CHAPTER V, SECTION B, AS PROPOSED TO BE AMENDED BY DR. EVATT OF AUSTRALIA FOLLOWING UPON ACTION BY A SUBCOMMITTEE OF THE EXECUTIVE COMMITTEE COMPOSED OF MR. STETTINIUS, MR. GROMYKO, AND DR. EVATT

1. The General Assembly has the right to discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organizations provided in the Charter, and, except as provided in paragraph 2(b) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

COMMISSION II COMMITTEE 2 MAY 17, 1945

FURTHER PROCEDURE OF COMMITTEE II/2

Draft of Statement by Chairman

The Chairman submits for the approval of the Committee the following outline of the procedure which he suggests should be followed in accomplishing the remainder of the Committee's work:

1. The Committee will complete its discussion and vote on Question 9 relating to Chapter V, Section B, paragraph 1.
2. The Chairman, with the approval of the Committee, will appoint a drafting subcommittee which will be directed to bring back to the full Committee a revised text of Chapter V, Section B, paragraph 1. The work of this drafting subcommittee would be based on:
  - a. The Dumbarton Oaks Proposals.
  - b. Votes taken by Committee II/2 on Questions 1 to 9, inclusive, and the discussion in connection with them.
  - c. Revised language for the paragraph suggested by the four sponsoring Powers and France and by other participating Governments, in so far as the drafting subcommittee believes these suggestions to be in conformity with the sense of Committee II/2 and, therefore, likely to obtain its approval.
3. When the drafting subcommittee reports, a vote will be taken on approval or disapproval of the text suggested by it. This will, of course afford opportunity for discussion and for amendment of the drafting subcommittee's report if the full Committee so desires. A two-thirds vote will be required for amendment or approval of the text reported by the drafting subcommittee.
4. For paragraphs 3, 6, and 8 of Section B, Chapter V, a similar procedure will be followed, beginning with a report of Subcommittee A which will pose the main questions of principle, proceeding then to a vote on these questions



of principle, then referring to the drafting subcommittee, and finally proceeding to a discussion and a vote on the text reported by the drafting subcommittee.

5. All texts approved by Committee II/2 will be submitted to the Executive Committee, in accordance with "Conference Procedure on Drafting Final Charter," established in Doc. 243 ST/3 which was approved by the Steering Committee at its meeting of May 10. As stated in the document referred to, "This procedure does not prejudice the right of commissions at any stage to review the activities or recommendations of their respective technical committees."

REPORT OF THE RAPPORTEUR OF COMMITTEE II/2  
(DOC. 1112)

The President might ask the officers of Committee II/2 to come to the rostrum below him. They are:

Chairman - (His Excellency, The Bolivian Ambassador to the United States, Señor Victor Andrade)

Rapporteur - (The delegate from the Dominican Republic, Dr. Tulio Franco y Franco)

Secretary - (Mr. Eugene Staley of the International Secretariat)

The President will probably not wish to ask the Rapporteur to read any part of his report or the recommendations attached thereto, in view of their length and shortness of time.

The President should call on the Chairman of Committee II/2, Señor Victor Andrade, head of the Bolivian Delegation to open the general discussion. (He has a speech of a little over 5 pages prepared in advance.) Iran will follow. (5 pages ready)

Discussion might be on the report and recommendations as a whole with separate voting on any particular point or recommendation only if this seems necessary.

After the three recommendations have been discussed and acted upon, the President might call upon the Australian or the Belgian Delegations to speak on the amendment concerning General Conventions which their Delegations announced that they would reintroduce. The British Delegate has also asked to speak.

*Andrade*  
*Siassi*  
*Aglio*  
*Franklin*  
*Koo*  
*Zuleta*

*Rolin*  
*Scott*  
*Webster*  
*Zuleta*  
*Mexico*  
*Egypt*  
*Chile*

DRAFT B

(Prepared by Secretariat, Committee II/2)

1 1. The General Assembly should have the right to discuss any matter  
2 within the sphere of international relations, including the principles  
3 governing disarmament and the regulation of armaments; and, subject only  
4 to the limitation embodied in paragraph 2 of this section, to make  
5 recommendations to the (member) (non-member) governments or to the  
6 Security Council on such matters.

7 2. The General Assembly should have the right to discuss any question  
8 within the sphere of international relations brought before it by any  
9 member or members of the Organization or by the Security Council, and  
10 to make recommendations to the (member) (non-member) governments or to  
11 the Security Council with regard to any such question. Any such  
12 question on which action by the Security Council is necessary should  
13 be referred to the Security Council by the General Assembly either  
14 before or after discussion or recommendation. Any such question, or  
15 any aspect thereof, which is juridical in character should be referred  
16 to the International Court for its opinion. The General Assembly  
17 should have the right to call the attention of the Security Council



1 to situations which are likely to endanger international peace or  
2 security. While the Security Council is exercising in respect of  
3 any dispute or situation the functions assigned to it under this  
4 Charter, the General Assembly should not make any recommendation  
5 with regard to that dispute or situation unless the Security Council  
6 so requests. At each session of the General Assembly the Secretary  
7 General should, with the consent of the Security Council, notify the  
8 General Assembly of \*any matters within the sphere of international  
9 relations<sup>7</sup> which are being dealt with by the Security Council and  
10 should also notify the General Assembly immediately the Security  
11 Council ceases to deal with such matters. (Query: Suppose the  
12 Security Council ceases to deal with a matter while the Assembly is  
13 not in session, should the Secretary General, with the consent of the  
14 Security Council, so notify the President of the General Assembly?)

\* Alternative text: "of any disputes or situations which"

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, Paragraph 1

Questions approved:

5/16/45 Doc. 392

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?

Approved; 28 affirmative votes to 0 negative votes.

5/16/45 Doc. 392

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?

35 for, 0 against.

5/18/45 Doc. 443

Subject to any exceptions specifically provided, should the Assembly have general power to discuss and make recommendations, in respect of any matters affecting international relations?

Approved; 42 votes to 0.

Questions defeated:

5/15/45 Doc. 354

Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?

16 affirmative votes, 26 negative.

5/16/45 Doc. 392

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 matters 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?

Defeated; 12 affirmative and 18 negative.

5/16/45 Doc. 392

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?

1 affirmative and 21 negative votes.



V, B, 1 (Cont'd)

Questions approved:

5/29/45 Doc. 686

Taking as a base the redraft of Chapter V, Section B, Paragraph 1, submitted by the Four Sponsoring Governments and France, with the two changes indicated (see Doc. 601 Report of Subcommittee B to Committee II/2, p.2) shall there be inserted at the head of that draft the following paragraph:

The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject

Questions defeated:

5/18/45 Doc. 392

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?

5/18/45 Doc. 392

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 may have taken or may contemplate taking in dealing with any matter affecting international peace and security?

5/18/45 Doc. 392

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

5/29/45 Doc. 686

Insertion of words "which affects the maintenance of international peace and security" following the words "international relations" in the adjoining paragraph.

9 affirmative votes, 27 negative votes.



Questions approved:

to the exception embodied in paragraph \_\_\_\_\_ below, to make recommendations to the members of the Organization or to the Security Council or both of any such matters.

27 affirmative votes, 11 negative votes (roll call vote).

Inclusion following the above paragraph as introduction to the paragraph submitted by the four sponsoring governments and France of the following words: "in particular and without limiting the generality of the preceding paragraph ..."

28 affirmative votes, 3 negative votes.

5/29/45 Dec. 686

Final text as amended:

The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph \_\_\_\_\_ below, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.

In particular and without limiting the generality of the preceding paragraph:

1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security including the principles governing disarmament and the regulation of armaments and to make recommendations to the Governments or to the Security Council on such principles.

2. The General Assembly should have the right to discuss any questions relating to the maintenance of international

Questions defeated:

Questions approved:

Questions defeated:

peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.

36 affirmative votes, no negative votes.

6/13/45 Doc. 971

Insert in last sentence: "or the members of the Organization if the Assembly is not in session".

Accepted without dissent.



QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, Paragraph 3

Questions approved:

Questions defeated:

5/30/45 Doc. 707

Should the Assembly, without a recommendation of the Security Council, be authorized to suspend the exercise of one or more of the rights or privileges inherent in membership in the Organization?  
No affirmative votes, 23  
negative votes.

5/30/45 Doc. 707

Should the Assembly be empowered to restore suspended rights or privileges without a recommendation of the Security Council?  
No affirmative votes, 29  
negative votes.

5/30/45 Doc. 707

Should the Assembly be empowered to restore suspended rights or privileges after receiving the advice of the Security Council?  
No affirmative votes, 29  
negative votes.

5/30/45 Doc. 707

Should the General Assembly be empowered to restore suspended rights and privileges upon the recommendation of the Security Council?  
13 affirmative votes, 21  
negative votes.

5/30/45 Doc. 707

Should the Security Council be empowered to restore suspended



V, B, 3 (Cont'd)

Questions approved:

Questions defeated:

rights and privileges of a member only when the Assembly is not in session, but when the Assembly is in session should the decision of the Security Council be submitted to the Assembly for ratification?

22 affirmative and 12 negative votes; defeated under 2/3 rule.

5/30/45 Doc. 707

Should the Security Council be empowered to restore suspended rights and privileges only after communicating its decision and the reasons therefor to the Assembly?

3 affirmative votes, 19 negative votes.

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, Paragraph 6

Questions approved:

Questions defeated:

5/9/45 Doc. 203

The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social, and cultural fields to assist in the realization of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from violation of the Purposes and Principles set forth in this Charter.

5/21/45 Doc. 507

Should the General Assembly be empowered to initiate studies and make recommendations for the codification of international law?

Approved; 27 votes to 8.

5/21/45 Doc. 507

Should the Assembly be authorized to enact rules of international law which should become binding upon members after such rules shall have been approved by the Security Council?

1 affirmative, 26 negative votes.



V, B, 6 (Cont'd)

Questions approved:

5/21/45 Doc. 507

Should the Aseembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?

Affirmative 16, negative 7.

6/7/45 Doc. 848

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

(New paragraph to follow paragraph 6)

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter.

This alternative draft accepted in place of alternative (see last item in adjacent column) by 28 votes, to 8.5/24/45 Doc. 571

6/16/45 Doc. 1028

Concurred in action of Committee II/3 adding after "intellectual" the words "educational and health".  
Size of vote not recorded.

Questions defeated:

5/21/45 Doc. 507

Should it be provided that upon the failure of the Security Council to act on such rules within a period specified in the Charter, they should become effective and binding, in the same manner as if they had been approved by the Security Council?

No affirmative vote, 26 negative.

5/23/45 Doc. 536

Should the Assembly be authorized to initiate studies and to make recommendations for the purpose of preventing economic aggression?

No record of number of votes cast.

5/24/45 Doc. 571 (text in Doc. 536, Meeting of 5/23/45)

Should the General Assembly be empowered to submit general conventions for the consideration of the states which form part of the United Nations Organization and, should the occasion arise, for the consideration of other states, with a view to securing their approval in accordance with their appropriate constitutional procedures?

Affirmative 25, negative 13.  
(Roll call vote. Failed to get 25 1/3 votes needed under 2/3 rule.)

5/24/45 Doc. 571

Should the Assembly have the power of imposing conventions when, in its opinion, these are mere corollaries of principle it already recognizes as compulsory, or when it believes that the general



Questions approved:

Questions defeated:

observance of the obligations embodied in the conventions is necessary for the maintenance of international peace and security?  
No affirmative votes, many negative.

5/24/45 Doc. 571

Should this power also be extended to include other conventions?

No affirmative votes, many negative.

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

1 affirmative vote, 27 negative votes.

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

No affirmative votes, many negative.

Alternative draft of first paragraph in which last part reads: and also for the codification of international law, the encouragement of its development and the promotion of its revision.

Questions Withdrawn

Three questions on the revision of treaties were discussed in meetings of June 1, 2, and 4 (Docs. 745, 771, 790). The three questions were withdrawn (Doc. 790). Vote on withdrawal: 37 affirmative, one negative.

746  
791/2.

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, Paragraph 8

Questions approved:

5/25/45 Doc. 613

Should the Security Council report to the Assembly on any matters concerning international peace and security with regard to which it has adopted and/or applied measures which have been deemed necessary?

34 affirmative votes, no negative votes.

5/28/45 Doc. 652

Should the General Assembly be empowered to receive and discuss the reports provided for in Paragraph 8?

29 affirmative, no negative votes.

5/28/45 Doc. 652

Should the General Assembly be empowered to study and approve or disapprove in whole or in part the reports of the Security Council?

29 affirmative votes, 3 negative votes.

5/28/45 Doc. 652

Subject to the provisions of paragraph 1 of this section, should the General Assembly be empowered to submit recommendations to the Security Council with a view to ensuring the complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security?

37 affirmative votes, no negative votes.

Questions defeated:

5/25/45 Doc. 613

Should the Security Council be required to submit periodic and special reports, setting forth a detailed account, with reasons, for all of its acts and decisions?

21 affirmative votes, 16 negative votes; defeated under 2/3 rule.

6/13/45 Doc. 971

Belgian amendment to part of text of Paragraph 8:

"Subject to the provisions of paragraph 1 of the present Section, the General Assembly should have the right to make such observations or recommendations concerning reports of the Security Council as are, in its opinion, required by the purposes and principles of the Charter."

22 affirmative, 15 negative votes (defeated under 2/3 rule).



Questions approved:

Questions defeated:

5/30/45 Doc. 707

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

26 affirmative votes, 3 negative votes.

6/13/45 Doc. 971

Revised text approved:

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

V, B, 8 (Cont'd)

Questions approved:

The General Assembly should receive and consider reports from the other bodies of the Organization.

Approval without dissenting vote.

6/13/45 Doc. 971

Interpretation formally approved for inclusion in Rapporteur's Report

Paragraph 8 does not limit in any way the powers of the Assembly set forth in paragraphs 1 and 6, and consequently the General Assembly, when considering reports from the Security Council, may exercise the power of discussion and recommendation stated in those paragraphs.

Questions defeated:



QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Other Questions

Questions approved:

Questions defeated:

6/6/45 Doc. 816

Concurred in the recommendations of Committee IV/1 regarding right of General Assembly to request advisory opinion from Court.

6/6/45 Doc. 816

"Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?"

27 affirmative, 6 negative  
(This was referred to Committee IV/1 for drafting)

Questions Withdrawn or Referred

5/23/45 Doc. 536

Should the General Assembly have sovereign (exclusive) competence to interpret the provisions of the Charter?  
Referred to Committee IV/2.

6/6/45 Doc. 816

Ecuador amendment regarding regional commissions of conciliation.  
Withdrawn by Delegate of Ecuador.

6/6/45 Doc. 816

Venezuelan amendment proposing that the Secretary General should have the right to bring certain matters to the

Other Questions (Cont'd)

Questions approved:

Questions defeated:

Questions Withdrawn or Referred

attention of the General Assembly  
as well as the Security Council.

Agreed not to discuss, in view  
of rejection in Committee I/2.



Revised June 20  
1945

DECISIONS OF II/2 ON ASSIGNED PARAGRAPHS OF DUMBARTON OAKS

Chapter V, Section B, Paragraph 1

- Doc. 137, II/2/4, 5/7/45, Summary of Second Meeting:  
V.B.1.: General discussion, no decisions (p.1-2)
- Doc. 229, II/2/11, 5/10/45, Summary of Fourth Meeting:  
V.B.1. Discussion of procedure for consideration;  
subcommittee to formulate questions of principle  
(p. 1-2)
- Doc. 252, II/2/12, 5/11/45, Summary of Fifth Meeting:  
V.B.1.: Discussion right of Assembly to discuss on  
own initiative any matter relating to maintenance  
of peace and security being dealt with by Security  
Council. No decision. (p.1)
- Doc. 315, II/2/14, 5/14/45, Summary of Sixth Meeting:  
V.B.1.: Further discussion of right of General  
Assembly to make recommendations on questions being  
dealt with by Security Council. No decision. (p.1-2)
- Doc. 354, II/2/15, 5/15/45, Summary of Seventh Meeting:  
V.B.1.: Five power redraft of V.B.1. presented;  
Question on right of Assembly to make recommenda-  
tions on matters being dealt with by the Security  
Council negatived; (p.1-2)
- Doc. 392, II/2/17, 5/16/45, Summary of Eighth Meeting:  
V.B.1.: 1 Secretary General, with consent of  
Security Council, to inform General  
Assembly of status of questions being  
considered by Security Council.  
Affirmative (p.1)  
2 Adopt procedure by which General Assembly  
determines Security Council ceased to deal  
with question. Negative (p.2)  
3 General Assembly right to require Security  
Council to investigate a situation.  
Negative (p.3)  
4 General Assembly call attention of Security  
Council to situation likely to endanger peace.  
Affirmative (p.3)  
5 Right of General Assembly to veto decisions  
of Security Council, to summon members of  
Security Council to report on measures being  
taken, and to exercise powers under Chap.VIII,  
A, concurrently with Security Council.  
Negative (p.3-4)

- Doc. 443, II/2/19, 5/18/45, Summary of Ninth Meeting:  
V.B.1. ~~Subject~~ <sup>should have</sup> exceptions specifically provided,  
Assembly ~~right~~ to discuss and make recommendations  
on any matter affecting international relations.  
Affirmative (p.2)
- Doc. 652, II/2/33, 5/28/45, Summary of Fourteenth Meeting:  
V.B.1.; Discussion of questions referred by Subcommittee  
B on Australian amendment in re power of Assembly to  
discuss and recommend on any matter affecting inter-  
national relations. No decision (p.3-4)
- Doc. 686, II/2/34, 5/29/45, Summary of Fifteenth Meeting:  
V.B.1.; Australian amendment retained without  
qualifying language, thus giving Assembly right to  
discuss any matter within ~~field~~ <sup>sphere</sup> of international  
relations (p.1-3) Text of redrafted V.B.1. adopted  
(p.3)
- Doc. 971, II/2/50, 6/13/45, Summary Report of Twenty-second  
Meeting. Clarification of last sentence on request  
of Coordination Meeting. (p.5)  
*Committee*

#### Subcommittee Discussion and Decisions

- Doc. 235, II/2/A/1, 5/11/45, Report of Subcommittee A: V.B.1.:  
Questions of principle raised by suggested amendments  
to V.B.1.
- Doc. 601, II/2/B/4, 5/26/45; Report of Subcommittee B to Com-  
mittee II/2: Questions raised by II/2/B for submission  
to II/2 on right of General Assembly to discuss any  
matter affecting international relations (p.1).
- Doc. 619, II/2/B/6, 5/21/45, Summary Report of First Meeting of  
Subcommittee B.
- Doc. 624, II/2/B/2, 5/23/45, Summary Report of Second Meeting  
of Subcommittee B of Committee II/2, May 22, 1945:  
Decided to use U.K. draft as basis of discussion (p.1);  
agreed to insert U.S. subparagraph "to consider general  
principles of cooperation in the maintenance of peace  
and security", (p.2-3).



- Doc. 625, II/2/B/3, 5/24/45; Summary Report of Third Meeting of Subcommittee B of Committee II/2, May 23, 1945: Discussion of accuracy of U.K. draft in reflecting decision of II/2 on competence of General Assembly to discuss anything bearing on international relations. Use of U.K. draft as basis for discussion reaffirmed (p.1-2).
- Doc. 617, II/2/B/5, 5/<sup>24</sup>/~~26~~/45, Summary Report of Fourth Meeting of Subcommittee B of Committee II/2, May 24, 1945; Further discussion of use of qualifying language in V.B.1. (p.1). Five Power redraft rather than U.K. draft accepted as basis for consideration by Committee (p.2-3).
- Doc. 630, II/2/B/7, 5/26/45, Summary Report of Fifth Meeting of Subcommittee B of Committee II/2, May 25, 1945: Report prepared to submit to II/2 presenting differences on use of qualifying language in V.B.1. (p.2). Minor changes in wording V.B.1. adopted (p.2). Decided against inclusion of provision for reference of juridical questions to the International Court of Justice in redraft (p.2).



DECISIONS OF II/2 ON ASSIGNED PARAGRAPHS OF DUMBARTON OAKS

Chapter V, Section B, Paragraph 6

- Doc. 203, II/2/8, 5/9/45, Summary of Third Meeting:  
V.B.6.: Sponsoring Governments' amendment adopted (p.1-3)
- Doc. 507, II/2/22, 5/21/45, Summary of Tenth Meeting:  
V.B.6.: 1 General Assembly right to initiate studies and make recommendations for (1) codification and (2) revision of international law. Affirmative (p.1-2)  
2 General Assembly right to enact rules of international law to become binding on members. Negative (p.2)
- Doc. 536, II/2/24, 5/23/45, Summary of Eleventh Meeting:  
V.B.6.: 1 General Assembly initiate studies and make recommendations for prevention of economic aggression. Negative (p.1)  
2 Competence of General Assembly to interpret Charter referred to IV/2 (p.1)  
3 Discussion of power of Assembly to submit conventions to states for ratification. No decision (p.2)
- Doc. 571, II/2/27, 5/24/45, Summary Twelfth Meeting:  
V.B.6.: 1 Right of General Assembly to submit conventions to member states. Negative (p.1-2)  
2 Right of Assembly to impose conventions under various conditions. All negated. (p.2-3)
- Doc. 748, II/2/39, 6/1/45, Summary of Seventeenth Meeting:  
V.B.6.: Discussion of rights of Assembly to recommend revision of treaties. No decision.
- Doc. 771, II/2/41, 6/2/45, Summary of Eighteenth Meeting.  
V.B.6.: Discussion of right of Assembly to recommend revision of treaties. No decision (p.1-5).
- Doc. 790, II/2/42, 6/4/45, Summary of Nineteenth Meeting:  
V.B.6.: 1 Discussin of right of Assembly to recommend revision of treaties (p.1-4)  
2 Decision to withdraw the three questions (p.5)

- Doc. 848, II/2/46, 6/7/45, Summary of Twenty-first Meeting.  
V.B.6.: Adoption of second alternative draft of first part of Paragraph 6 proposed by Subcommittee B. (p.1-2). Approval of both paragraphs of Paragraph 6 for transmittal. (p.2)
- Doc. 1028, II/2/54, 6/16/45, Summary of Twenty-third Meeting.  
V.B.6.: Concurrence with Committee II/3 in addition of "educational and health". (p.1)

Subcommittee Discussion and Decisions

- Doc. 416, II/2/A/3, 5/18/45; Second Report of Subcommittee A. Questions or principle raised by suggested amendments to V.B.6.
- Doc. 792, II/2/B/10, 6/5/45: Third Report of Subcommittee II/2/B: Alternative drafts of V.B.6. presented to II/2 by II/2/B.
- Doc. 795, II/2/B/11, 6/5/45, Summary Report of Seventh Meeting of Subcommittee B of ~~Committee II/2, 6/5/45~~.  
*the first* Decided to submit alternative drafts of V.B.6. to II/2, ~~one~~ specifying revision of international law, *second* the other mentioning progressive development (p.1-2).



DECISIONS OF II/2 ON ASSIGNED PARAGRAPHS OF DUMBARTON OAKS

Chapter V, Section B, Paragraph 8

- Doc. 613, II/2/29, 5/25/45: Summary of Thirteenth Meeting:  
V.B.8. 1 Security Council report to Assembly on action taken. Affirmative (p.1-2)  
2 Assembly require Security Council to indicate in annual report reasons for decisions on closed cases. Negative (p.2-3)  
3 Security Council required to submit periodic and special reports on reasons for decisions. Negative (p.3)
- Doc. 652, II/2/33, 5/28/45, Summary of Fourteenth Meeting:  
V.B.8. 1 Assembly right to discuss. Affirmative (p.1)  
Assembly right to study, approve or disapprove whole or part of report from Security Council (with reservation on matters being dealt with by Security Council). Affirmative (p.1-2)  
2 Subject to limitations on matters being dealt with by Security Council, General Assembly right to make recommendations to Security Council to ensure complete observance of latter's responsibilities. Affirmative (p.2)
- Doc. 707, II/2/36, 5/31/45, Summary of Sixteenth Meeting:  
V.B.8. Draft of paragraph and report thereon submitted by subcommittee adopted. (p.1)
- Doc. 971, II/2/50, 6/13/45. Summary of Twenty-second Meeting:  
Adoption of revised text after re-reference by Steering Committee. (p.1-4)

Subcommittee Discussions and Decisions

- Doc. 476, II/2/A/4, 5/21/45, Third Report of Subcommittee A:  
Questions of principle raised by suggested amendments to V.B.8.
- Doc. 669, II/2/B/8, 5/30<sup>29</sup>/45, Summary Report of Sixth Meeting  
of Subcommittee B of ~~Committee II/2, May 29, 1945:~~



Draft text of V.B.8. adopted adding two subparagraphs (a) Power of Assembly to approve or disapprove reports from Security Council, and (b) Power of Assembly to submit recommendations to the Security Council to ensure complete observance of its duties (p.2-3)

- Doc. 677, II/2/B/9, 5/29/45, Second Report to II/2 of Subcommittee B: Text of V.B.8. adopted by II/2/B.
- Doc. 920, II/2/B/12, III/1/C/1, 6/12/45, Joint Subcommittee Report on Paragraph 8.
- Doc. 921, II/2/B/13, III/1/C/2, 6/11/45, Joint Subcommittee: Summary Report of special meeting of joint subcommittees.

## DECISIONS OF II/2 ON OTHER QUESTIONS

### Committee Action

Doc. 816, II/2/45, 6/6/45, Summary of Twentieth Meeting.

1. Concurs in decision of IV/1 giving Assembly right to request advisory opinion of Court. (p.1)
2. Assembly right to authorize other organs to request advisory opinions of court. Affirmative. (p.1-2)
3. Ecuador proposal regarding regional commissions of conciliation. Withdrawn. (p.2)
4. Venezuelan proposal to extend right of Secretary General to bring certain matters to attention of Security Council so as to include General Assembly as well. Question already rejected by I/2. Decision not to discuss. (p.2-3)

### Subcommittee Discussions and Decisions

Doc. 729, II/2/A/5, 5/31/45, Fourth Report of Subcommittee A. Recommendations and questions of principle on

1. Power of General Assembly to request advisory opinions.
2. Power of General Assembly to authorize other agencies to request advisory opinions.
3. Ecuadoran amendment regarding statute for regional commissions.
4. Venezuelan amendment extending right of Secretary General to bring certain matters to attention of General Assembly as well as Security Council.



ADDENDUM TO "MATTERS FOR CONSIDERATION OF SUBCOMMITTEE A  
OF COMMITTEE II/2"

A. Addition to material under I. Committee <sup>III</sup> K/2 has addressed a communication to Commission II which states:

"Following the suggestion from the Secretariat appended to a memorandum from the United Kingdom Delegation of May 20, 1945, dealing with Request for Advisory Opinions from the International Court of Justice (Doc. 634, III/2/22), the question of empowering the Security Council to request advisory opinions from the Court was brought before Committee III/2 for consideration at its meeting today, May 29. The consensus of opinion was that the question as stated on page 3 of the memorandum is broader than the terms of reference of Committee III/2. The Committee, however, voted to approve the second sentence of paragraph 6 of Chapter VIII, Section A, which empowers the Security Council "to refer to the Court, for advice, legal questions connected with other disputes."

B. Addition of material to follow after II:

III. Committee I/2 has addressed a communication to Committee II/2 which states:

"The Special Subcommittee of Committee I/2 on the Secretariat considered a proposed amendment to paragraph 3, Chapter X submitted by the delegation of Venezuela extending the right of the Secretary-General to bring any matter which in his opinion might threaten international peace and security to the attention of the Security Council and/or to the General Assembly.

"It was agreed by the Subcommittee that since Committee II/2 was concerned with the relations of the Security Council and the General Assembly, this amendment would properly come within its terms of reference."

The foregoing communication raises the question as to whether the amendment involved should be submitted to Committee II/2 and, if so, in what form.

June 16, 1945

MEMORANDUM

TO: Mr. Charles Darlington, Secretary,  
Coordination Committee

FROM: Mr. Eugene Staley,  
Committee II/2

Committee II/2 at its twenty-third meeting on June 16, 1945, concurred with Committee II/3 in the addition of the words "educational and health" after the word "cultural" in the first sentence of Chapter V, Section B, paragraph 6. This was on the understanding that no substantive change is involved in the subsequent portions of the paragraph as already transmitted by Committee II/2 and that the Coordination Committee would make the drafting changes necessary to harmonize the texts approved by the two Committees.



June 15, 1945

MEMORANDUM

TO: Secretary, Committee II/2  
FROM: Executive Officer, Commission II

To bring about coordination, it is suggested that when Committee II/2 reports to Commission II on Paragraph 6, Section B, Chapter V the words "educational and health" be inserted after the word "cultural" so that the phrase will read "in the political, economic, social, cultural, educational and health fields." This text is the text of this phrase as approved by Committee II/3 on May 25, 1945. The change thus made in the text as approved by Committee II/2 on June 7, 1945 might be explained in a footnote at the appropriate place in the report of the Rapporteur if he is able to do this.

There are two other purely drafting differences between the texts as approved by Committee II/3 and Committee II/2 but these are points which do not involve substance which will no doubt be taken care of by the Coordination Committee.

Huntington Gilchrist

cc: Executive Officer  
Coordination Committee

President  
Commission II

Secretary,  
Committee II/3

June 15, 1945

MEMORANDUM

TO: Secretary, Committee II/2

FROM: Executive Officer, Commission II

To bring about coordination, it is suggested that when Committee II/2 reports to Commission II on Paragraph 6, Section B, Chapter V the words "educational and health" be inserted after the word "cultural" so that the phrase will read "in the political, economic, social, cultural, educational and health fields." This text is the text of this phrase as approved by Committee II/3 on May 23, 1945. The change thus made in the text as approved by Committee II/2 on June 7, 1945 might be explained in a footnote at the appropriate place in the report of the Rapporteur if he is able to do this.

There are two other purely drafting differences between the texts as approved by Committee II/3 and Committee II/2 but these are points which do not involve substance which will no doubt be taken care of by the Coordination Committee.

Huntington Gilchrist

cc: Executive Officer  
Coordination Committee

President  
Commission II

Secretary,  
Committee II/3



June 15, 1945

TO: Charles Darlington  
Secretary, Committee on Coordination

FROM: Eugene Staley  
Secretary, Committee II/2

A suggestion regarding the drafting of paragraph 6 of Section B, Chapter V, was made in the course of the meeting of Committee II/2 this morning by the Canadian member, Mr. Chipman, and it was agreed that this would be passed on to the Coordination Committee. Mr. Chipman's suggestion follows:

6. The General Assembly should initiate studies and make recommendations to promote
- (a) international cooperation in political, economic, social, cultural, educational, and health fields;
  - (b) the realization of human rights and basic freedoms for all without distinction of race, language, religion or sex; and
  - (c) the progressive development and codification of international law.

PROVISIONAL TEXT

RAPPORTEUR'S REPORT. COMMITTEE II/2:

I. PRELIMINARY CONSIDERATIONS

1. The task entrusted to our Committee was "to prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference."

2. The terms of reference therefore cover paragraphs 1, 3 and 6 (so far as concerns questions of political cooperation and of adjustment of situations likely to impair the general welfare), together with paragraph 8 of Section B and the second paragraph of the Chinese Proposals.

3. At its meeting of May 10, the Committee agreed, after considering the letter sent to its Chairman by the President of Commission II, to transfer to Committee I/2 the consideration of the conditions for suspension, restoration and expulsion dealt with in paragraph 3, and to retain for (its own consideration) itself questions of procedure in these matters.



4. The Committee has held ..... meetings, (Dates) ...  
At its first meeting, the Committee decided on the general organization of its work. The basic documents of the Committee were as follows: a) the Dumbarton Oaks Proposals; b) the second paragraph of the Chinese Proposals; c) amendments presented by the Sponsoring Governments and France; d) amendments or comments presented by Governments participating in the Conference.

## II. GROUPING OF THE SUGGESTED AMENDMENTS

5. At the second meeting (May 7) general discussion relative to paragraph 1, Section B, Chapter V, was begun. There was no voting on any of the amendments submitted, but the discussion revealed the need for a grouping or classification of all the suggested amendments in relation to the texts which had been referred to the Committee for study. This task was assigned to the Officers of the Committee and the classification they proposed was submitted to the Committee at its third meeting (May 9) (Doc. 171/II/2/17; Doc. 176, II/2/7 (1); Doc. 270, II/2/7/(1) (a); Doc. 271, II/2/7 (2); Doc. 399, II/2/7 (2) (a)).

## III. METHOD FOR DISCUSSION OF AMENDMENTS FUNCTIONS OF SUBCOMMITTEE A

6. Upon resuming general discussion of paragraph 1, Section B, Chapter V, it became necessary to consider the order of discussion, and it was decided to adopt the method

followed by Committee IV/2 (Doc. 153, IV/2/5), which consisted of presenting to the Committee a series of questions (based on) (drawn) extracted from the groups of amendments submitted by the different Governments and drafted with the greatest care.

7. As a result of this decision, the Committee also agreed that the Chairman and the Rapporteur should set up a Subcommittee to draft this questionnaire, including in it the points raised (at the fourth meeting) by the Delegate of Australia. This Subcommittee, known as Subcommittee A, was composed of the Delegates of Australia, Belgium, Mexico, the United Kingdom and the Soviet Union, in addition to the Chairman and the Rapporteur.

#### IV. QUESTIONNAIRES PRESENTED BY SUBCOMMITTEE A

8. In the fifth meeting of the Committee (May 11) there was presented the first report of Subcommittee A, relative to Groups I, II, III and IV of the classification contained in Doc. 171/II/2/7, which refers to the amendments proposed for paragraph 1, namely, Doc. 235/II/A/1.

9. Subcommittee A later submitted two further reports: the first of these (Doc. 416/II/2/A/3) contained the questionnaire relating to the amendments to Paragraphs 3 and 6 of Section B, Chapter V (Groups V and VI, respectively, of Doc. 171/II/2/7); the second, the questionnaire relating to the suggested amendments to Paragraph 8 (Group VII of Doc. 171/II/2/7). The latter questionnaire is found in Doc. 476/II/2/A/4.



10. Finally, in the fourth report of Subcommittee A, questions on specific points were submitted to the Committee (Doc. 729, II/2/A/5). Drafting editorial changes were made in some of the questions contained in these questionnaires after they had been presented. The final texts are given in the Summary Reports of the meetings at which these questions were taken up.

V. CONSIDERATION OF THE TEXT OF THE DUMBARTON  
OAKS PROPOSALS

11. These preliminary measures having been adopted, the Committee proceeded to the study of the texts included in its terms of reference.

PARAGRAPH 1, SECTION B, CHAPTER V

12. 1) Consideration of the questions relating to paragraph (?). (The outcome) The result of the discussion of the questionnaire relative to this paragraph (Doc. 235/II/2/A/1), is given in the Summary Reports of the meetings at which the individual questions were considered.

13. (At the ninth meeting) Shortly before a vote was taken on the ninth of these questions, the Delegate of Belgium summed up his opinion and asked that it be included in the summary report, as follows: (1) It should be understood that the power of the General Assembly to make recommendations

applies not only to the questions which the Security Council has not yet considered but also to questions the consideration of which it has concluded, and (2) that no limitation should be placed on the words "international relations", which include the reserved domain of domestic jurisdiction.

14. In connection with this last point, it should be added that the Delegate of the Dominican Republic at the fourteenth meeting read a declaration by his Delegation, whereby he made a categorical reservation of the sphere of domestic jurisdiction and explained his vote.

15. 2) Appointment of a Drafting Subcommittee. The consideration of the questions relative to paragraph 1, Section B, Chapter V, was concluded at the ninth meeting and the Chairman asked the Committee to authorize him to appoint a Drafting Subcommittee which would work in accordance with the instructions contained in the "Plan of Work for the Committee" (No. 1 and 2, (a), (b) and (c), Doc. 443, II/2/19), which he had read at the beginning of the meeting. The Committee agreed and this Subcommittee, known as Subcommittee B, was composed of the Delegates of Australia, Belgium, the United States of America, Mexico, the United Kingdom and the Soviet Union, in addition to the Chairman and the Rapporteur. The Committee also agreed that this Subcommittee should take as one of its working bases the draft of paragraph 1, proposed by the sponsoring powers and France, and introduced at the seventh meeting by the Delegate of the United States (Doc. 354/II/2/15).



16. 3) Drafting of the proposed text of paragraph 1.

At the fourteenth and fifteenth meeting (May 28) the first report of Subcommittee B was considered, which presented to the Committee the three questions which appear in Doc. 601/II/2/B/4.

17. As a result of the replies given by the Committee to these questions, on the first of which a vote was taken by roll call (Doc. 686/II/2/34), it was agreed: (1) To insert before the text of the paragraph proposed by the sponsoring Governments and France (Doc. 354/II/2/15), the following paragraph: "The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph 2(b) below, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.", and (2) to insert after this paragraph, as a preamble to the text proposed by the sponsoring powers and by France, the following words: "In particular, and without limiting the generality of the preceding paragraph . . ."

18. At the same meeting the whole text of paragraph 1 of Section B, Chapter V, amended as described above, was submitted to a vote, and approved without objection.

PARAGRAPH 3, SECTION B, CHAPTER V

19. 1) Consideration of the questions relating to the paragraph. - (Second report of Subcommittee A. Doc. 416, II/2/A/3). The results of the discussion of these questions are given in the Summary Reports of the corresponding meetings (Doc. 4303 ).

20. 2) Drafting of the proposed text of the paragraph

PARAGRAPH 6, SECTION B, CHAPTER V

21. 1) Approval of the proposals of the four powers.

In the third meeting of the Committee, held on May 9, the Delegation of the United States of American presented, in the name of the four sponsoring powers, an amendment to paragraph 6, together with a supplementary paragraph, the texts of which was to be found in Document 203/II/2/8.

This proposalk was accepted at the same meeting.

22. 2) Consideration of the questions relative to the paragraph. (Second Report of Subcommittee A; Doc. 416/II/2/A/3). The Committee's discussions and decisions are reported in the following Summary Reports: (Doc. 507,II/2/22; Doc. 536/II/2/24; Doc. 571/II/2/27; Doc. 748/II/2/39; Doc. 771/II/2/41; Doc. 790/II/2/42.



23. 3) Drafting of the proposed paragraph. The Third Report of Subcommittee B (Doc. 792, II/2/B/10) relating to the drafting of the first part of paragraph 6, was presented to the Committee at its twenty-first meeting (June 7).

24. Upon its being submitted to a vote, the Committee approved the second of the two drafts submitted by the Subcommittee, and also approved the complete text of paragraph 6, which may be found in the Section on recommendations at the end of the present Report.

PARAGRAPH 8, SECTION B, CHAPTER V

25. 1) Consideration of the questions relating to the paragraph. An account of the deliberations of the Committee on the questions relating to this paragraph may be found in the Summary Reports of the corresponding meetings. (Doc. 613/II/2/29 and Doc. 652/II/2/33).

26. 2) Drafting of the proposed paragraph. The drafting of paragraph 8 was the subject of the second report of Subcommittee B (Doc. 677/II/2/B/9), which contains the proposed text for this paragraph. The text was approved, and may be found in the Section on Recommendations at the end of this Report.

27. The Delegate of Belgium proposed, and his proposal was approved, that the last paragraph of the second report of Subcommittee B be included in the Rapporteur's Report. It is therefore set out below:

"The Subcommittee was of the view that the right to 'consider' encompasses the right to 'discuss'

and that, with this interpretation incorporated in therecord, it was unnecessary to include the word 'discuss' in the text of paragraph 8" (Doc. 707, II/2/36).

SECOND PARAGRAPH OF THE PROPOSALS OF  
THE CHINESE GOVERNMENT

28. The paragraph referred to has been incorporated in paragraph six of the Charter as it has been drafted and as it appears in the recommendation of this Report.



Com. 2  
THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

June 11, 1945

TO: Secretaries of Committees in  
Commission II Group

Would you kindly consult your Chairman with reference to the attached document if they agree with it. It will be issued in the form in which it now stands. Field Marshal Smuts has already expressed his approval of this text.

I should appreciate getting a reply as promptly as possible and not later than 2 p.m. tomorrow, Tuesday.

OK with Andrade  
HJ

Huntington Gilchrist

Chau  
Brown  
Sidmore

Copy for E. Off.

June 9, 1945

Dear Excellency:

I have the honour to acknowledge your letter enclosing the English translation of the speech which you delivered at the twentieth meeting of Committee II/2 on June 6, 1945.

I very much regret that, as explained to a member of your Delegation by my associate-secretary who called for the purpose, your letter was received after the Summary Report of the twentieth meeting had left our hands and was in process of duplication. My associate-secretary took with her to you a copy of the twentieth Summary Report, and I hope that the resumé of your speech made from the Secretariat's notes and given in that report was satisfactory.

As a further measure, I would suggest that the Summary Report of the next meeting of Committee II/2 should contain a note by the Secretariat to the effect that the text of the speech delivered at the twentieth meeting by the Delegate of Ecuador has been deposited in the Archives of the Conference. This procedure has been adopted in the case of a speech by another delegate, at that delegate's request, and I therefore venture to put it forward for your favourable consideration.

Accept, Excellency, the assurances of my highest consideration.

Sincerely yours,



Secretary, Committee II/2

His Excellency  
Gonzalo Escudero Moscoso,  
Delegate of Ecuador,  
Hotel St. Francis.



*Copy for H. S.*

*(S)*

June 7, 1945

MEMORANDUM

TO: Charles Darlington, Secretary of the Coordination Committee

FROM: Eugene Staley, Secretary of Committee II/2

Attached you will find a copy of the amended text of Chapter V, Section B, paragraph 6, which we have just formally transmitted. The pencil marks on this copy indicate certain suggestions for revision which were made to me by the Canadian member of Committee II/2, Mr. Chipman. I promised to pass them along to you.

## COMMISSION II      General Assembly

Committee 2      Political and Security Functions

### THIRD REPORT OF SUBCOMMITTEE II/2/B

Subcommittee II/2/B composed of the Chairman, the Rapporteur, and the Representatives of Australia, Belgium, Mexico, the United Kingdom, the Union of Soviet Socialist Republics, and the United States met to prepare a redraft of paragraph 6, Section B, Chapter V, on the basis of the amendments proposed by the four sponsoring governments and approved by Committee II/2 at its third meeting on May 9, 1945 (Doc. 203, II/2/8), and the questions relating to paragraph 6 to which Committee II/2 gave an affirmative answer at its tenth meeting on May 21 (Doc. 507, II/2/22).

The Subcommittee agreed to submit alternative redrafts to Committee II/2. This decision was taken because some members of the Committee felt that paragraph 6 should specifically state that the Assembly should be empowered to initiate studies and make recommendations for promoting the revision of international law since the Committee had voted affirmatively on this question at its tenth meeting. Other members were of the opinion that the question of revision was covered by the statement in the amendment proposed by the four sponsoring governments that the Assembly should initiate and make recommendations for the encouragement of the development of international law especially when the word "progressive" was added, as proposed in the second alternative. The first alternative was supported by five, the second alternative by three members of the Committee.

#### First Alternative

(Differences in wording between the alternative texts are underlined)

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human

#### Second Alternative

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields <sup>(to)</sup> assisting in the realization of human



#### First Alternative

rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the codification of international law, the encouragement of its development and the promotion of its revision."

(New paragraph to follow paragraph 6:)

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter."

#### Second Alternative

rights and basic freedoms for all without distinction as to race, language, religion, or sex and ~~also for~~ <sup>(c)</sup> the encouragement of the progressive development of international law and for its codification."

(New paragraph to follow paragraph 6:)

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter."

MEMORANDUM

June 7, 1945

To: Mr. Rothwell

From: John Dreier

*incorrect*

Mr. Thompson called to report that he understood it was decided that Committees II/2 and III/1 would jointly consider the fourth item on this morning's (6th) meeting of the Executive Committee, namely, review and approval by the General Assembly of reports of the Security Council (Chapter V, Section B, paragraph 8). He understood Mr. Kirk had decided that the responsibility for Commission III should rest with Committee III/1 rather than Committee III/2.

cc - ✓ Mr. Gilchrist  
Mr. Kirk

JCD:mf



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

June 6, 1945

MEMORANDUM

To: Charles Darlington, Secretary of the  
Coordination Committee

From: Eugene Staley, Secretary, Committee II/2

Attached is a memorandum which I have just sent to the Executive Officer of Commission IV informing him of the affirmative answer given by Committee II/2 at its meeting this morning to the following question which had been referred to it on the basis of the memorandum submitted by the United Kingdom Delegation (Doc. 633, II/2/30):

Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

Committee II/2 does not plan to undertake the drafting of a specific text for insertion in the Charter on this point, preferring to leave this to one of the Committees of Commission IV.

Attachment:

Memorandum addressed to  
Executive Officer of  
Commission IV.

June 6, 1945

MEMORANDUM

To: Norman J. Padelford, Executive Officer,  
Commission IV

From: Eugene Staley, Secretary, Committee II/2

At its meeting this morning Committee II/2 had before it the following question which had been referred to it in connection with a memorandum submitted by the United Kingdom Delegation (Doc. 633, II/2/30):

Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

After discussion, Committee II/2 voted by 27 affirmative votes against 6 negative votes to answer this question in the affirmative.

The view was expressed by members of the Committee that Committee II/2, having acted on this matter from the point of view of the powers of the Assembly, could best leave the problem of drafting a text for insertion in the Charter to one of the Committees of Commission IV, and the Chairman of Committee II/2 has directed me to bring this point to your attention.



June 6, 1945

MEMORANDUM

To: Norman J. Padelford, Executive Officer,  
Commission IV

From: Eugene Staley, Secretary, Committee II/2

At its meeting this morning Committee II/2 had before it the following question which had been referred to it in connection with a memorandum submitted by the United Kingdom Delegation (Doc. 633, II/2/30):

Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

After discussion, Committee II/2 voted by 27 affirmative votes against 6 negative votes to answer this question in the affirmative.

The view was expressed by members of the Committee that Committee II/2, having acted on this matter from the point of view of the powers of the Assembly, could best leave the problem of drafting a text for insertion in the Charter to one of the Committees of Commission IV, and the Chairman of Committee II/2 has directed me to bring this point to your attention.

June 6, 1945

MEMORANDUM

To: John W. Halderman, Secretary, Committee IV/1

From: Eugene Staley, Secretary, Committee II/2

At its meeting this morning, Committee II/2 considered, insofar as the powers of the Assembly are concerned, a proposal that the General Assembly should be empowered to request advisory opinions from the International Court of Justice. The Committee took note of the fact that Committee IV/1 at its meeting on May 31 had adopted a text on this point as follows:

For insertion in Chapter VII of the Charter

The General Assembly and the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

For insertion as paragraph (1) of Article 66 of the Statute of the Court:

(1) The Court may give an advisory opinion on any legal question at the request of whoever may be authorized by the Charter of the United Nations to make such a request.

Committee II/2 agreed to concur in the decision of Committee IV/1 as regards the powers of the Assembly.



June 6, 1945

MEMORANDUM

To: Charles Darlington, Secretary of the  
Coordination Committee

From: Eugene Staley, Secretary, Committee II/2

Attached is a memorandum which I have just sent to the Secretary of Committee IV/1 informing him that Committee II/2 has, as regards the powers of the Assembly, concurred in the action of Committee IV/1 in providing that the General Assembly may request advisory opinions from the International Court of Justice.

Committee II/2 does not propose to submit any new text on this point, but you may wish to have notice of our action.

Attachment:

Memorandum addressed to  
Secretary of Committee IV/1.

SUMMARY REPORT OF SEVENTH MEETING  
OF SUBCOMMITTEE B OF COMMITTEE II/2

Veterans Building, Room 202, June 5, 1945, 3:42 p.m.

The Chairman called the Subcommittee to order at 3:42 p.m.

The following representatives were present:

The Chairman (Victor Andrade, Bolivia)  
The Rapporteur (Tulio Franco y Franco, Dominican Republic)  
P. Hasluck (Australia)  
D. de Gaiffier (Belgium)  
Luis Padilla Nervo (Mexico)  
A. A. Roschin (U.S.S.R.)  
C. K. Webster (United Kingdom)  
Andrew W. Cordier (United States)

The Chairman stated that the task before the Subcommittee was to make a redraft of Paragraph 6, with the amendments and additions proposed by the four sponsoring governments and adopted by the Committee at its third meeting (Doc. 203, II/2/8), taking into account the affirmative answers given to the following questions by Committee II/2 at its tenth meeting (Doc. 507, II/2/22):

- (1) Should the Assembly be empowered to initiate studies and make recommendations for the codification of international law?
- (2) Should the Assembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?

In the discussion which followed it was suggested that the word "development" in the addition to Paragraph 6 covered "revision", but there was divergence of opinion on whether the Committee had rejected this view. To meet this situation, it was decided to put forward alternative drafts of the latter part of the amended Paragraph 6.

Version A, which was supported by five representatives, as being the stricter interpretation of the second question, was to redraft the clause beginning "and also" to read as follows:



"and also for the codification of international law, the encouragement of its development and the promotion of its revision."

Version B, which was supported by three representatives, consisted in amending this clause to read:

"and also for the encouragement of the progressive development of international law and for its codification."

The meeting adjourned at 5:08 p.m.

SUMMARY REPORT OF SEVENTH MEETING  
OF SUBCOMMITTEE B OF COMMITTEE II/2

Veterans Building, Room 202, June 5, 1945, 3:42 p.m.

The Chairman called the Subcommittee to order at 3:42 p.m.

The following representatives were present:

The Chairman (Victor Andrade, Bolivia)  
The Rapporteur (Tulio Franco y Franco, Dominican Republic)  
P. Hasluck (Australia)  
D. de Gaiffier (Belgium)  
Luis Padilla Nervo (Mexico)  
A. A. Roschin (U.S.S.R.)  
C. K. Webster (United Kingdom)  
Andrew W. Cordier (United States)

The Chairman stated that the task before the Subcommittee was to make a redraft of Paragraph 6, with the amendments and additions proposed by the four sponsoring governments and adopted by the Committee at its third meeting (Doc. 203, II/2/8), taking into account the affirmative answers given to the following questions by Committee II/2 at its tenth meeting (Doc. 507, II/2/22):

- (1) Should the Assembly be empowered to initiate studies and make recommendations for the codification of international law?
- (2) Should the Assembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?

In the discussion which followed it was suggested that the word "development" in the addition to Paragraph 6 covered "revision", but there was divergence of opinion on whether the Committee had rejected this view. To meet this situation, it was decided to put forward alternative drafts of the latter part of the amended Paragraph 6.

Version A, which was supported by five representatives, as being the stricter interpretation of the second question, was to redraft the clause beginning "and also" to read as follows:



"and also for the codification of international law, the encouragement of its development and the promotion of its revision."

Version B, which was supported by three representatives, consisted in amending this clause to read:

"and also for the encouragement of the progressive development of international law and for its codification."

The meeting adjourned at 5:08 p.m.

June 4, 1945

To: Paul G. Pennoyer, Secretary, Committee III/1  
From: Eugene Staley, Secretary, Committee II/2  
Subject: Approval by Committee II/2 of Provision Relating  
to Reports by Security Council to the General  
Assembly

On May 30 Committee II/2 adopted the following text  
as a revision of Paragraph 8, Section B, Chapter V, of  
Dumbarton Oaks:

8. The General Assembly should receive and  
consider annual and special reports from the  
Security Council; such reports should include an  
account of the measures which the Security Coun-  
cil has adopted or applied to maintain interna-  
tional peace and security.

Subject to the provisions of paragraph 1 of  
this Section, the General Assembly should be  
empowered:

a) to approve or disapprove in whole or in  
part any report from the Security Council and to  
make any recommendations or observations thereon;

b) to submit recommendations to the Security  
Council with a view to ensuring complete observance  
of the duties of the Security Council inherent in  
its responsibility to maintain international peace  
and security.

The General Assembly should receive and con-  
sider reports from the other bodies of the Organiza-  
tion and may make any recommendations or observa-  
tions thereon.

You will observe that the first paragraph of this  
text describes the character of the reports which the  
General Assembly is to receive from the Security Council.  
Committee III/1 may wish to consider bringing the provi-  
sions relating to the reports to be submitted by the  
Security Council to the General Assembly into harmony with  
the text adopted by Committee II/2.



file  
June 2, 1945

Mr. Rothwell:

The policy with respect to communiques as put into practice seems to vary from the instructions.

I understand that in a number of cases attribution to delegations has been given and it was, therefore, authorized tonight in respect to the meeting of II/2.

It would seem useful to have a new ruling on this from you. You might wish to mention it at the 2:30 meeting Monday, if we have one.

Huntington Gilchrist

II/2

June 2, 1945

Mr. Rothwell:

A number of <sup>new</sup> proposals from delegations have been circulated to Committee II/2 for its information on the understanding that the delegations would not expect any action by the committee. These included proposals from France (intellectual cooperation), Greece (reconstruction) and others from Venezuela and Panama.

These proposals were not submitted to the Executive Committee as new proposals in view of the understanding with the delegations concerned as mentioned.

It has been requested in certain of these cases that the Rapporteur's report from the committee make mention of the views of the committee on these proposals, but the chairman is not in favor of this and I think his position is sound. It occurred to me that this question might be one of general interest to other commission groups.

Huntington Gilchrist

cc: Executive Officers



STATUS OF THE WORK OF COMMITTEE II/2

June 2, 1945

1. WORK COMPLETED

The Committee has adopted:

- a. An amended form of Chapter V, Section B, Paragraph 1
- b. An amended text of Chapter V, Section B, Paragraph 8

2. PENDING BUSINESS

- a. Chapter V, Section B, Paragraph 3
- b. Chapter V, Section B, Paragraph 6
- c. Three questions referred to Committee II/2 from other Committees awaiting action by a Sub-Committee

It is estimated that 3 or 4 more meetings will be required subsequent to June 2nd.

file

May 30, 1945

✓  
Status of work of Committees II/2, II/3 and II/4  
as of Wednesday morning, May 30

Committee 2 (Political and Security Functions of the Assembly) after many meetings adopted yesterday afternoon the text which it proposes for the principal paragraph of the Dumbarton Oaks Proposals which was referred to it, that is paragraph 1, Section B, Chapter V. The Committee has still to complete its consideration of three other paragraphs of the Dumbarton Oaks Proposals and three other questions.

Committee 3 (Economic and Social Cooperation) has completed its consideration of five paragraphs in Chapters V and IX of the Dumbarton Oaks Proposals. The four other paragraphs referred to it are now in the hands of a drafting subcommittee and two further questions may come to a vote in the full committee today, or tomorrow.

Committee 4 (Trusteeship System) after a general discussion lasting several meetings adopted as a Working Paper a set of draft proposals prepared by the American Delegation. The Committee has subsequently provisionally adopted a statement from this Working Paper in regard to the principle of trusteeship, and certain paragraphs which outline the basis of a system of trusteeship. Further specific proposals are yet to be adopted.



RESTRICTED  
May 29, 1945

MATTERS FOR THE CONSIDERATION OF SUBCOMMITTEE A OF COMMITTEE II/2

I. Requests for advisory opinions from the International Court of Justice

- (a) Committee II/2 discussed, but did not vote on, the question of whether a provision for reference by the Assembly of juridical matters to the International Court should be included in the Charter. It was not clear from the discussion whether the Assembly should be authorized, or whether it should be required, to refer such questions to the International Court. At its fifth meeting, Subcommittee B decided that the Chairman should bring before Committee II/2 the entire question of referral by the Assembly of juridical questions to the Court.
- (b) The United Kingdom Delegation has suggested (Doc. 633, II/2/30, at page 3):
  - (i) that specific provision be made in the Charter to empower the General Assembly and the Security Council to request advisory opinions from the Court;
  - (ii) that suitable provision be made to enable such international agencies as the General Assembly may authorize for the purpose to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities;
- (c) The United Nations Committee of Jurists has stated that it did not feel able to adopt the suggestion that the



right to request an advisory opinion should be accorded to international organizations, because that Committee regarded this as a matter of policy which raised other than purely judicial considerations, and was not, therefore, one to be determined by them. (see Doc. 633, II/2/30, at page 3).

- (d) It has been suggested by the Secretariat that the United Kingdom proposal might be considered, in the first instance, by Committee III/2 insofar as concerns the Security Council, and by Committee II/2 insofar as concerns the General Assembly and other international agencies.
- (e) This Subcommittee could bring the matters discussed above to the attention of Committee II/2 by submitting the following questions to it:

1. Should the Charter contain a specific provision empowering the General Assembly to request from the International Court advisory opinions (concerning juridical questions)?
2. Should the Charter contain a specific provision requiring the General Assembly to refer juridical questions to the International Court?
3. Should provision be made to enable such international agencies as the General Assembly may authorize for that purpose, to request advisory opinions on questions of a constitutional or judicial character arising within the scope of their activities?

**II. Referral to Committee II/2 of the Ecuador Amendment Regarding a Statute Concerning Regional Commissions.**

- (a) Committee III/2 at its meeting on May 16 had under consideration the following amendment proposed by Ecuador for insertion after Chapter VIII, Section A, Paragraph 3:

"The General Assembly shall approve by the affirmative vote of two-thirds of its members a Statute providing for the establishment of continental or regional commissions charged with

promoting and obtaining through the procedure of conciliation, a settlement of the differences or controversies of a political nature which might arise between the States belonging to the respective continents or regions. The General Assembly shall coordinate, as well, the provisions of this Statute with those contained in the agreements or treaties of conciliation existing among the members of the General Organization. This Statute will have binding force as soon as it is ratified, according to their respective constitutional procedures, by two-thirds of the Members of the General Organization."

Committee III/2 decided to refer to Committee II/2 the proposals of Ecuador insofar as they relate to the powers of the Assembly, retaining for its own consideration the question of inserting in Section A suitable reference to the use of procedures for peaceful settlement under regional arrangements.

- (b) It is suggested that this amendment not be broken down into questions, but that it be submitted in its present form for the consideration of Committee II/2.



May 29, 1945

Charles  
Max?

REMAINING AGENDA OF COMMITTEE II/2

In order to complete its work, it appears that Committee II/2 will need to reach decisions on the following items related to Chapter V, Section B:

Paragraph 1.

1. Three questions raised by Subcommittee B.
2. Question of including something on reference of juridical question to International Court.
3. Possible re-reference to drafting subcommittee and action on drafting subcommittee's report.

Paragraph 3.

1. Discussion and decision on questions of procedure regarding suspension and restoration of rights and expulsion after other committees have decided conditions. (Second report of Subcommittee A, questions under IA, IB, and II).
2. Reference of these decisions to a drafting subcommittee and action on the drafting subcommittee's report.

Paragraph 6.

1. Discussion and decision on questions of principle regarding revision of treaties (second report of Subcommittee A, paragraph 6, questions B1-3).
2. Reference to drafting subcommittee and action on its report (including drafting problems raised by previous action of Committee II on international law questions).

Paragraph 8.

Reference to drafting subcommittee and action on its report.



Other Items.

1. Consideration of the Ecuadoran amendment referred to Committee II by Committee III/2.
2. Consideration of the points referred to Committee II in connection with the United Kingdom memorandum on requests for advisory opinions of the International Court (Doc. 633, II/2/30).
3. Reference to II 2 by I 2 of Venezuelan proposal regarding right of S.A. to bring any matter which in his opinion might threaten peace or security to the attention of the Sec. Council and/or to the Gen. Assembly.

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, paragraph 1

Questions approved:

5/16/45 Doc. 392

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?

Approved-28 votes to 0.

5/16/45 Doc. 392

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?

35 for, 0 against.

5/18/45 Doc. 443

Subject to any exceptions specifically provided, should the Assembly have general power to discuss and make recommendations, in respect to any matters affecting international relations?

Approved-42 votes to 0.

Questions defeated:

5/15/45 Doc. 354

Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?

16 affirmative votes, 26 negative.

5/16/45 Doc. 392

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?

Defeated-18 affirmative and 18 negative.

5/16/45 Doc. 392

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?

1 affirmative and 21 negative votes.



Questions approved:

Questions defeated:

5/18/45 Doc. 392

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?

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 may have taken or may contemplate taking in dealing with any matter affecting international peace and security?

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

5/29/45 Doc. 686

Taking as a base the redraft of Chapter V, Section B, Paragraph 1, submitted by the Four Sponsoring Governments and France, with the two changes indicated (see Doc. 601 Report of Sub-Committee B to Committee II/2, p.2) shall there be inserted at the head of that draft the following paragraph:

The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject

5/29/45 Doc. 686

Insertion of words "which affects the maintenance of international peace and security" following the words "international relations" in the adjoining paragraph.

9 affirmative votes, 27 negative votes.

Questions approved:

to the exception embodied in paragraph \_\_\_\_\_ below, to make recommendations to the members of the Organization or to the Security Council or both of any such matters.

27 affirmative votes, 11 negative votes.

Inclusion following the above paragraph as introduction to the paragraph submitted by the four sponsoring governments and France of the following words: "in particular and without limiting the generality of the preceding paragraph ..."

28 affirmative votes, 3 negative votes.

5/29/45 Doc. 686

Final text as amended:

The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph \_\_\_\_\_ below, to make recommendations to the members of the Organization or to the Security Council or both of any such matters.

In particular and without limiting the generality of the preceding paragraph, the General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security including the principles governing disarmament and the regulation of armaments and to make recommendations to the Governments or to the Security Council on such principles.

The General Assembly should have the right to discuss any questions relating to the maintenance of

Questions defeated:



Questions approved:

Questions defeated:

international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, paragraph 3

Questions approved:

Questions defeated:

5/30/45 Doc. 707

Should the Assembly, without a recommendation of the Security Council, be authorized to suspend the exercise of one or more of the rights or privileges inherent in membership in the Organization?

No affirmative votes, 23  
negative votes.

5/30/45 Doc. 707

Should the Assembly be empowered to restore suspended rights or privileges without a recommendation of the Security Council?

No affirmative votes, 29  
negative votes.

5/30/45 Doc. 707

Should the Assembly be empowered to restore suspended rights or privileges after receiving the advice of the Security Council?

No affirmative votes, 29  
negative votes.

5/30/45 Doc. 707

Should the General Assembly be empowered to restore suspended rights and privileges upon the recommendation of the Security Council?

13 affirmative votes, 21  
negative votes.

5/30/45 Doc. 707

Should the Security Council be empowered to restore suspended rights and privileges of a member only when the Assembly is



Questions approved:

Questions defeated:

not in session, but when the Assembly is in session should the decision of the Security Council be submitted to the Assembly for ratification?

22 affirmative and 12 negative votes.

5/30/45 Doc. 707

Should the Security Council be empowered to restore suspended rights and privileges only after communicating its decision and the reasons therefor to the Assembly?

3 affirmative votes, 19 negative votes.

QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, paragraph 6

Questions approved:

Questions defeated:

5/10/45 Doc. 203

The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social, and cultural fields to assist in the realization of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from violation of the Purposes and Principles set forth in this Charter.

5/21/45 Doc. 507

Should the General Assembly be empowered to initiate studies and make recommendations for the codification of international law?

Approved-27 votes, to 8.

5/21/45 Doc. 507

Should the Assembly be authorized to enact rules of international law which should become binding upon members after such rules have been approved by the Security Council?  
1 affirmative, 26 negative votes.



V, 6, B (Cont'd)

Questions approved:

5/21/45 Doc. 507

Should the Assembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?

Affirmative 16, negative 7.

6/7/45

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion, or sex and also for the encouragement of the progressive development of international law and for its codification.

(New paragraph to follow paragraph 6:)

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter.

Affirmative 28 votes.

Questions defeated:

5/21/45 Doc. 507

Should it be provided that upon the failure of the Security Council to act on such rules within a period specified in the Charter, they should become effective and binding, in the same manner as if they had been approved by the Security Council? No affirmative vote, 26 negative.

5/23/45 Doc. 536

Should the Assembly be authorized to initiate studies and to make recommendations for the purpose of preventing economic aggression? No record of number of votes cast.

5/24/45 Doc. 571

Should the General Assembly be empowered to submit general conventions for the consideration of the states which form part of the United Nations Organization and, should the occasion arise, for the consideration of other states, with a view to securing their approval in accordance with their appropriate constitutional procedures?

Affirmative 25, negative 13.

5/24/45 Doc. 571

Should the Assembly have the power of imposing conventions when, in its opinion, these are mere corollaries of principle it already recognizes as compulsory, or when it believes that the general observance of the obligations embodied in the conventions is necessary for the maintenance of international peace and security? No affirmative votes.

Questions approved:

Questions defeated:

Should this power also be extended to include other conventions?  
No affirmative votes.

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

1 affirmative vote, 27 negative votes.

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

No affirmative votes.



QUESTIONS ACTED UPON BY COMMITTEE II/2

(Functions and Powers of the General Assembly)

Chapter V, Section B, paragraph 8

Questions approved:

5/25/45 Doc. 613

Should the Security Council report to the Assembly on any matters concerning international peace and security with regard to which it has adopted and/or applied measures which have been deemed necessary?

34 affirmative votes, no negative votes.

5/28/45 Doc. 652

Should the General Assembly be empowered to receive and discuss the reports provided for in paragraph 8?

29 affirmative, no negative votes.

5/28/45 Doc. 652

Should the General Assembly be empowered to study and approve or disapprove in whole or in part the reports of the Security Council?

29 affirmative votes, 3 negative votes.

5/28/45 Doc. 652

Subject to the provisions of paragraph 1 of this section, should the General Assembly be empowered to submit recommendations to the Security Council with a view to insuring the complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security?

37 affirmative votes, no negative votes.

Questions defeated:

5/25/45 Doc. 613

Should the Security Council be required to submit periodic and special reports, setting forth a detailed account, with reasons, of all of its acts and decisions?

21 affirmative votes, 16 negative votes.

Questions approved:

Questions defeated:

5/30/45 Doc. 707

8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

26 affirmative votes, 3 negative votes.



May 25, 1945

Honorable Victor Andrade, Chairman,  
Committee II/2,  
United Nations Conference on  
International Organization.

My dear Mr. Chairman:

It has come to my attention that Committee II/2 has hesitated to proceed with the discussion of proposals regarding the reconsideration or revision of treaties which have been advanced by various governments in connection with Chapter V, Section B, paragraph 6, fearing a possible conflict with the jurisdiction of Committee 2 of Commission IV.

Upon inquiry I learned that Committee IV/2 at its meeting on May 21 voted that it should not deal with the subject of reconsideration or revision of treaties unless and until it were asked by the Steering Committee to consider some particular aspect of this problem. The view was expressed by a number of delegates that the question should properly be dealt with by Committee II/2.

So far as Commission IV is concerned, your committee will, therefore, be fully justified in proceeding to discuss and to take decisions on all questions relating to proposals for including something on reconsideration or revision of treaties in the Charter.

Sincerely yours,

President, Commission IV

cc: ✓ Mr. Padelford  
Mr. Gilchrist  
Mr. Rothwell  
Mr. Staley

May 24, 1945

BY  
+  
file

MEMORANDUM

TO: The Secretary of Committee IV/2  
FROM: The Secretary of Committee II/2  
SUBJECT: Interpretation of the Charter

Committee II/2 at its eleventh meeting on May 23 had before it the following question of principle, which was based on a proposed amendment submitted by Belgium:

"Should the General Assembly have sovereign (exclusive) competence to interpret the provisions of the Charter?"

In the discussion the Belgian Delegate explained that the word "exclusive" did not accurately describe the intention of the amendment. The Assembly should have the original role in interpretation of the Charter, but it might, of course, consult the International Court. Several Delegates held that the Assembly and the Security Council should each interpret those parts of the Charter concerned with their respective activities, and that parts of the Charter affecting both organs would require some method of joint interpretation. It was pointed out that in some countries a parliamentary body is the final authority on constitutional questions, while in other countries, especially those with written constitutions, interpretation of the constitution is a judicial function.

The discussion having revealed that more was involved than the role of the Assembly in the process of interpreting the Charter, Committee II/2 decided to refer the whole topic to Committee IV/2 for consideration.

It was made plain that the question referred to Committee IV/2 was the whole issue of how and by



whom the Charter should be interpreted, and not merely the particular question quoted above which had opened the discussion.

A handwritten signature in blue ink, consisting of a stylized 'E' and 'S' intertwined, enclosed within a circular flourish.

Eugene Staley,  
Secretary, Committee II/2

MEMORANDUM

May 24, 1945



To: Mr. Gilchrist

From: Easton Rothwell



With reference to the attached memorandum, I suggest that an effort be made first to settle this question of jurisdiction by bringing together the Chairman of Committee II/2 and the Chairman of Committee IV/2. A first step might be to discuss the matter with the Presidents of the two Commissions and later to bring in the Chairmen of the Committees.

This procedure seems to me more desirable than to attempt to bring the matter to the Steering Committee, as was suggested in Committee IV/2, or to carry it to the President of the Conference, as is suggested in the attached letters. If direct negotiations fail, then we can consider recourse to the officers of the Conference.

ER:mf



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

May 23, 1945

MEMORANDUM FOR THE EXECUTIVE SECRETARY

Attached hereto is a proposed exchange of letters between the Chairman of Committee II/2 and the Chairman of the Steering Committee of the Conference in regard to a question of jurisdiction of Committee II/2 over the question of revision of treaties.

The provision as set forth in this exchange of letters seems clear and could ordinarily be handled by the Executive Officers and Secretaries of Committees concerned. In this case, however, the Chairman of Committee II/2 feels that he would have difficulty in persuading some of the members of his committee that this view is correct on account of information which they have had (erroneous though it is) on action taken in other Committees. The Chairman of Committee II/2 would, therefore, like to have a letter from the Chairman of the Steering Committee along the lines here suggested.

On the assumption that this exchange of letters is not open to objection, the signature of the Chairman of Committee II/2 will be obtained early ~~yes~~ on Thursday and the original of this letter forwarded to you promptly. The reply along the lines suggested from Mr. Stettinius or his substitute might then be returned to the Chairman of Committee II/2 through this office and the Secretary of the Committee.

Huntington Gilchrist

May 22, 1945

Honorable Edward R. Stettinius, Jr.  
Chairman, Steering Committee  
United Nations Conference  
On International Organization

My dear Mr. Chairman:

Among the amendments to the Dumbarton Oaks Proposals which have been suggested by several governments are a number which would give to the General Assembly power to examine treaties which appear to have become inapplicable and to recommend their reconsideration or revision. A number of these amendments are proposed in connection with Chapter V, Section B, paragraph 6, which is one of the paragraphs falling within the terms of reference of Committee II/2.

It has been reported in our Committee, however, that other committees may also be considering this problem of the revision of treaties. Not wishing to duplicate their work or to invade their jurisdiction, we should be grateful for an indication from you as to whether or not Committee II/2 ought to undertake discussions and make decisions on this question.

Sincerely yours,

Victor Andrade  
Chairman, Committee II/2



May 23, 1945

Honorable Victor Andrade  
Chairman, Committee II/2  
United Nations Conference  
On International Organization

My dear Mr. Chairman:

Nothing has come to the attention of the Executive Committee or the Steering Committee which would indicate that Committee II/2 need to have any hesitation about proceeding with the discussion of proposals regarding the revision of treaties which have been advanced by various governments in connection with Chapter V, Section B, paragraph 6.

It is reported to me that Committee IV/2 at its meeting on May 21, 1945 voted that it should not deal with the subject of revision of treaties unless and until it were asked to deal with some particular aspect of the problem by the Steering Committee. The view was expressed by a number of delegates that the question was before Committee II/2 and should properly be discussed there.

I am also informed that there is no possibility of conflict on this subject with any of the committees of Commission I. This Commission, in its work on the preamble and purposes of the Organization may deal with proposals for inserting a statement in the Charter on the observance of treaties, but this does not cover the topic of reconsideration or revision of treaties.

Your Committee, therefore, will be fully justified in proceeding to discuss all proposals submitted by participating governments on the subject of revision of treaties.

Sincerely yours,

Edward R. Stettinius, Jr.  
Chairman, Steering Committee

*Given United Conc and a Sub Chce Wkup Doc.*

SUMMARY REPORT OF THIRD MEETING OF

SUBCOMMITTEE B OF COMMITTEE II/2

Veterans Building, Room 308  
May 23, 1945, 2:30 p.m.

*file*

The Rapporteur and Deputy Chairman called the meeting to order at 2:35 p. m.

The following members were present:

Tulio Franco y Franco (Rapporteur and Deputy Chairman,  
Dominican Republic)

H. V. Evatt (Australia)

Fernand Dehousse (Belgium)

Luis Padilla Nervo (Mexico)

A. A. Rostchin (U.S.S.R.)

Dingle Foot (United Kingdom)

Benjamin Gerig (United States)

The Subcommittee continued its discussion of the redrafting of Paragraph 1, Section B, Chapter V, of the Dumbarton Oaks Proposals. The Delegate of the U.S.S.R. objected to taking the United Kingdom redraft of this paragraph as the basis of discussion, holding that the Committee had charged the Subcommittee to base its redraft on the amendment approved by the Four Sponsoring Powers and France, and introduced at the Seventh Meeting of Committee II/2 by Senator Vandenberg, together with the Committee's votes on the questions in the first report of Subcommittee A and the sense of the discussion thereon. In reply, the Delegate of the United Kingdom and other members pointed out that the United Kingdom redraft had been accepted as the basis of discussion on a vote at the previous meeting of the Subcommittee but had not, of course, been finally approved as to exact text. The Delegate of Belgium observed that the Committee, by unanimous vote, including the vote of Senator Vandenberg, had affirmed Question 9, which clearly modified the Vandenberg text.



The Delegate of Australia objected that the United Kingdom redraft mutilated the sense of Committee II/2's vote and discussion on Question 9 by the insertion in Subparagraph A of the words "which affects the maintenance of international peace and security." He quoted Summary Report of the Ninth Meeting in support of his contention. The Delegate of the U.S.S.R. signified that he did not accept this Summary Report as accurate; and stated that he had not received a Russian text, and would lodge his objection in due course. Other delegates said that the Summary Report in question, which had been circulated in full in French and English to all Committee members, was substantially in accordance with the sense of the meeting. *the*

All delegates agreed that the intention of the Committee was not that the liberal words of the questions it had voted upon had to be reproduced in the Subcommittee's redraft; the important thing was to reproduce the intention of the Committee. */t*

The Deputy Chairman ruled that the United Kingdom redraft had been accepted as the basis of the discussion by the Subcommittee at its second meeting. After some further discussion of this text, the Subcommittee adjourned, having agreed to meet again at 10:30 a.m. on May 24.

May 23, 1945

MEMORANDUM FOR THE EXECUTIVE SECRETARY

Attached hereto is a proposed exchange of letters between the Chairman of Committee II/2 and the Chairman of the Steering Committee of the Conference in regard to a question of jurisdiction of Committee II/2 over the question of revision of treaties.

The provision as set forth in this exchange of letters seems clear and could ordinarily be handled by the Executive Officers and Secretaries of Committees concerned. In this case, however, the Chairman of Committee II/2 feels that he would have difficulty in persuading some of the members of his committee that this view is correct on account of information which they have had (erroneous though it is) on action taken in other Committees. The Chairman of Committee II/2 would, therefore, like to have a letter from the Chairman of the Steering Committee along the lines here suggested.

On the assumption that this exchange of letters is not open to objection, the signature of the Chairman of Committee II/2 will be obtained earlier on Thursday and the original of this letter forwarded to you promptly. The reply along the lines suggested from Mr. Stettinius or his substitute might then be returned to the Chairman of Committee II/2 through this office and the Secretary of the Committee.

Huntington Gilchrist

cc: Mr. Staley



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

~~not used~~

file under II 2

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

May 22, 1945

Honorable Edward R. Stettinius, Jr.  
Chairman, Steering Committee  
United Nations Conference  
On International Organization

My dear Mr. Chairman:

Among the amendments to the Dumbarton Oaks Proposals which have been suggested by several governments are a number which would give to the General Assembly power to examine treaties which appear to have become inapplicable and to recommend their reconsideration or revision. A number of these amendments are proposed in connection with Chapter V, Section B, paragraph 6, which is one of the paragraphs falling within the terms of reference of Committee II/2.

It has been reported in our Committee, however, that other committees may also be considering this problem of the revision of treaties. Not wishing to duplicate their work or to invade their jurisdiction, we should be grateful for an indication from you as to whether or not Committee II/2 ought to undertake discussions and make decisions on this question.

Sincerely yours,



Victor Andrade  
Chairman, Committee II/2



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

Honorable Edward R. Stettinius, Jr.  
Chairman, Steering Committee  
United Nations Conference  
On International Organization

DOCUMENTATION RELATIVE AU PARAGRAPHE I Section B, Chapitre V.

Les documents suivants intéressent le sous-comité de rédaction, pour ses travaux concernant le Paragraphe 1, Section B, Chapitre V.

1. Le texte original du Paragraphe, tel qu'il figure dans les Propositions de Dumbarton Oaks (Doc. 288, G/38, page 10)

2. Les décisions du Comité II/2 sur les questions 1-9 et le compte rendu sommaire de certains points que les discussions ont fait ressortir.

Question 1- Procès Verbal résumé de la Septième séance  
(Doc. 354, II/2/15)

Question 2-8- Procès Verbal résumé de la Huitième séance  
(Doc. 392 II/17)

Question 9- Procès Verbal résumé de la neuvième séance  
(Doc.....)

3. Un nouveau texte proposé, pour ce paragraphe, par les quatre Gouvernements invitants et par la France (Doc. 354,



II/2/15)

On trouvera en outre ci-joint, deux autres textes préparés par le Secrétariat du Comité II/2, sur la demande du Président, d'après les documents mentionnés plus haut.

Certaines expressions figurant entre parenthèses sont destinées à attirer l'attention sur des questions pour lesquelles les documents énumérés ci-dessus ne fournissent

23 pas de réponse précise:

1                                   Nouvelle Rédaction A

2                   (Préparée par le Secrétariat du Comité II/2)

3           1. L'Assemblée Générale devrait avoir le droit de  
4 discuter toute question rentrant dans la sphère des re-  
5 lations internationales, y compris les principes régissant  
6 le désarmement et la réglementation des armements, et de  
7 faire à ce sujet des recommandations aux gouvernements  
8 (membres) (non-membres) ou au Conseil de Sécurité, Toute  
9 affaire nécessitant une action (du Conseil de Sécurité)  
10 devrait être soumise au Conseil par l'Assemblée Générale,  
11 avant ou après avoir fait l'objet d'une discussion ou d'une  
12 recommandation. Toute question ou tout aspect d'une ques-  
13 tion, ayant un caractère juridique, sera renvoyé pour avis,  
14 à la Cour Internationale. L'Assemblée Générale aura le  
15 droit d'appeler l'attention du Conseil de Sécurité sur  
16 des situations de nature à mettre en danger la paix ou la  
17 sécurité internationales. Tant que le Conseil de Sécurité



18 exercera, dans le cas d'un différend ou d'une certaine  
19 situation, les fonctions qui lui sont assignées par la  
20 Charte, l'Assemblée Générale ne formulera aucune recom-  
21 mandation à ce sujet, à moins que le Conseil de Sécurité  
22 ne le lui demande. Lors de chaque session de l'Assemblée  
23 Générale, le Secrétaire Général, avec l'assentiment du  
24 Conseil de Sécurité portera à la connaissance de l'Assem-  
25 blée toute question, tout différend ou toute situation  
26 (rentrant dans la sphère des relations internationales),  
27 dont s'occupe le Conseil de Sécurité; il avisera égale-  
28 ment l'Assemblée Générale dès que le Conseil de Sécurité  
29 aura cessé de s'occuper de la question. (Dans le cas où  
30 le Conseil de Sécurité cesserait de s'occuper de la ques-  
31 tion, pendant une des inter-sessions de l'Assemblée, le  
32 Secrétaire Général devrait-il, avec le consentement du  
33 Conseil de Sécurité, en aviser le Président de l'Assem-  
34 blée Générale ?).

1 PROJET B- (Préparé par le Secrétariat du Comité II/2)

2 1. L'Assemblée Générale devrait avoir le droit de  
3 discuter toute question rentrant dans la sphère des rela-  
4 tions internationales, y compris les principes régissant  
5 le désarmement et la réglementation des armements; et,  
6 sous la seule réserve de la limitation formulée au paragra-  
7 phe 2 de la présente Section, de faire à ce sujet des re-  
8 commandations aux gouvernements (membres) (non-membres) ou  
9 au Conseil de Sécurité.

10 2. L'Assemblée Générale devrait avoir le droit de  
11 discuter toute question rentrant dans la sphère des rela-  
12 tions internationales dont elle aurait été saisie par un  
13 ou plusieurs membres de l'Organisation ou par le Conseil  
14 de Sécurité, et de formuler à ce sujet des recommandations  
15 aux gouvernements (membres) (non-membres) ou au Conseil de  
16 Sécurité. Toute question de ce genre nécessitant une ac-  
17 tion (de la part du Conseil de Sécurité) devrait être sou-



18 mise au Conseil de Sécurité par l'Assemblée Générale, soit  
19 avant ou soit après avoir fait l'objet d'une discussion  
20 ou d'une recommandation. Toute question ou tout aspect  
21 d'une question de ce genre présentant un caractère juridi-  
22 que, sera renvoyée pour avis, à la Cour Internationale.  
23 L'Assemblée Générale aura le droit d'appeler l'attention  
24 du Conseil de Sécurité sur des situations de nature à met-  
25 tre en danger la paix ou la sécurité internationales. Tant  
26 que le Conseil de Sécurité exercera à l'égard d'un diffé-  
27 rend ou d'une situation, les fonctions qui lui sont assi-  
28 gnées en vertu de la Charte, l'Assemblée Générale ne for-  
29 mulerà à ce sujet aucune recommandation, à moins que le  
30 Conseil de Sécurité ne le lui demande. A chaque session  
31 de l'Assemblée Générale, le Secrétaire Général, avec l'as-  
32 sentiment du Conseil de Sécurité, portera à la connaissan-  
33 ce de l'Assemblée Générale toute question, tout différend  
34 ou toute situation, (rentrant dans la sphère des relations

35 internationales), dont s'occupe le Conseil de Sécurité;  
36 il avisera également l'Assemblée Générale, dès que le Con-  
37 seil de Sécurité aura cessé de s'occuper de la question.  
38 Dans le cas où le Conseil de Sécurité cesserait de s'occu-  
39 per, d'une question, pendant une inter-session de l'Assem-  
40 blée, le Secrétaire Général, avec le consentement du Con-  
41 seil de Sécurité, devrait-il en aviser le Président de  
42 l'Assemblée Générale?)

*Gilchrist is holding  
this - for revision  
& believe* File

May 13, 1945

Executive Secretary:

The Netherlands Delegation have requested that a complete statement on a point which was considered in Committee II/2 should be submitted to "the Committee which will be responsible for the final drafting of the Charter" and they have submitted the full statement on their position, as explained to Committee II/2, for this purpose. This statement is of course much more detailed than the brief reference contained in the summary reports of the meetings at which the matter came up, namely, the 6th and 7th meetings. Extracts from these summary reports are attached and as you will note the Committee has taken no action.

I imagine that questions like this may arise in other committees and it would seem useful to have a general ruling as to the procedure to follow.

I suppose that the Netherlands Delegation has in mind the Coordination Committee in this connection and perhaps the Executive Committee also.

Committee II/2 has completed its deliberations on this question, but still has to adopt its final recommendations on the point. Presumably, the Netherlands Delegation do not feel that they can go into the substance of the question again in the Committee, but it would seem to me that the appropriate place for them to bring up this question might be in Commission II if the Coordination Committee and the Executive Committee do not feel that they can appropriately deal with it.

In any event, I see no objection to the reference of this matter to the Coordination and Executive Committees as these might be the bodies which could most effectively dispose of the point. However, I presume there might be some danger of setting a precedent if there is considered to be much risk that these Committees would thus be burdened with much new paper work in the efforts of advocates of different points of view to get a hearing before all possible "tribunals".

I attach the Netherlands document in this case and would appreciate your ruling and the return of these papers.

Huntington Gilchrist

cc: Mr. Staley  
Executive Officers



(Extract from Summary Report of Sixth Meeting of  
Committee II/2, Veterans Building, Room 223, May 14, 1945,  
5:09 p.m.)

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

The Delegate of the Netherlands referred to a statement made by the United States Secretary of State on March 5 which contained a reference to questions on which a party to a dispute could not vote in the Security Council. One such question was whether a dispute should be referred to the General Assembly. It was the view of the speaker, and he felt this view was supported by the statement mentioned, that a permanent member of the Security Council, if a party to a dispute, would not be able to prevent the dispute from being brought to the attention of the Assembly.

(Extract from Summary Report of Seventh Meeting of  
Committee II/2, Veterans Building, Room 213, May 15, 1945,  
3:40 p.m.)

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

PROPOSED REDRAFT OF CHAPTER V, SECTION B, PARAGRAPH 1

In the course of the discussion, the Delegate of the Netherlands asked to go on record as follows:

"The Netherlands Delegation have the honor to recommend that their observation made on May 14 on the subject under discussion be brought to the attention of the Committee which would be responsible for the final drafting of the Charter."

May 18, 1945

Executive Secretary:

The Netherlands Delegation have requested that a complete statement on a point which was considered in Committee II/2 should be submitted to "the Committee which will be responsible for the final drafting of the Charter" and they have submitted the full statement on their position, as explained to Committee II/2, for this purpose. This statement is of course much more detailed than the brief reference contained in the summary reports of the meetings at which the matter came up, namely, the 6th and 7th meetings. Extracts from these summary reports are attached and as you will note the Committee has taken no action.

I imagine that questions like this may arise in other committees and it would seem useful to have a general ruling as to the procedure to follow.

I suppose that the Netherlands Delegation has in mind the Coordination Committee in this connection and perhaps the Executive Committee also.

Committee II/2 has completed its deliberations on this question, but still has to adopt its final recommendations on the point. Presumably, the Netherlands Delegation do not feel that they can go into the substance of the question again in the Committee, but it would seem to me that the appropriate place for them to bring up this question might be in Commission II if the Coordination Committee and the Executive Committee do not feel that they can appropriately deal with it.

In any event, I see no objection to the reference of this matter to the Coordination and Executive Committees as these might be the bodies which could most effectively dispose of the point. However, I presume there might be some danger of setting a precedent if there is considered to be much risk that these Committees would thus be burdened with much new paper work in the efforts of advocates of different points of view to get a hearing before all possible "tribunals".

I attach the Netherlands document in this case and would appreciate your ruling and the return of these papers.

Huntington Gilchrist

cc: Mr. Staley  
Executive Officers



(Extract from Summary Report of Sixth Meeting of  
Committee II/2, Veterans Building, Room 223, May 14, 1945,  
5:09 p.m.)

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

The Delegate of the Netherlands referred to a statement made by the United States Secretary of State on March 5 which contained a reference to questions on which a party to a dispute could not vote in the Security Council. One such question was whether a dispute should be referred to the General Assembly. It was the view of the speaker, and he felt this view was supported by the statement mentioned, that a permanent member of the Security Council, if a party to a dispute, would not be able to prevent the dispute from being brought to the attention of the Assembly.

(Extract from Summary Report of Seventh Meeting of  
Committee II/2, Veterans Building, Room 213, May 15, 1945,  
3:40 p.m.)

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

PROPOSED REDRAFT OF CHAPTER V, SECTION B, PARAGRAPH 1

In the course of the discussion, the Delegate of the Netherlands asked to go on record as follows:

"The Netherlands Delegation have the honor to recommend that their observation made on May 14 on the subject under discussion be brought to the attention of the Committee which would be responsible for the final drafting of the Charter."



File  
May 17, 1945

Senator Henri Rolin  
President of Commission I  
Fairmont Hotel, Room 394

Dear Senator:

Thank you for your letter of May 12th with which you kindly enclosed a copy of your note on the "Method to be Followed for the Elucidation in the Charter of the Questions Implied in the Problem of Membership and the Division of Work Between the Two Commissions".

Your note makes further suggestions in regard to the questions concerning certain of the Committees of Commissions I and II which have been dealt with in previous correspondence between us. It seems to me that it would be appropriate to circulate copies of your note to the Committees concerned. I am suggesting that this be done in the case of Committees II/1 and II/2 on the assumption that you will take further steps as regards Committee I/2.

As I understand it, questions requiring action by the Coordination Committee will normally be taken up by it on the basis of the decisions reached in the Technical Committees and I do not think it is therefore necessary to take this matter before the Coordination Committee in a special way at this time.

Yours very sincerely,

J. C. Smuts,  
President, Commission II.

cc: Mr. Brown  
Mr. Staley  
Mr. M. Davis

103

COMMISSION II, COMMITTEE 2

May 16, 1945

PRESS COMMUNIQUE AND STATEMENT FOR JOURNAL

Committee 2 of Commission II met from 8:30 p.m. to 11:30 p.m. on May 16, and voted on questions 2 to 8, inclusive, of the list of questions before it relating to the principles raised by various amendments which had been proposed to paragraph 1, Section B, Chapter V.

The questions and the votes were as follows:

(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?" (Words underlined were added by the Committee before proceeding to a vote.)

Vote: Affirmative 28  
Negative 0

(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?"

Vote: Affirmative 12  
Negative 18

(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?"

Vote: Affirmative 1  
Negative 21



(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?"

Vote: Affirmative 35  
Negative 0

(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?"

Vote: Affirmative 1  
Negative 23

(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 may have taken or may contemplate taking in dealing with any matter affecting international peace and security?"

Vote: Affirmative 0  
Negative: Many, but exact count not made. Question negatived.

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

Vote: Affirmative 0  
Negative: Many, but exact count not made. Question negatived.

The Committee then proceeded to open discussion on the ninth and last question, namely, "Subject to any exceptions specifically provided, should the Assembly have general power to discuss and make recommendations in respect of any matters affecting international relations?" No decision was reached and discussion will continue at the next meeting, Friday, May 18, at 10:30 a.m.



May 16, 1945

Mr. Staley:

The Executive Officer of the Executive and Steering Committees, Mr. Darlington, has advised me that the Chairman of the Executive Committee Mr. Edward R. Stettinius, has informed him that the Executive Committee has sustained the ruling made by the Chairman of your Committee as set forth in your letter of May 15, 1945 concerning the problem involving the interpretation of Section V (Voting) of the Rules of Procedure which arose during the meeting of Committee II/2 on May 15th.

This decision of the Executive Committee will be confirmed later in writing by the Chairman of the Executive Committee.

Huntington Gilchrist

cc: Executive Secretary

May 16, 1945

Mr. Staley:

The Executive Officer of the Executive and Steering Committees, Mr. Darlington, has advised me that the Chairman of the Executive Committee Mr. Edward R. Stettinius, has informed him that the Executive Committee has sustained the ruling made by the Chairman of your Committee as set forth in your letter of May 15, 1945 concerning the problem involving the interpretation of Section V (Voting) of the Rules of Procedure which arose during the meeting of Committee II/2 on May 15th.

This decision of the Executive Committee will be confirmed later in writing by the Chairman of the Executive Committee.

Huntington Gilchrist

cc: Executive Secretary

*file*  
COPY

NORWEGIAN DELEGATION

*Mr. Brown I don't find this  
Mr. Staley indexed under the  
Committee, should  
they be advised?*  
\*  
103  
See top of p. 13  
②

San Francisco, Cal., May 15, 1945

Sir:

For the purpose of simplifying the proceedings of the Conference, the Norwegian Delegation begs to withdraw its proposed amendment to Chapter V, B, 1 contained in Document 2 G/7 and reading as follows:

Insert after the word "questions" the following sentence: It should also have the right to present recommendations to member states with regard to the recognition of new Governments or new States.

The reason for this withdrawal is that the Delegation considers the point in question covered by the amendment to Chapter V, B, 6 which was presented by Senator Vandenberg on behalf of the four sponsoring powers in Committee II/2 and which was passed by the said Committee on May 9, 1945.

Very truly yours,

TORFINN OFTEDAL  
Torfinn Oftedal,  
Secretary of Delegation

To the Secretary General,  
United Nations Conference on  
International Organization.



May 15, 1945

The Honorable  
Edward R. Stettinius, Jr.,  
President, Executive Committee,  
United Nations Conference  
On International Organization,  
San Francisco, California.

My dear Mr. President:

I have the honor to inform you that a problem involving the interpretation of Section V (Voting) of the Rules of Procedure (Doc. 177, ST/5) arose during the seventh meeting of Committee II/2 on May 15, 1945.

The following question was submitted to the vote of the Committee:

"Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?"

Sixteen votes were cast in favor of an affirmative answer to this question, and twenty-six votes in favor of a negative answer. It was thereupon suggested from the floor that the question had not been negatived because less than two-thirds of the votes had been cast in favor of a negative answer. The Chairman stated that, although a two-thirds majority was necessary in order to carry the affirmative of a question or motion, such a majority was not necessary in order to negative a question or motion. Accordingly, the Chairman ruled that the question had been negatived by the vote of the Committee.

This ruling was challenged by several delegations. I am, therefore, submitting the question which it raises to you, with a request for an interpretation of the relevant provisions of the Rules of Procedure.

Sincerely yours,

Victor Andrade

B.M.

Chairman, Committee II/2

MEMORANDUM

May 14, 1945

TO:           Huntington Gilchrist  
FROM:         Eugene Staley  
SUBJECT:      Progress Report on Committee II/2

1. Documentary Basis of Committee's Work

The terms of reference of the work of Committee II/2 include the following paragraphs of the Dumbarton Oaks Proposals:

Chapter V, Section B, paragraphs 1, 3, and 6 (so far as concerns questions of political cooperation and adjustments of situations likely to impair the general welfare) and 8, together with the second of the Chinese proposals.

Comments and amendments submitted by participating governments have been excerpted by the Committee staff and grouped in Doc. 171, II/2/7, and its annexes, Doc. 176, II/2/7 (1), Doc. 271, II/2/7 (2), and Doc. 270, II/2/7 (1)(a).

The Committee set up a Sub-committee to frame questions which would raise the main issues suggested by the amendments proposed to paragraph 1 of Section B, Chapter V. Nine questions were thus arrived at, and the Committee is now using them as a basis for its current discussions.

The text of these questions is in Doc. 235, II/2/A (1). The first question has been slightly modified by the Committee to read positively instead of negatively, and the revised version is quoted in Doc. 252, II/2/12.

2. Progress So Far Re Adoption of Text

The only text so far adopted is the amendment to paragraph 6 of Section B, Chapter V, proposed by the Sponsoring Powers. This consists of two paragraphs, of which the second paragraph was originally put forth by the United States and later by all four sponsors. Text is quoted in Doc. 203, II/2/8.

3. Progress in General

The Committee has passed the general discussion stage and appears to have settled down to work. The debate is of good quality now on real issues. The nine questions mentioned above hold promise of focusing the problems, so that voting on these questions of principle should take



place as fast as the speaking lists can be exhausted - which does not appear to be very fast at present.

#### 4. Work Still to be Done

Once the nine questions regarding paragraph 1 have been discussed and voted upon, there will have to be a drafting committee to put the results into the language of a text. The same process will have to be gone through for paragraphs 3, 6, and 8, but these three paragraphs will probably be relatively easy to dispose of once the main issues connected with paragraph 1 have been decided.

#### 5. Jurisdictional Problems

The President of Commission I has agreed with the President of Commission II that Committee I/2 should consider questions of the conditions under which a member of the Organization might have its rights (a) suspended (b) restored or (c) might be expelled, in accordance with Chapter V, Section B, paragraph 3. Questions of procedure on these points would remain allocated to Committee II/2.

Both Committees have approved this agreement.. There may be some difficulty in deciding what are questions of conditions and what are questions of procedure, but we hope to iron these out by conference between the secretaries or perhaps the chairmen concerned.

Jurisdictional overlapping is bound to arise at some stage with Committee III/3 in connection with proposals to give additional powers to the Assembly under Ch. VI, Secs. E and C, and Ch. VIII, Secs. A and B. Both these are outside our terms of reference but delegations have used them to propose enlargements in the political and security functions of the Assembly.

#### 6. Procedural Problems

No particular problems to report under this heading.

#### 7. Main Issues and Conflicts of View on Points of Substance

The main issue at present is between those who would broaden the powers of the Assembly with respect to matters



being dealt with by the Security Council, and those who would not. Various means of increasing the Assembly's prerogatives in this respect have been put forward, ranging from proposals to strike out the last sentence of paragraph 1, Section B, Chapter V to relatively mild proposals providing that the Assembly should be notified when the Security Council is actually dealing with a matter and when the Council ceases to deal with it.

Another issue arises between those who would broaden the language of Dumbarton Oaks by giving the Assembly power to deal with "any matter" within the sphere of international arrangements (some advocates of this would make exceptions of matters being handled by the Security Council) and those who argue that the first sentence of the paragraph and the amendment already approved for paragraph 6 cover everything that would be covered by this proposed modification.

#### 8. Future Procedure

It seems likely that the Committee will decide to set up a drafting committee after having reached some decisions of principle on the questions now before it, and that the same procedure will then be repeated for paragraphs 3, 6, and 8.

#### 9. Time Considered Necessary to Complete Work

At the present rate the work may take two weeks more. The discussions today showed a tendency to produce fairly long speeches. If the Chairman were to apply a five minute rule on speeches I think the time might be cut.

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

May 11, 1945

TO: Mr. Huntington Gilchrist  
FROM: Eugene Staley

Attached is a copy of the reply which I have prepared for the Chairman of Committee II/2 to the letter from Field Marshal Smuts. I shall get this signed by the Chairman at the next opportunity and mail it.

  
Eugene Staley

Attachment

May 11, 1945

Field Marshal J. C. Smuts  
President of Commission II  
Fairmont Hotel  
San Francisco, Calif.

My dear Field Marshal Smuts:

In answer to your letter of May 8, 1945, I have the honor to inform you that Committee II/2 at its fourth meeting on May 10 took the following action:

"The Chairman reported that Field Marshal Smuts, President of Commission II, had been asked by the President of Commission I whether Committee I/2 should be asked to consider questions of the conditions under which a member of the Organization might have its rights (a) suspended, or (b) restored, or (c) might be expelled, in accordance with the provisions of the Dumbarton Oaks Proposals, Ch. V, Sec. B, para. 3. This proposal would involve transferring these points from the terms of reference of Committee II/2 to those of Committee I/2. Questions of procedure on these points (a), (b) and (c) would remain allocated to Committee II/2.

Decision: The re-allocation was agreed to."

Very sincerely yours,

Victor Andrade  
Chairman, Committee II/2

ES:EKG



U.  
Here is the inter  
for the Journal  
if you wish to use  
it.

Bill Taylor

May 9, 1945

COMMISSION II: The Assembly  
COMMITTEE 2: Political and Security Functions

The Committees met at 5 p.m. and adjourned at 7:45. The proposal of the sponsoring powers to amend paragraph 6 of Chapter V (General Assembly, Functions and Powers), was approved.

The text as adopted reads as follows (amendments indicated by underscoring added passages and striking out deleted passages):

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, and social and cultural fields to assist in the realization of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law and of adjusting situations likely to impair the general welfare.

"New paragraph to follow paragraph 6:

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter."

The new paragraph to follow paragraph 6 had originally been presented as a proposal by the United States. It was stated in the course of the discussion that the paragraph was now supported by all the sponsoring powers. It was generally welcomed by members of the Committee.

There was also discussion of the relationship between the powers of the Security Council and of the Assembly (paragraph 1 of Section B, Chapter V).

May 9, 1945

COMMISSION II: The Assembly  
COMMITTEE 2: Political and Security Functions

The Committees met at 5 p.m. and adjourned at 7:45. The proposal of the sponsoring powers to amend paragraph 6 of Chapter V (General Assembly, Functions and Powers), was approved.

The text as adopted reads as follows (amendments indicated by underscoring added passages and striking out deleted passages):

"6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, and social and cultural fields to assist in the realization of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law and of adjusting-situations likely to impair the general welfare.

"New paragraph to follow paragraph 6:

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter."

The new paragraph to follow paragraph 6 had originally been presented as a proposal by the United States. It was stated in the course of the discussion that the paragraph was now supported by all the sponsoring powers. It was generally welcomed by members of the Committee.

There was also discussion of the relationship between the powers of the Security Council and of the Assembly (paragraph 1 of Section B, Chapter V).



MODEL WORKING DOCUMENT

Commission II, Committee 2

---

POLITICAL AND SECURITY FUNCTIONS  
OF THE GENERAL ASSEMBLY

Relevant sections of the Dumbarton Oaks Proposals assigned by the Conference for consideration by this committee:

CHAPTER V. THE GENERAL ASSEMBLY

SECTION B: FUNCTIONS AND POWERS. 1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note: Questions of political cooperation and adjustment of situations likely to impair the general welfare are assigned to Committee 2 under this paragraph.)

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.



GENERAL COMMENTS AND SUGGESTIONS

Australia. Doc. 20, P/6

Functions of the Assembly, a world forum for public discussion, p. 5.

Membership of the Assembly, p. 4.

Powers of the Assembly, need for clarification, p. 4



GENERAL COMMENTS AND SUGGESTIONS

Belgium. Doc. 2 G/7 (k)

Relation to the Security Council, p. 3

## CHAPTER V. THE GENERAL ASSEMBLY

### SECTION B. FUNCTIONS AND POWERS.

1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

COMMENTS AND SUGGESTIONS

Guatemala. Doc. 2, G/7 (f)

Powers of Assembly, Relation to Security Council's  
action, p. 3



## SECTION B. FUNCTIONS AND POWERS.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

COMMENTS AND SUGGESTIONS

Costa Rica. Doc. 2, G/7 (h)

Suspension of members, Assembly to initiate action to  
suspend. P. 3

V: B. 3.

## SECTION B. FUNCTIONS AND POWERS.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note:

Questions of political cooperation and adjustment of situations likely to impair the general welfare are assigned to Committee 2 under this paragraph.)



COMMENTS AND SUGGESTIONS

Belgium. Doc. 2 G/7 (k)

Powers of the Assembly, creation of a political study  
body. P. 2

V. B. 6.

176

-12-

SECTION B. FUNCTIONS AND POWERS

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

COMMENTS AND SUGGESTIONS

Guatemala. Doc. 2, G/7 (f)

Reports, Assembly to discuss reports of Security Council,  
P. 3.

V. B. 8.

176

-14-



Mr. Gilchrist

Herewith a copy, as requested,  
of my *ballon d'essai*.

(I submit that this document  
a) does not fulfil Mr. Fraser's  
requirement that extracts should be  
arranged to correspond to the  
numbered lines of Doc. 1, G/1; but  
I doubt if this could be achieved;

b) that the collection could be  
materially improved by putting  
genuine specific amendments  
in a first section (where Mr.  
Fraser's plan would work),  
& general waffle in a  
General section, alphabetically  
by countries.

HQ 100  
4/4.

Political and Security Functions of the  
General Assembly.

As approved by the Conference in Second Plenary Session (Doc. 20, P/6) the following portion of the Agenda will be considered by Committee 2 of Commission II:

"To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference."

The International Secretariat suggests that under the foregoing terms of reference, the consideration of the following paragraphs of the Dumbarton Oaks Proposals will devolve upon Committee 2.

CHAPTER V. THE GENERAL ASSEMBLY

SECTION B. FUNCTIONS AND POWERS. 1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note by the Secretariat: Questions of political cooperation and adjustment of situations likely to impair the general welfare arising under this paragraph will be considered by Committee 2.)

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.



## CHAPTER V. THE GENERAL ASSEMBLY

### SECTION B. FUNCTIONS AND POWERS.

1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

COMMENTS AND SUGGESTIONS

*NB This doesn't on  
the morning's ruling  
in CHC II/2, as it  
is already  
Statement.  
4/5*

Australia. /Doc. 20, P/6.

Powers of Assembly: Security Council to notify  
Assembly of developments on disputes taken  
over by the Council (p. 10); Assembly to make posi-  
tive recommendations in case dispute becomes  
frozen in Council (p. 10).

"The powers and functions of the General Assembly in regard  
to the settlement of disputes should be clarified. The General  
Assembly is to comprise all members. Ultimately it should  
become the central organ or the forum in which the conscience  
of the peoples of the world should have its most potent  
expression.

We admit one exception, and one exception only, to the  
right of the Assembly to consider and to make recommendations  
as it thinks fit with regard to any matter affecting inter-  
national relations. While the Security Council is handling a  
dispute in accordance with Chapter VIII of the Dumbarton Oaks  
Proposals, nothing should be done to diminish the authority  
of the Council or to hamper the prompt settlement of the dispute.  
We suggest that, on taking over a dispute, the Security Council  
should give some clear indication as to whether it is actively  
handling the matter. During the period when the matter is  
being so handled, the Assembly can fairly be precluded from  
dealing with the subject on its own initiative. But it is  
equally essential that the Assembly should be kept notified  
of the position so that it would be competent to make positive  
recommendations in relation to the matter, in case the dispute  
should become frozen in the Security Council. It was in this  
way that the Chinese-Japanese dispute became frozen during the  
period when Japan first taught other Fascist aggressors how  
to snap their fingers at solemn international obligations."

COMMENTS AND SUGGESTIONS

China. Doc. 1, G/1 (a)

Powers of the Assembly: to be responsible for initiating studies and making recommendations regarding development and revision of rules and principles of international law. (The three other sponsoring Governments have agreed to support this proposal.)

"2. The Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law."

V.B.1.



COMMENTS AND SUGGESTIONS

Costa Rica. Doc. 2, G/7 (h).

Powers of the Assembly: right to propose measures to safeguard the peace and the principles of the Organization (p. 2).

"No. 2. Although centralization of the functions of Security and, hence, attribution of resolute powers to the Security Council /Sp. la atribución de poderes resolutivos al Consejo de Seguridad/ is deemed appropriate, it is also felt that there might be granted to the General Assembly, upon the proposal of any of its members and by a majority vote, the power at least to propose some measure tending to safeguard the peace and the effectiveness of the principles admitted as bases of the Organization. By that method, which was included in the Covenant of the League of Nations, an opportunity would be afforded for manifestation of the will and thought of all States and the result would be left subject to the judgment of the majority in the General Assembly. Such an attribution appears even more advisable with respect to sanctions that may be imposed upon States which violate the admitted organic bases. It should be borne in mind that the entity is strengthened by giving action to all its component parts which, otherwise, eventually lose interest in its operation. Chapter V."

V. B. 1.

## COMMENTS AND SUGGESTIONS

Egypt. Doc. 2, G/7 (q).

Power of Assembly: decisions of Security Council subject to ratification by Assembly without hindrance to immediate execution (p. 4); decisions of the Council involving use of armed force to be referred to Assembly at special meeting (p. 4).

"V.--To ensure the efficacy of the Council it should act, on its own initiative without having to consult the Assembly in a manner similar to that of the Executive to which Parliament has granted full powers.

As in national affairs, there should be, in international affairs, no objection to the decisions of the Council being subject to ratification by the Assembly, on condition that this should not hinder immediate execution.

The draft makes provision for an annual report by the Council to the yearly meeting of the Assembly. But in the cases where the Council takes important decisions involving the use of armed force, it seems reasonable that the Council should have to refer the matter to the Assembly at a special meeting.

This approval of its action by an Institution in which the public opinion of the whole world is represented can only strengthen the Council's authority.

Moreover it could be decided that the Assembly can only interfere with the Council's action by an important majority, for instance, three quarters of the votes."

V. B. 1.

## COMMENTS AND SUGGESTIONS

France. Doc. 2, (French) G/7 (o) Mar. 21, 1945.

Powers of Assembly: to draw attention of Security Council to situations capable of endangering peace (specific amendment proposal) (p. 2). (See also Doc. 2, G/7 (o), April 23, 1945, page 3, for supporting discussion).

### "CHAPTER V

#### THE GENERAL ASSEMBLY

##### Section B. FUNCTIONS AND POWERS.

Paragraph 1.-- Replace the last sentence worded as follows:

"The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council" by:

"The General Assembly may always call the attention of the Security Council to situations which are capable of endangering peace".

"Moreover, the powers of the Assembly should be extended. At the very least, it is necessary that the Assembly should be able to make the Security Council investigate situations which might seem to the Assembly likely to endanger world peace. It would thus be possible for the Powers which do not have a seat on the Council to cooperate to a greater degree in the tasks of the organization."

V. B. 1.



COMMENTS AND SUGGESTIONS

Guatemala. Doc. 2, G/7 (F)

Powers of the Assembly, delegation of power to the Security Council (p.3); Security Council's action subject to revision and approval of the Assembly (p.3).

"The Government of Guatemala believes that it would perhaps be appropriate to reduce somewhat the unlimited breadth of the powers of the Security Council, for example, giving them to it by delegation from the General Assembly and making the action of the Council subject to the revision and approval of the Assembly. Thus the Security Council would not form a completely autonomous body but would be the principal body of the community, to which it would have to give periodic account of its acts and decisions."

V. B. 1.

## COMMENTS AND SUGGESTIONS

Mexico. Doc. 2, G/7 (c)

### Powers of Assembly:

Authority in Assembly, as well as Security Council, to resolve all problems which may affect the political independence and territorial integrity of all nations, the collective security and general well-being of the members of the international organization (p. 40, p. 59). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

To examine above-described questions upon request of simple majority of the international organization, if decision of three-fourths of Assembly is not approved by all of the permanent members of the Security Council, Assembly and Council to name a joint committee to determine measures to be adopted (p. 41). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

To examine any resolution approved by Security Council, upon request of simple majority of the international organization (p. 40). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

Right of Assembly (or Security Council) to take necessary measures against State which, without resorting to war or measures which might cause war, fails to respect decision of Council, Assembly, arbitral judgment, or judicial verdict (p. 41). See also pp. 45-53, p. 107, for supporting discussion.

To recommend to Members revisions of treaties or international agreements impossible of fulfillment, or endangering international order or peace among nations; to determine measures to be adopted in cases of non-compliance with such recommendations (p. 42). See also pp. 53-57 for supporting discussion.

(Note by the Secretariat: The Mexican proposals take the form of draft Articles for a Charter, alternative or supplementary to the Dumbarton Oaks Proposals. The relevant draft Articles are set out below; the supporting discussion is not reproduced.)

V. B.1.



COMMENTS AND SUGGESTIONS

- (Article 21) "21. The Assembly as well as the Council shall have authority to resolve all problems which affect or may affect the political independence and territorial integrity of all nations, the collective security and general well-being of the Members of the P.U.N." (p. 40).
- (Article 24) "24. The Assembly shall also be empowered to examine the questions referred to in Article 21, provided that a simple majority of the Members of the P.U.N. shall request such examination, and the resolutions of the Assembly shall be binding on all Members of the Assembly, when approved by three-quarters of the Delegations present, including within these three-quarters, all Delegates to the Council. Contrariwise, should the resolution not have been approved by three-quarters of the Delegations present at the Assembly or if, within these three-quarters, do not appear the votes of all the Delegates to the Council, the Assembly and the Council shall name a joint committee (Comision paritaria) to the end that it may determine through the votes of three-quarters of its Members, the measures which should be adopted." (p. 41).
- (Article 23) "23. Article 22 (reproduced below, dealing with Paragraph B of Chapter VI of the Dumbarton Oaks Proposals) notwithstanding, on the request of a simple majority of the Members of the P.U.N., the Assembly shall examine any resolution approved by the Council, which resolution shall definitively have binding force if the three-quarters of the Delegations present in the Assembly shall approve it, if within these three-quarters are included the votes of all the Members of the Council." (p. 40).
- (Article 22) "22. At the request of any member of the P.U.N., the Council shall examine the questions referred to in Article 21, and its decisions shall be binding on all Members of the P.U.N., with the exception referred to in the following article." (p. 59).



COMMENTS AND SUGGESTIONS

(Article 30) "30. In the case that a State, without resorting to war or to measures which might cause war, does not respect the decision of the Council or the Assembly, or an arbitral judgment or a judicial verdict, the Council or the Assembly shall take the necessary measures in order that the stipulations of the present Pact may be fulfilled." (p. 41).

(Article 36) "36. The Assembly shall recommend to the Members the revision of those treaties or international agreements which it may not be possible to fulfil, (2) or which may endanger international order or peace among nations. In the case that interested Members, or any one Member, shall not fulfil the recommendations of the Assembly, the latter shall decide upon measures which are to be adopted." (p. 42).

## COMMENTS AND SUGGESTIONS

Paraguay. Doc. 2, G/7 (1).

Powers of Assembly: highest authority in organization, (p.2); Security Council to act for Assembly when latter not in session, (p.2); Assembly to review unfair interventions by Council, (p.2).

"The Assembly, in which representatives of all peace-loving nations of the world may have seats, is not competent even to admit to its membership another nation without the recommendation of the Council. This unbalance of powers could be corrected in such a way as to satisfy the feelings and the authority of the nations represented in the Assembly with the preferential status accorded to the Council, as follows:

(a) The General Assembly must be the highest authority of the Association and, therefore, its confidence must not be limited by reason of the nature of the questions.

(b) The Security Council must not be a mere executive organ of the Assembly. While the Assembly is not in session, the Council should have equal competence to originate, in questions relative to the collective peace and security.

(c) The part assigned to the Great Powers in questions relative to collective security and world peace must be reconciled with the dignity of the General Assembly, with a suitable control of the percentages of votes necessary to enable the Assembly to review any possible unfair intervention by the Council."

V. B. 1.



## COMMENTS AND SUGGESTIONS

Venezuela. Doc. 2, G/7 (d).

Powers of the Assembly: insufficient as compared with Security Council, (p.8); to control some decisions of the Council, (p.8); to obtain opinion of the Court, (p.22); to determine whether questions fall within domestic jurisdiction of a state, (p.22).

"It ~~the~~ Assembly could only act through recommendations and never on its own initiative in important political matters and the Council would only have to begin hearing any of them to take them from the hands of the Assembly. All real powers would be concentrated in the Council and the Assembly would come to be a practically useless body.

Consequently it may be deduced that the formula of the draft is excessive with respect to the Council and insufficient with respect to the Assembly, and that there would be need to seek a better balance between the two organs. Lack of confidence in the power of action of bodies of large membership is explicable and it is explicable that, in complicated questions of great political importance, it is preferred to give greater power to the Security Council; but this tendency should not go so far as to deprive of effectiveness and of all action the representation of the whole group of the States to concentrate it in a small group of them. Among the attributions of the Assembly which may place hindrances in the way of the efficiency of the Security Council and the exclusive action of the Council, it would be necessary to find a compromise which would permit of equilibrium and which would reserve to the General Assembly at least the power of acting as a control on some decisions of the Council, either on its own initiative or by way of an appeal when any interested party should request it."

". . . 'justiciable' disputes should be referred in all cases to the International Court of Justice. Likewise, the Assembly and any State which is a member of the community of nations should also have the right to obtain the opinion of the Court and, in case of disagreement as to the nature of a conflict or on the competence of the Court to give an opinion, the Court would have to be the only organ adequate to determine its competence.

V. B. 1.

/No. 7.



## COMMENTS AND SUGGESTIONS

No. 7. This paragraph does not give rise to any observation if, as one may believe, the corresponding international authority, that is, International Court, Assembly or Council, is the agency authorized to determine which questions are attributed by international law to the domestic jurisdiction of a State. In any case, in view of the importance of the problem, an amendment seems necessary to make such an interpretation evident."

V. B. 1.

## SECTION B. FUNCTIONS AND POWERS.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

COMMENTS AND SUGGESTIONS

Costa Rica. Doc. 2, G/7 (h)

Sanctions: Assembly to propose sanctions against members violating Charter (p.2).

"No. 2. Although centralization of the functions of Security and, hence, attribution of resolute powers to the Security Council /Sp. la atribución de poderes resolutivos al Consejo de Seguridad/ is deemed appropriate, it is also felt that there might be granted to the General Assembly, upon the proposal of any of its members and by a majority vote, the power at least to propose some measure tending to safeguard the peace and the effectiveness of the principles admitted as bases of the Organization. By that method, which was included in the Covenant of the League of Nations, an opportunity would be afforded for manifestation of the will and thought of all States and the result would be left subject to the judgment of the majority in the General Assembly. Such an attribution appears even more advisable with respect to sanctions that may be imposed upon States which violate the admitted organic bases. It should be borne in mind that the entity is strengthened by giving action to all its component parts which, otherwise, eventually lose interest in its operation. Chapter V."

V. B. 1.

*NOTE: This is due to the  
inconvenient cases  
where repetition of an  
extract already above  
was necessary  
(M) 4/5*



COMMENTS AND SUGGESTIONS

Honduras - Doc. 2, G/7 (m)

Suspension: Assembly to reinstate suspended members  
(p. 2).

"5. With regard to the function and powers of the General Assembly, it is observed that in Chapter V, Section B, paragraph 3, that the General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, but the restoration of the exercise of the rights and privileges thus suspended shall be made, not by decision of the General Assembly, but of the Security Council. The natural thing would be that if the General Assembly has the right to suspend, it would also have the right to restore; thus the impression would be avoided that the Security Council would be restoring what the General Assembly took away."

V. B. 3.

COMMENTS AND SUGGESTIONS

Mexico. Doc. 2, G/7 (c)

Powers of Assembly: to examine any resolution approved by Security Council, upon request of simple majority of the international organization (p. 40). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

(Note by the Secretariat: The Mexican proposals take the form of draft Articles for a Charter, alternative or supplementary to the Dumbarton Oaks Proposals. The relevant draft Article is set out below; the supporting discussion is not reproduced.)

(Article 23) "23. Article 22 notwithstanding, on the request of a simple majority of the Members of the P.U.N., the Assembly shall examine any resolution approved by the Council, which resolution shall definitively have binding force if the three-quarters of the Delegations present in the Assembly shall approve it, if within these three-quarters are included the votes of all the Members of the Council." (p. 40).

V.B.3.

COMMENTS AND SUGGESTIONS

Netherlands. Unnumbered Document.

Powers of the Assembly: to reverse the suspension  
of a member.

"III  
CHAPTER V SECTION B

(FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY)

Insert at the end of the first sentence of par. 3:

", and to raise the suspension of that member."

(Note by the Secretariat: It is suggested that this  
insertion would involve the deletion or amendment of  
the second sentence of paragraph 3.)

V. B. 3.



COMMENTS AND SUGGESTIONS

Venezuela. Doc. 2, G/7 (d).

Expulsion of members: conditions and character of expulsion (p. 9); readmission of expelled members: Assembly to decide on recommendation of Security Council (p. 9).

Suspension of members: a substitute for expulsion (p. 10).

"No. 3. The draft provides for two degrees of penalties for members who do not respect the decisions of the Organization.....  
2. expulsion by the General Assembly, with the recommendation of the Security Council, for persistent violation of the principles stipulated in the agreement. It is not determined whether the expulsion shall be definitive or whether, on the contrary, it can be decreed for a term or subject to submission to certain requisites or dispositions. The omission seems important.

The suspension of a member from the exercise of his rights and privileges is a penalty adequate for grave faults, such as those which give rise to the application of preventive measures or application of penalties, and it is natural that such a severe measure should pertain to the General Assembly. It appears, on the other hand, illogical and inconsistent with the powers of each body that the readmission of a member who has been guilty of faults of such significance can be made by the Security Council, without any intervention of the Assembly. The natural and proper thing would be that the Council should propose to the Assembly that it should repeal the measure that it has itself decreed and that the latter should decide. It ought not to be objected that this procedure might delay the readmission of an important member pending the meeting of the Assembly, because it would suffice to admit the contrary argument that in view of the possibility of a measure of such consequence there would be sufficient cause to convoke the Assembly extraordinarily.

The suspension having been admitted, for a longer or shorter period and with the corresponding penalties, and having established the conditions of possible restoration of rights to the suspended members, we do not see the object of the expulsion. When a State persistently violates its obligations, as a member of the international organization, the logical thing is to penalize it most

V. B. 3.

*/severely*

severely, economically and, if necessary, militarily, to oblige it to subject itself to the principles of the institution and suspend it from the exercise of its rights and privileges until it complies with the conditions that are imposed upon it. Definitive expulsion would be the permanent rejection of a State from membership in the international society: civil death with all its consequences. Expulsion for a term or conditional expulsion would add nothing to suspension. On the other hand, definitive expulsion is contrary to the ideal of universality of the institution."

SECTION B. FUNCTIONS AND POWERS.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note by the Secretariat: Questions of political co-operation and adjustment of situations likely to impair the general welfare arising under this paragraph will be considered by Committee 2.)



COMMENTS AND SUGGESTIONS

Egypt. Doc. 2, G/7 (q).

International law: to be developed by special agency of Assembly or Economic and Social Council (p. 2).

"III.--It would also be advisable that the new Organization should endeavour to further and develop International Law either by the channel of some special agency depending on the General Assembly, or through the existing Economic and Social Council. The rules now generally accepted as the Law of Nations, which are the outcome of the evolution of centuries of international practice, have often helped to avoid armed conflicts and to develop peaceful relations between different States.

The weakness of International Law was that, contrary to all other branches of Law, its rules could not be enforced.

Now, finally, military power is put at the disposal of a World Organization which is the latest expression of the Law of Nations, and the climax of a long process of international thought. It is more than ever necessary to determine and define these rules of International Law, now that they are being given that essential element of authority which hitherto they have lacked."

SECTION B. FUNCTIONS AND POWERS.

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

COMMENTS AND SUGGESTIONS

Brazil. Doc. 2, G/7 (e).

Reports of Security Council: to be open to study  
by Assembly, (p.3).

"11. It deems advisable that the reports of the Security Council submitted to Assembly, pursuant to Paragraph 8, Section B, Chapter V of the project, should be not only studied there but also placed under discussion."

V. B. 8.



INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

DUMBARTON OAKS PROPOSALS	AMENDMENTS OF THE FOUR SPONSORING POWERS	INDEX TO COMMENTS AND PROPOSED AMENDMENTS
<p data-bbox="1002 362 1552 395"><u>Chapter V. The General Assembly</u></p> <p data-bbox="1002 423 1552 457"><u>Section B. Functions and Powers.</u></p> <p data-bbox="952 485 1596 1196">1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.</p>	<p data-bbox="1714 362 2155 457">(Underlining indicates new language. Words stricken out indicate deleted language.)</p> <p data-bbox="1831 1395 1890 1422">-1-</p>	<p data-bbox="2413 362 2669 395"><u>General Comments</u></p> <p data-bbox="2199 423 2787 519"><u>BRAZIL.</u> Doc. 2, G/7 (e) Powers of Assembly in relation to those of Security Council, p.1</p> <p data-bbox="2199 547 2787 643"><u>COSTA RICA.</u> Doc. 2, G/7 (h)(1) Relationship between Assembly and Security Council, pp. 1-2</p> <p data-bbox="2199 671 2787 767"><u>GUATEMALA.</u> Doc. 2, G/7 (f) Powers of Assembly in relation to those of Security Council, p. 3</p> <p data-bbox="2199 795 2787 891"><u>MEXICO.</u> Doc. 2, G/7 (c)(1) Powers of Assembly in relation to those of Security Council, p. 1</p> <p data-bbox="2199 919 2787 1014"><u>PARAGUAY.</u> Doc. 2, G/7 (1) Powers of Assembly in relation to those of Security Council, p. 2</p> <p data-bbox="2199 1043 2787 1290"><u>TURKEY.</u> Doc. 2, G/14 (e) Assembly's control of decisions with respect to maintenance of peace and security, powers of Assembly in relation to those of Security Council, p. 2</p>

INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

VENEZUELA. Doc. 2, G/7 (d)(1)  
Relationship between Assembly  
and Council, p. 8

Specific Comments and Proposed  
Amendments

AUSTRALIA. Doc. 2, G/14 (1)  
Subject matter of recommenda-  
tions by Assembly, p. 2  
Effect of Security Council's  
failure to function on  
Assembly's powers of recom-  
mendation, pp. 2-3

BOLIVIA. Doc. 2, G/14 (r)  
Consideration by Assembly of  
principles in maintenance  
of justice, p. 7

CHILE. Doc. 2, G/7 (i)  
Purposes underlying exercise  
of Assembly's power, p. 4  
Pronouncements regarding ques-  
tions before, and action by  
Security Council, p. 4

CHINA. Doc. 1, G/1 (a)  
Regard for justice and inter-  
national law in settling  
disputes  
Initiation of studies, recom-  
mendations, regarding inter-  
national law



INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)  
(Continued)

COSTA RICA. Doc. 2, G/7 (h)(1)  
Assembly's power to propose  
measures to safeguard peace  
and Organization's principles,  
pp. 1-2

DOMINICAN REPUBLIC. Doc. 2, G/14 (o)  
Relation between Security Coun-  
cil and Assembly, pp. 6-7, p.  
11

ECUADOR. Doc. 2, G/7 (p)  
Direct representation of Organ-  
ization by Assembly, p. 32

EGYPT. Doc. 2, G/7 (q)(1)  
Consideration by Assembly of  
treaties, and international  
conditions endangering peace,  
p. 34

FRANCE. Doc. 2, G/7 (o)  
Assembly's power regarding  
situations capable of  
endangering peace, p. 3

GREECE. Doc. 2, G/14 (i)  
Recommendation by Assembly on  
questions before, and action  
by, Security Council, p. 2

IRAN. Doc. 2, G/14 (m)  
Assembly's authority regarding  
disputes or situations capable  
of endangering peace, p. 2  
Intervention by Assembly upon  
failure of Security Council  
to reach decisions within  
specified period, p. 2

GUATEMALA. Doc. 2, G/7 (f)(1)  
Revision and approval of  
Security Council action by  
Assembly, p. 2



INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

(Continued)

LIBERIA. Doc. 2, G/14 (a)

Recommendations by Assembly on  
matters being dealt with by  
Security Council, p. 1

MEXICO. Doc. 2, G/7 (c) (1)

Recommendation by Assembly re-  
garding matters before the  
Security Council, p. 7

Reports by Security Council to  
Assembly regarding measures  
contemplated or adopted

Review of decisions of Security  
Council by Assembly, p. 7

NEW ZEALAND. Doc. 2, G/14 (f)

Assembly's powers regarding  
matters within the sphere of  
international relations, p. 2

Recommendations by Assembly  
on matters being dealt with  
by Security Council, p. 2

NORWAY. Doc. 2, G/7 (n) (1)

Recommendations by Assembly on  
recognition of new govern-  
ments, p. 2

Reference of certain legal  
questions to Court by  
Assembly, p. 3

PHILIPPINE COMMONWEALTH. Doc. 2,  
G/14 (k)

Recommendations by Assembly on  
matters being dealt with by  
Security Council, p. 2

INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

(Continued)

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

(Questions concerning the conditions under which action may be taken under this paragraph have been allocated to Committee I/2; questions of procedure hereunder to Committee II/2.)

TURKEY. Doc. 2, G/14 (e) (1)  
Reports to Assembly by Security Council, p. 1

URUGUAY. Doc. 2, G/7 (a) (1)  
Recommendations by Assembly, p. 5

*(Typed: Delete underline below! delete)*

~~CONFIDENTIAL~~ Doc. 2, G/7 (f) (1)  
~~Revision and approval of Security Council's action by Assembly, p. 2~~

AUSTRALIA. Doc. 2, G/14 (1)  
Basis for expulsion by Assembly, p. 3

BELGIUM. Doc. 2, G/7 (k) (1)  
Elimination of expulsion, p. 4

BRAZIL. Doc. 2, G/7 (e)  
Elimination of expulsion, p. 7

DOMINICAN REPUBLIC. Doc. 2, G/14 (o)  
Elimination of expulsion, p. 7, p. 12

ECUADOR. Doc. 2, G/7 (p)  
Suspension and restoration of rights, by Assembly, pp. 32-33

EGYPT. Doc. 2, G/7 (q) (1)  
Suspension and restoration of rights, p. 4

HONDURAS. Doc. 2, G/7 (m)  
Restoration of suspended rights by Assembly, p. 2



INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

(Continued)

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare. (Studies and recommendations relating to "economic and social fields" have been allocated to Committee II/3)

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law and of adjusting

NETHERLANDS. Doc. 2, G/7 (j) (1)  
Restoration of suspended rights by Assembly, p. 3

NEW ZEALAND. Doc. 2, G/14 (f)  
Basis for suspension, p. 2  
Suspension by Assembly, p. 2

NORWAY. Doc. 2, G/7 (n) (1)  
Basis for suspension, restoration of suspended rights, p. 3

URUGUAY. Doc. 2, G/7 (a) (1)  
Suspension and restoration of rights, p. 5

VENEZUELA. Doc. 2, G/7 (d) (1)  
Restoration of suspended rights, p. 9, p. 36  
Elimination of expulsion, p. 9, p. 36

AUSTRALIA. Doc. 2, G/14 (1)  
Objectives and subject matter of studies and reports by Assembly, pp. 3-4

BRAZIL. Doc. 2, G/7 (e)  
Revision or cancellation of treaties, p. 8

CHILE. Doc. 2, G/7 (1)  
Character of studies and recommendations by Assembly, p. 4



INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

(Continued)

situations likely to impair the general welfare.

Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter.

*ECUADOR. Doc. 2, G/7 (p)*

*Establishment and amendment of international law by Assembly, p. 11, p. 34*

*Assembly's functions concerning "Rights of Man, p. 34"*

*PHILIPPINE COMMONWEALTH. Doc. 2, G/14 (k)*

*Enactment of international law by Assembly, submission of enactments to Security Council, pp. 2-3*

CHINA. Doc. 2, G/14 (q)

Recommendations by Assembly on *situations likely to impair the general welfare, etc.*

EGYPT. Doc. 2, G/7 (q) (1)

Proposed amalgamation of paragraphs 6 and 7, promotion of cooperation in legal fields, p. 5

LIBERIA. Doc. 2, G/14 (a)

Initiation of studies by Assembly leading to codification of international law, p. 2

PERU. Doc. 2, G/14 (u)

Studies and recommendations by Assembly to prevent economic aggression, p. 1

UNITED KINGDOM. Doc. 2, G/14 (p), as corrected by G/14 (p) (1)

Recommendations by Assembly on situations likely to impair the general welfare, etc., p.

UNITED STATES, UNITED KINGDOM, SOVIET UNION, AND CHINA. Doc. 2, G/14 (v)

Recommendations by Assembly on situations likely to impair the general welfare, etc., p. 1

UNITED STATES, UNITED KINGDOM, SOVIET UNION, AND CHINA. Doc. 2, G/29

Studies and recommendations by Assembly on human rights, freedoms, and international law, p. 2

INDEX TO COMMENTS AND PROPOSED AMENDMENTS OF PARTICIPATING GOVERNMENTS  
RELATING TO THE PROVISIONS OF DUMBARTON OAKS WITHIN THE PURVIEW OF COMMITTEE II/2  
(Chap. V, Sec. B, Para. 1, 3, 6 (with certain limitations) and 8)

(Continued)

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

BRAZIL. Doc. 2, G/7 (e) (1)  
Assembly to receive and discuss reports, p. 2

ECUADOR. Doc. 2, G/7 (p)  
~~Establishment and amendment of international law by Assembly, p. 11, p. 21~~  
Assembly's functions concerning "Rights of Man", p. 21

PHILIPPINE COMMONWEALTH. Doc. 2, G/14 (k)  
~~Enactment of international law by Assembly, submission of enactments to Security Council, pp. 2-3~~



Kidner

May 6, 1945  
E.S.

COMMITTEE II/2

Organization of Work

This is a tentative division of functions among the members of the secretarial staff of Committee II/2 and is subject to modification with experience. The names indicate primary responsibility, but it is understood that we will work as a team and all should be prepared to help out where necessary.

1. Agenda

- a. Prepare in advance and clear with Chairman. Staley Tayler
- b. Annotate for Chairman.
- c. See to processing and circulation.

2. Liaison with Order of the Day officers.

- a. Interpreters. Meltzer
- b. Verbatim stenographers.
- c. Physical arrangements.

3. Documentation

- a. See that appropriate documents are available at meetings. Tayler
- b. Keep Committee II/2 documents file in order.
- c. Supervise inflow of documents and see that they reach appropriate staff members for attention.
- d. Be responsible for assisting Committee members on their problems of documentation (answering requests for extra copies, etc.).
- e. See to the processing and circulation of texts submitted by Committee members for use in the Committee.
- f. See that documents needed by us are returned from meeting room to our files.
- g. Liaison with the Conference Archivist.

4. Recording

- a. Prepare summary report immediately Harvey



- after meeting; see to clearances and processing.
- b. Prepare précis.
- c. Prepare progress report.
- d. Supervise stenographic reporters in meetings and instruct them on what to transcribe for immediate use.

5. Voting and Attendance Records

- a. Have check list ready for record roll call vote if needed in meetings. Tayler
- b. Have attendance record forms ready and supervise circulation and collection in meeting.

6. Drafting

- a. Immediate job of keeping index to cover comments. Meltzer
- b. Subsequent jobs that may arise in assisting committee or subcommittees. Harvey

7. Rules of Procedure

- a. Keep track of conference rules and be ready to advise secretary and chairman. Meltzer

8. Press Relations

- a. Aid chairman in meeting press after committee sessions. Staley
- b. See to getting out press statement if required. Tayler
- c. Same for Conference journal.

9. Aid Chairman in Running Meeting

- a. Priming Committee action, as by seeing that necessary motions are made and seconded. Staley
- b. See that clear decisions are reached at the conclusion of discussions, where this is desirable.
- c. Keep track of speakers asking for recognition and draw up order of requests to speak.

10. Liaison with other Committees

- a. Attend meetings of committees dealing with related subject matter to watch overlapping and general development. Staley and others
- b. Confer with staffs of other committees as required.

11. Hold down desk in Room 418 and cover telephone.

12. Daily meetings at 9:00 a.m. in Room 418 unless otherwise announced.

Political and Security Functions of the  
General Assembly.

As approved by the Conference in Second Plenary Session (Doc. 20, P/6), the following portion of the Agenda will be considered by Committee 2 of Commission II:

"To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference."

*paragraphs* The International Secretariat suggests that, under the foregoing terms of reference, the consideration of the following ~~proposals~~ of the Dumbarton Oaks Proposals will devolve upon Committee 2.

CHAPTER V. THE GENERAL ASSEMBLY

SECTION B. FUNCTIONS AND POWERS. 1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.



6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note by the Secretariat: Questions of political cooperation and adjustment of situations likely to impair the general welfare arising under this paragraph will be considered by Committee 2.)

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

## CHAPTER V. THE GENERAL ASSEMBLY

### SECTION B. FUNCTIONS AND POWERS.

1, The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

COMMENTS AND SUGGESTIONS

Costa Rica. Doc. 2, G/7 (h).

Powers of the Assembly, right to propose measures to safeguard the peace and the principles of the Organization, (~~para~~ 2).

V. B. 1.



COMMENTS AND SUGGESTIONS

Egypt. <sup>Doc. 2~~x~~,</sup>  
/ G/7 (q).

Power of Assembly, decisions of Security Council subject to ratification by Assembly without hindrance to immediate execution ( p. 4); decisions of the Council involving use of armed force to be referred to Assembly at special meeting ( p. 4).

V. B. 1

COMMENTS AND SUGGESTIONS

France. Doc. 2/ (French), G/7 (o), Mar. 21, 1945.

Powers of Assembly: to draw attention of Security Council to situations capable of endangering peace (specific amendment proposal) (~~page~~ 2) (See also Doc. 2, G/7 (6), April 23, 1945, ~~page~~ 3, for supporting discussion).

V. B. 1.

COMMENTS AND SUGGESTIONS

Guatemala. Doc. 2, G/7 (F).

Powers of the Assembly; delegation of power to the Security Council (~~page~~ 3); Security Council's action subject to revision and approval of the Assembly (~~page~~ 3).

V. B. 1.



COMMENTS AND SUGGESTIONS

Mexico. Doc. 2, G/7 (c)

Powers of Assembly:

Authority in Assembly, as well as Security Council, to resolve all problems which may affect the political independence and territorial integrity of all nations, the collective security and general well-being of the members of the international organization (p. 40, p. 59). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

To examine above-described questions upon request of simple majority of the international organization; if decision of three-fourths of Assembly is not approved by all of the permanent members of the Security Council, Assembly and Council to name a joint committee to determine measures to be adopted (p. 41). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

To examine any resolution approved by Security Council, upon request of simple majority of the international organization (p. 40). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

Right of Assembly (or Security Council) to take necessary measures against State which, without resorting to war or measures which might cause war, fails to respect decision of Council, Assembly, arbitral judgment, or judicial verdict (p. 41). See also pp. 45-53, p. 107, for supporting discussion.

To recommend to Members revisions of treaties or international agreements impossible of fulfillment, or endangering international order or peace among nations; to determine measures to be adopted in cases of non-compliance with such recommendations (p. 42). See also pp. 53-57 for supporting discussion.

V. B. 1

COMMENTS AND SUGGESTIONS

(4)  
Paraguay. Doc. 2, G/7 (1).

Powers of Assembly, highest authority in organization( p. 2); Security Council to act for Assembly when latter not in session( p. 2); Assembly to review unfair interventions by Council( p. 2).

V. B. 1.

COMMENTS AND SUGGESTIONS

Venezuela. Doc. 2, G/7 (d).

Powers of the Assembly; insufficient as compared with Security Council (p. 8); to control some decisions of the Council (p. 8); to obtain opinion of the Court (p. 22); to determine whether questions fall within domestic jurisdiction of a state (p. 22).

V. B. 1.



SECTION B. FUNCTIONS AND POWERS.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

COMMENTS AND SUGGESTIONS

Costa Rica. Doc. 2, G/7 (h)

Sanctions: Assembly to propose sanctions against members  
violating Charter (page.2).

V. B. 3.

COMMENTS AND SUGGESTIONS.

Honduras - Doc. 2, G/7 (m)

Suspension; Assembly to reinstate suspended members ( p. 2).

V. B. 3.



COMMENTS AND SUGGESTIONS

Mexico. Doc. 2, G/7 (c)

Powers of Assembly: to examine any resolution approved by Security Council, upon request of simple majority of the international organization (p. 40). See also pp. 45-53, 65-67, p. 107, for supporting discussion.

V.B.3

COMMENTS AND SUGGESTIONS

Venezuela. Doc. 2, G/7 (d).

Expulsion of members; conditions and character of expulsion (p. 9); Readmission of expelled members, Assembly to decide on recommendation of Security Council (p. 9).

Suspension of members, a substitute for expulsion (p. 10).

SECTION B. FUNCTIONS AND POWERS.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(Note by the Secretariat: Questions of political co-operation and adjustment of situations likely to impair the general welfare arising under this paragraph will be considered by Committee 2.)



COMMENTS AND SUGGESTIONS

Egypt. Doc. 2, G/7 (q).

International law;<sup>to be</sup> developed by special agency of  
Assembly or Economic and Social Council ( p. 2)

V. B. 6

SECTION B. FUNCTIONS AND POWERS.

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

COMMENTS AND SUGGESTIONS

Brazil. Doc. 2, G/7 (e).

Reports of Security Council: <sup>to</sup> ~~should~~ be open to study  
by Assembly ( p. 3).

V. B. 8



COMMISSION II    General Assembly

Committee 2    Political and Security Functions

ANNEX TO AGENDA OF SECOND MEETING OF COMMITTEE II/2

Provisional and Partial Index to Comments and Recommendations of Participating Governments, on Paragraph 1, Section B, Chapter V of Dumbarton Oaks Proposals.

The text of Ch. V, Sec. B, Para. 1 appears in Doc. 1 G/1. References below are to Conference documents which have already been circulated.

POWERS OF ASSEMBLY IN RELATION TO:

<u>Australia</u>	Doc. 2, G/14(1)	powers of Security Council (pp. 2-3).
<u>Brazil</u>	Doc. 2, G/7(e)	revision of treaties (p. 8).
<u>Chile</u>	Doc. 2, G/7(1)	purposes for which exercised (p. 4); questions before, and action by, Security Council (p. 4); primary responsibility of Security Council (p. 6).
<u>Costa Rica</u>	Doc. 2, G/7(h)	proposal of measures to safeguard peace and organization's principles (p. 2).
<u>Czechoslovakia</u>	Doc. 2, G/14(b)	decision of certain cases (p. 2).
<u>Ecuador</u>	Doc. 2, G/7(p)	direct representation of organization (p. 32, and discussion of this proposal and those below, pp. 9-18); "Rights of Man" (p. 34); status of certain colonies and dependent areas (p. 34); revision of treaties (p. 38); approving statute with respect to regional problems (p. 42).
<u>El Salvador</u>	Doc. 2, G/14(j)	non-procedural matters (p. 1).
<u>Ethiopia</u>	Doc. 2, G/14(n)	agreements inconsistent with Charter (p. 4).
<u>France</u>	Doc. 2, G/7(o) March 21, 1945	situations capable of endangering peace (p. 2, and supporting discussion, Doc. 2, G/7(o), April 23, 1945, p. 3).

POWERS OF ASSEMBLY IN RELATION TO:

<u>Greece</u>	Doc. 2, G/14(1)	questions before, and action by, Security Council (p. 2).
<u>Liberia</u>	Doc. 2, G/14(a)	recommendations on certain matters (p. 2).
<u>Mexico</u>	Doc. 2, G/7(e)(1)	its representative character (p. 1); character of Security Council (p. 1); questions affecting peace and security (pp. 6-7); specific powers of Security Council (pp. 12-13).
<u>New Zealand</u>	Doc. 2 G/14(f)	international relations (p. 2); matters being dealt with by Security Council (p. 2).
<u>Norway</u>	Doc. 2, G/7(n)	(clarification of last sentence of Para. 1, Sec. B, Ch. V, requested, pp. 3-4).
	Doc. 2, G/7(n)(1)	recognition of new governments and States (p. 2); reference of legal questions to Court (p. 3).
<u>Paraguay</u>	Doc. 2, G/7(1)	powers of Security Council (p. 2).
<u>Venezuela</u>	Doc. 2, G/7(d)	powers of Security Council (p. 8); obtaining opinion of Court (p. 22); determination of domestic character of questions (p. 22).