

UNCIO - Commissions + Technical Committees - Commission 3 / Committee 1 - 13th Meeting

15 May 1946
30 May 1946

Clear

UN ARCHIVES

SERIES	<u>1018</u>
BOX	<u>12</u>
FILE	<u>02</u>
ACC.	<u> </u>

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

Committee III/1

13th Mtg

May 23

Attendance

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation HAITI
(fill in name of country)

Voting Delegate --
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation CUBA
(fill in name of country)

Voting Delegate --
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation DOMINICAN REPUBLIC
(fill in name of country)

Voting Delegate _____
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation EGYPT
(fill in name of country)

Voting Delegate --
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation PARAGUAY
(~~fill in~~ name of country)

Voting Delegate -- Signature _____

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation ARGENTINA
(fill in name of country)


Voting Delegate -- W. Scilingo
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation AUSTRALIA
(fill in name of country)

Voting Delegate -- 
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation BELGIUM
(fill in name of country)

Voting Delegate --

Signature

Baron Silverny

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee^k 1 Date MAY 23 1945

Delegation BOLIVIA
(fill in name of country)

Voting Delegate - C. Salasmanca
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation BRAZIL
(fill in name of country)

Voting Delegate

Odete Quintas
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation BYELORUSSIAN S. S. R.
(fill in name of country)

Voting Delegate -- Dr. Anton R. Zhebrian
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation CANADA
(fill in name of country)

Voting Delegate PEARSON L. 13
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation CHILE
(fill in name of country)

Voting Delegate -- *German Vergara*
Signature

(to be collected by the usher)

German Vergara

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation CHINA
(fill in name of country)

Voting Delegate

W. K. Wellington Koo
Signature

(to be collected by the usher)

or
Chang Chungfu

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation COLOMBIA
(fill in name of country)

Voting Delegate

-- Alberto Gonzalez-Fernandez
Signature

(to be collected by the usher)

Alberto Gonzalez-Fernandez

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation COSTA RICA
(fill in name of country)

Voting Delegate -- Luis Anderson
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation CZECHOSLOVAKIA
(fill in name of country)

Voting Delegate --

Josef Hanič
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation EL SALVADOR
(fill in name of country)

Voting Delegate -- Castro
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation ETHIOPIA
(fill in name of country)

Voting Delegate -- Ambayou
Signature

(to be collected by the usher)

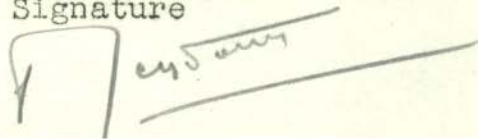
ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation FRANCE
(fill in name of country)

Voting Delegate -- S EYDOUX
Signature

(to be collected by the usher)

A handwritten signature, likely "Seydoux", is written over a horizontal line. To the left of the signature is a large, stylized handwritten mark that resembles a "7" or a checkmark.

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation GREECE
(fill in name of country)

Voting Delegate -- Th. Agheide
Signature


(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation INDIA
(fill in name of country)

Voting Delegate


Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation IRAN
(fill in name of country)

Voting Delegate

Allah Yar Saleh
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation IRAQ
(fill in name of country)

Voting Delegate

J. H. Hain

Signature

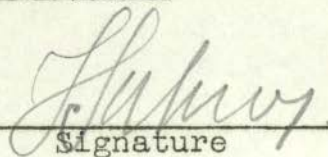
(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation LEBANON
(fill in name of country)

Voting Delegate


Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation LIBERIA
(fill in name of country)

Voting Delegate

J. Lemuel Gibson
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation MEXICO
(fill in name of country)

Voting Delegate GARCIA-ROBLES Alfonso
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation THE NETHERLANDS
(fill in name of country)

Voting Delegate Dr. KIELSTRA
Signature

(to be collected by the usher)

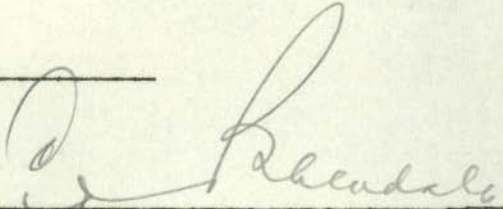
A handwritten signature, likely of Dr. Kielstra, written in dark ink. The signature is stylized and appears to be 'Kielstra' with a long horizontal flourish underneath.

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation NEW ZEALAND
(fill in name of country)

Voting Delegate


Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation NICARAGUA
(fill in name of country)

Voting Delegate

Guillermo Sevilla Sacasa
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation NORWAY
(fill in name of country)

Voting Delegate --

Amund Rasmussen
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation PANAMA
(fill in name of country)

Voting Delegate Roberto Jimenez
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation PERU
(fill in name of country)

Voting Delegate --

R. G. Seltran
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission _____ Committee _____ Date MAY 23 1945

III

1

Delegation _____

(fill in name of country)

PHILIPPINE COMMONWEALTH

Voting Delegate _____

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation Saudi Arabia
(fill in name of country)
SAUDI ARABIA

Voting Delegate - Abdel Rahman El Bassam
Signature

(to be collected by the usher)

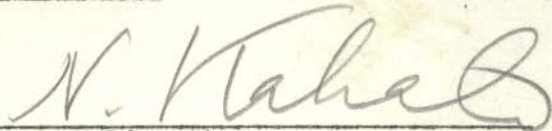
Am Bassam

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation SYRIA
(fill in name of country)

Voting Delegate --



Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation TURKEY
(fill in name of country)

Voting Delegate -- Fenomeno Ceval FRRTN
Signature

(to be collected by the usher)

Fenomeno Ceval

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation Ukrainien Delegation
UKRAINE - S.S.R.
(fill in name of country)

Voting Delegate L. Manus'lsky
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation UNION OF SOUTH AFRICA
(fill in name of country)

Voting Delegate 
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

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

Voting Delegate

A. Y. Yushkevich

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation URUGUAY
(fill in name of country)

Voting Delegate

D. C. MacEachern
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission

III

Committee

1

Date

MAY 23 1945

Delegation

~~YUGOSLAVIA~~ Venezuela
(fill in name of country)

Voting Delegate

[Signature]

Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation Yugoslavia
~~YUGOSLAVIA~~
(fill in name of country)

Voting Delegate

Cerovic
Signature

(to be collected by the usher)

ATTENDANCE RECORD

MAY 23 1945

Commission III Committee 1 Date _____

Delegation UNITED STATES OF AMERICA
(fill in name of country)

Voting Delegate

Signature

John C. ...

(to be collected by the usher)

ATTENDANCE RECORD

Commission

III

Committee

1

Date

MAY 23 1945

Delegation

UNITED KINGDOM

(fill in name of country)

Voting Delegate

Alexander Adogan
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation ECUADOR
(fill in name of country)

Voting Delegate --
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation GUATEMALA
(fill in name of country)

Voting Delegate --
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation HONDURAS
(fill in name of country)

Voting Delegate _____
Signature

(to be collected by the usher)

ATTENDANCE RECORD

Commission III Committee 1 Date MAY 23 1945

Delegation LUXEMBOURG
(fill in name of country)

Voting Delegate _____
Signature

(to be collected by the usher)

*The United Nations Conference
on International Organization*

RESTRICTED
Doc. 555 (ENGLISH)
III/1/27
May 24, 1945

COMMISSION III **Security Council**

Committee I Structure and Procedures

SUMMARY REPORT OF THIRTEENTH MEETING OF COMMITTEE III/1

Veterans Building, Room 223, May 23, 1945, 8:45 p.m.

The thirteenth meeting of the Committee was opened by the Chairman at 8:45 p.m.

The Chairman reviewed the proceedings of the Committee to date. He stated that after having completed the consideration of Section A, Chapter VI, the Committee had adopted certain decisions respecting the composition of the Security Council. It had also completed a general discussion of Section C, the detailed consideration of this section, however, to be taken up as soon as Subcommittee III/1/B submits its report.

The Chairman further stated that at the meeting held on May 22, paragraphs 1, 2, and 3, Section D, Chapter VI had been adopted. Certain amendments respecting paragraphs 4 and 5 were referred to Subcommittee III/1/B, for which reason the vote on paragraph 4 was postponed. The amendment of the sponsoring governments to paragraph 5 was adopted as a basis for discussion by the Committee without prejudice to the consideration by the Committee of amendments of other delegations with respect to this paragraph. At the proper time, when the report of Subcommittee III/1/B is received, paragraphs 4 and 5 will be considered and voted upon.

The Chairman then stated that the consideration of Section B, Chapter VI would be commenced, this Section covering the principal functions and powers of the Security Council. He recalled the fact that Committee III/1 had approved the report of Subcommittee III/1/A, presided over by the Rapporteur of the Committee, Mr. Castro, which report recommended that all of Section B be referred to the jurisdiction of this Committee. This report, he stated, had been approved by the Coordination Committee.

that period the experiment of conferring ^{such} extensive ~~duties~~ ^{powers} on the Security Council would be shown to have succeeded or failed. However, he felt that the same results might be obtained by a change in the voting procedure or amendment to the Charter and he would be willing to withdraw the amendment in this case. The proposal to adjourn discussion on the Mexican amendment was seconded by Bolivia and Brazil.

Decision: It was decided to adjourn discussion on the Mexican amendment by a vote of 21 to 0.

- c. Canadian Amendment (Doc. 2, G/14 (t), p. 2; also in Doc. 360 (English) III/I/16, p. 15)

The Delegate of Canada suggested that the Committee might appropriately discuss as an addition to paragraph 1 the Canadian amendment to add a new paragraph to Section D, to the effect that the Security Council should submit annual and, when necessary, special reports to the General Assembly for its consideration. He observed that this amendment was a corollary to the power of the General Assembly to receive reports from the Security Council as set forth in Chapter V, Section B, paragraph 8. It was consequently proposed that the corresponding obligation be placed on the Security Council. The Canadian amendment was seconded by the Delegates of Australia and Turkey. The Delegate of Brazil called attention to the Brazilian amendment to Chapter B, Section B, paragraph 8, being considered in another Committee, to the effect that the General Assembly should discuss the reports of the Security Council, and felt that the Canadian amendment might appropriately use the term "discuss". The Delegate of Canada was of the opinion that the term "consider" would include discussion and proposed that his amendment be adopted unaltered, leaving it to the Coordination Committee to bring the two texts into harmony if necessary. ✓

Decision: The Canadian amendment was adopted by a vote of 38 to 0.

Decision: Paragraph 1, Section B, Chapter VI, of the Dumbarton Oaks Proposals, as amended by the addition of the sentence proposed by the Canadian Delegate, was adopted by a vote of 40 to 0.

See Coningendum
The Delegate of Mexico stated that in view of a Mexican proposal to Chapter V, Section B, paragraph 8, which was before another Committee, he would reserve full rights to propose a reconsideration of the Mexican amendment when the report of that Committee was received and requested that this be inscribed in the minutes. This was acceded to by the Chairman.

3. Paragraph 2, Section B, Chapter VI

- c. Norwegian Amendment (Doc. 2, G/7 (n) (1) p. 4;
also in Doc. 360 (English), III/1/16, p. 4)

The Delegate of Norway observed that the Norwegian amendment to add a final clause that "the provisions of the Charter and the consideration that no solution should be imposed upon a state of a nature to impair its confidence in its future security or welfare" was made with a view to establishing rules of conduct for the Security Council. The Security Council was vested with enormous powers and little restraint was placed upon their exercise by the Dumbarton Oaks Proposals. The chapters on Purposes and Principles offered no such rules, with the exception of the principle of the sovereign equality of states. He felt that a basic rule of conduct must be formulated as a restraint on the Security Council and as a guarantee that it would not resort to a "politique de compensation". Whatever sacrifices the Security Council might require of a nation should not be of such a nature as to impair the confidence of that nation in its future.

The Delegate of Czechoslovakia explained that his Government's proposal, to which the Norwegian Delegate had referred, was in the nature of an observation. Since it dealt with the larger problem of respect for territorial integrity under consideration in Committee I/1 he did not wish to have it considered here.

The Representative of the United Kingdom, in opposing the Norwegian amendment, pointed out that its purpose was already served by the amended principles in Chapter I, where it was stipulated that the Organization was to "bring about by peaceful means, and with due regard for principles of justice and international law, adjustment or settlement ..." etc. In his opinion, the Norwegian amendment was not a desirable way of stating the case because he considered it inadvisable to limit the Council in its actions, as was in effect proposed, when it was dealing with a lawbreaker.

In reply, the Delegate of Norway asserted that the amendment, though its wording might be improved, was not intended to deal with aggressors of the present war, but with the future. The members of the Organization should have some assurance, not only of their independence and territorial integrity, but also of their continued existence as political entities. The quotation from the "Principles" given by the previous speaker contained no rule of conduct for the Security Council, at whose disposal overwhelming powers had been placed. There was no problem connected

with its pacific settlement of disputes, but only with its coercive action in applying sanctions. The Norwegian Delegate felt that Chapter I was not the right place for rules governing the Security Council. He questioned finally whether the word "justice" had in fact been introduced into the text of Chapter I of the Charter.

The Delegate of the United States supported the opinion that Section B of Chapter VI was not the proper place for the Norwegian amendment. He asserted that the Committee dealing with Principles and Purposes had added such phrases as "regard for principles of justice and international law", "respect for the principle of equal rights and self determination of people", and "promotion and encouragement of respect for human rights and for fundamental freedoms for all without respect to race, language, religion, or sex..." These, in his opinion, constituted the highest rules of conduct. Furthermore, the Charter had to be considered in its entirety and if the Security Council violated its principles and purposes it would be acting ultra vires. Finally he pointed out that the phrase in the Norwegian amendment referring to the impairment of a nation's "confidence in its future security or welfare" was impracticable because the Security Council could not base its action solely on the attitude of the people of the country concerned.

The Australian Delegate agreed that Norway's amendment was important. He further agreed that its proper place was in another part of the Charter to which Australia had proposed an amendment that all nations should refrain from threat or use of force against one another. This idea, as well as the Czechoslovak desire for guarantees of independence and territorial integrity, was concerned with the same basic question as the Norwegian amendment, but belonged in an earlier section of the Charter. The Delegate of Greece concurred and characterized the Norwegian amendment as one which would be difficult to apply.

The Representative of Mexico asked the Delegate of the United States if he was in favor of inserting an allusion to justice and international law immediately after the phrase "to maintain international peace and security" in paragraph 1, Chapter I. He raised the question because Mexico had a similar amendment.

The Delegate of the Ukrainian Soviet Socialist Republic declared that as Chairman of Committee I/1 he could say that the phrase concerning justice and international law had been accepted by the Committee. He, therefore, considered that the purpose of the Norwegian amendment had been already achieved, for the principles and purposes set forth at the beginning of

the Charter applied not only to the states members of the Organization but also to the Security Council and no useful service could be served in repeating them. The Delegate of the United States, replying to the Mexican representative, believed that this statement answered the question that had been put to him.

The Chairman, ruling that the amendment had been thoroughly discussed, put the matter to a vote.

Decision: The Norwegian amendment to paragraph 1, Section B, Chapter VI, was defeated by a vote of 10 to 1.

Decision: Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, was adopted by a vote of 26 to 0.

4. Paragraph 3, Section B, Chapter VI

No amendments were presented to this paragraph and there was no discussion.

Decision: Paragraph 3, Section B, Chapter VI, of the Dumbarton Oaks Proposals, was adopted by a vote of 30 to 0.

5. Paragraph 4, Section B, Chapter VI

a. Liberian and Mexican Amendments (Doc. 360 (English), III/1/16, p. 5)

The Chairman suggested that since the Liberian and Mexican amendments were so similar, unless there was objection ~~only the Mexican amendment would be considered.~~ The Delegate of Liberia agreed. The Representative of Mexico pointed out that his amendment (Doc. 2, G/7 (c) (1), p. 11) referred to the right of appeal to the Assembly with restrictions provided for by an amendment to paragraph 1, Section B, of Chapter V. He proposed therefore that it should not be discussed until the work of the Committee on the Assembly had been completed. This was agreed upon.

Decision

b. Belgian Amendment

The Belgian Delegate suggested that confidence in the exercise of the Council's powers could be reinforced if in paragraph 4 it should be clearly stated that the Council was acting with respect to Chapter VIII. He therefore moved an amendment to add after the words

*Liberian and Mexican
amendments would be merged
and considered together as
one amendment*

"decisions of the Security Council" the words "taken under Chapter VIII". This, he believed, would meet the objective of the several proposed amendments and would clarify the obligations which members were to undertake.

Several delegates seconded this amendment.

The Representative of the United Kingdom noted that while the Belgian amendment seemed to be a very simple one it was really one of substance and of very great importance. The Council had other duties besides those presented in Chapter VIII and the implications of the Belgian amendment needed careful study. As a point of order he asked if the Belgian motion could be properly considered by the Committee until it had gone through the proper channels for the presentation of new amendments to the Conference.

The Chairman agreed that the Belgian amendment would have to be presented through the proper channels and proposed a vote upon the Dumbarton Oaks text of paragraph 4.

The Canadian Representative, however, pointed out that the text was not entirely clear in its implications and asked if one of the sponsoring governments would state whether or not under this paragraph the Security Council could call on a member to take military action not covered in the special agreement or agreements, to which that member would be a party under Chapter VIII, Section B, paragraph 5.

The Delegate of the United States again emphasized that the Charter must be construed in its entirety and that no single paragraph could be separated from the rest of the document. There were special provisions which would override general provisions, and the answer to the question was a categorical "No".

A division of opinion arose as to whether or not paragraph 4 should now be voted upon, but a motion to adjourn was carried by a vote of 20 to 3.

The meeting was adjourned at 11 p.m.

Mr. Brown will pick up

SUMMARY REPORT OF THIRTEENTH MEETING
OF COMMITTEE III/1

Veterans Building, Room 223, May 23, 1945, 8:30 p.m.

10-8
Smith

The thirteenth meeting of the Committee was opened by the Chairman at 8:45 p.m.

1. Title of Chapter VIII, Section B.

- a. Norwegian Amendment (Doc. 2, G/7 (n) (1) p.4; also in Doc. 360, (English), III/1/16, p.1)

The Delegate of Norway proposed that the word "principal" be deleted from the title to conform with the legal rules applicable to such a definition, to make the title consistent with the title of Chapter V, Section B, and to eliminate the vagueness inherent in the present phrase. The Norwegian amendment was seconded by the Delegate of France. The Delegate of Australia pointed out that the amendment was a matter of drafting and suggested that the Delegate of Norway permit his proposal to be referred to the Committee of Coordination. This suggestion was acceptable to the Delegate of Norway.

Decision: It was decided without further discussion, debate to refer the Norwegian amendment for the deletion of the word "principal" to the Coordination Committee.

2. Paragraph 1, ~~Chapter VI~~, Section B, Chapter VI.

- (a). Chilean Amendment (Doc. 2, G/7 (1) p.6; also in Doc. 360 (English) III/1/16, p.1)

The Delegate of Chile stated that he would withdraw his amendment to add the sentence "such responsibility would last so long as the Assembly does not function ^{and} until it is called", in the interests of expediting the debate, since this amend-

ment, as well as others to this section proposed by Chile, were being discussed in other Committees.

b.) Mexican Amendment (Doc. 2, G/7 (c) (1) p. 10;
also in Doc. 360, (English), III/1/16, p.2)

The Delegate of Mexico requested that the portion of the Mexican amendment relating to the intervention of the General Assembly in questions within the competence of the Security Council be deferred until Committee II/2 had completed its consideration of the amendments proposed to Chapter V of Section B. He also requested that consideration of the first portion of the Mexican amendment, the addition of the words "for a term of eight years", be adjourned until Subcommittee III/1/B had completed its report on voting procedure. The limitation of eight years had been proposed ~~as~~ *because* it was felt that within that period the experiment of conferring ~~such~~ extensive duties on the Security Council would be shown to have succeeded or failed. However, he felt that the same results might be obtained by a change in the voting procedure ~~and~~ *or* amendment ^{to the Charter} ~~requirements~~ and he would be willing to withdraw the amendment in this case. The proposal to adjourn discussion on the Mexican amendment was ~~seconded~~ *seconded* by Bolivia and Brazil.

Decision: It was decided by a vote of 21 to 2
to adjourn discussion on the Mexican amend-
ment. by a vote of 21 to 2.

c. Canadian Amendment (Doc 2, G/14(t), p. 2; also in
Doc. 360 (English) III/1/16, p.15)

The Delegate of Canada suggested that the Committee might appropriately discuss under paragraph 1 the Canadian amendment

to add a new paragraph to the effect that the Security Council should submit annual, and, when necessary, special reports to the General Assembly for its consideration. He observed that this amendment was a corollary to the power of the General Assembly to receive reports from the Security Council, ^{as} set forth in Chapter V, Section B, paragraph 8. It was consequently proposed that the corresponding obligation be placed on the Security Council. The Canadian amendment was seconded by the Delegates of Australia and Turkey. The Delegate of Brazil called attention to the Brazilian amendment to Chapter V, Section B, paragraph 8, ^{being considered in another Committee} to the effect that the General Assembly should discuss the reports of the Security Council and felt that the Canadian amendment might appropriately use the term "discuss". The Delegate of Canada was of the opinion that the term "consider" would include discussion and proposed that his amendment be adopted ^{unaltered} ~~unalterably~~, leaving ^{it} ~~it~~ to the Coordination Committee to bring the two texts into harmony if necessary.

Decision: The Committee adopted, by a vote of 38 to 0, the Canadian Amendment (Doc. III/1/15 (2) (1) para 2; also in Doc. 260, (English), III/1/15 p. 18) by a vote of 38 to 0.

Decision: The Committee adopted, by a vote of 40 to 0, Paragraph 1, of Chapter VII, Section B, of the Dumbarton Oaks Proposals, with the ^{as amended, was} addition of the Canadian amendment as a final ~~amendment~~ adopted by a vote of 40 to 0.

Chapter VI

The Delegate of Mexico stated that in view of a Mexican Amendment to Chapter V, Section B, paragraph 8, ^{which} was

before Committee III/2, he would reserve full rights to propose a reconsideration of the Canadian amendment when the report of that Committee was received.

3. Paragraph 2, of Chapter VI, Section B, Chapter VI.

- a. Norwegian Amendment (Doc. 2, G/7 (n) (1) p.4; also in Doc. 360, (English), III/1/16 p.4)

The Delegate of Norway observed that the Norwegian amendment to add a final clause providing that "the provisions of the Charter and the consideration that no solution should be imposed upon a state or a nation to impair its confidence in its future security or welfare" was made with a view to establishing rules of conduct for the Security Council. The Security Council was vested with enormous

powers and little restraint was placed upon their exercise by the Dumbarton Oaks Proposals. ^{the chapters on Purposes and Principles} ~~The proposals and prin-~~

~~ciples of the Organization~~ offered no such rules, ~~except~~ ^{with the} ~~the principle of the sovereign equality of states.~~ ^{exception of} ~~The~~

~~rule of unanimity among the permanent members, which had the approval of the Norwegian Delegation, might under certain circumstances be the means for carrying out a "politique~~

~~de compensation!~~ He felt that a basic rule of conduct must ^{and as a guarantee that it would not resort to a "politique de compensation"} be formulated as a restraint on the Security Council. ^{Whatever} sacrifices the Security Council might impose on a nation, ^{they}

should not be of such a nature as to impair the confidence ^{that} of each nation in its future. ~~Each nation must be assured~~

~~that certain policies of the past would not be repeated.~~

The Delegate of Czechoslovakia explained that ^{his government's} the proposal ^{to which the Norwegian Delegate had referred as} included in the Committee's documentation, was in the nature of an observation. Since it had to do ~~only~~ with ~~a~~ ~~part of~~ the larger problem of respect for territorial integrity ~~which had been~~ dealt with ~~by~~ Committee I/1, the Czechoslovak Delegate did not wish to have it considered here.

The Representative of the United Kingdom, in opposing the adoption of the Norwegian amendment, pointed out that its purpose was already served by the amended principles ~~laid down~~ in Chapter I of the Charter. There it was stipulated that the Organization was to ~~"take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression ~~which~~ or other breaches of the peace, and to bring about by peaceful means, and with due regard for principles of justice and international law, adjustment or settlement..."~~ etc. In his opinion, the Norwegian amendment was not a very good, or, indeed, a safe way of stating the case because it would not seem advisable to limit the Council in its actions, as was in effect ~~proposed~~, when it was dealing with a lawbreaker.

In reply, the Delegate of Norway asserted that the amendment, though its wording might be improved, was intended to deal not with aggressors of the present war, but with the future situation when the family of nations had been set up. The members of the Organization should have some assurance not only of their independence and territorial integrity, but also of their life line. The quotation from the "Principles..."

6

given by the previous speaker contained ~~in~~ no rule of conduct for the Security Council at whose disposal overwhelming powers had been placed. There was no problem connected with its pacific settlement of disputes, but only with its coercive action in applying sanctions. The Norwegian Delegate felt that Chapter I was not the right place for rules governing the Security Council. He questioned finally whether the word "justice" had ^{in fact} been introduced into the text of Chapter I of the charter.

The Delegate of the United States supported the opinion that Section B of Chapter VI was not the proper place for the Norwegian amendment. He asserted that the Committee dealing with principles and purposes had added such phrases as "regard ^{for principles of} justice and international law", also "respect for the principle of equal rights and self determination of people" and "promotion and encouragement ~~of~~ respect for human rights and for fundamental freedoms for all without respect to race, language, religion, or sex..." These in his opinion constituted the highest rules of conduct. Furthermore, the Charter had to be considered in its entirety and if the Security Council violated its principles and purposes it would be acting ultra vires. Finally he pointed out that the phrase in the Norwegian amendment, ^{referring to the impairment of a nation's} ~~"impair its"~~ confidence in its future security or welfare" was ~~incompatible~~ of a fantastic standard because it would be impossible for the ~~then~~ Security Council to find out whether or not the people of a country would react in that way to proposed action.

7

The Australian Delegate agreed that Norway's amendment was not couched in the proper form but felt that the idea was a very important one. He further agreed that the proper place for its expression was in another part of the Charter ^{to which} where Australia had proposed an amendment ~~to the effect~~ that all nations should refrain from threat or use of force against one another. This idea as well as the ~~Czechoslovak comment~~ ^{Czechoslovakian desire for} concerning guarantees of independence and territorial integrity ^{concerned with the same basic question as} were ~~tied up with~~ the Norwegian amendment, but belonged to an earlier section of the Charter.

no ft | — The Delegate of Greece concurred and characterized the criterion in the Norwegian amendment as a subjective one which would be difficult to apply.

In defense of his motion the Norwegian Delegate declared that its object was not to weaken the Security Council but to strength it by surrounding it with the confidence of the nations. He could not agree with those who felt that his objective was achieved in the first two Chapters of the Charter and thought it was a mistake not to make the rule of conduct clear at the place where it was stipulated that the Security Council was to act in accordance with the purposes and principles of the Charter. // ~~The Delegate~~

ft [The Representative of Mexico asked the Delegate of the United States if he was in favor of inserting ~~elimination~~ an allusion to justice and international law immediately after the phrase "to maintain international peace and security" in paragraph 1, Chapter I.

no ft

8

He raised the question ^{became} ~~which was~~ Mexico had made a very similar amendment.

The Delegate of the Ukrainian Soviet Socialist Republic declared that as Chairman of Committee I/1 he could say that the phrase concerning justice and international law had been accepted by the Committee. He, therefore, considered that the purpose of the Norwegian amendment had been already achieved, ~~He was therefore in agreement with the United Kingdom and the United States that~~ ^{for} the principles and purposes set forth at the beginning of the Charter applied not only to the states members of the Organization but also to the Security Council, and ~~that~~ no useful service could be served in repeating them. The Delegate of the United States, replying to the Mexican representative, believed that this statement answered the question that had been put to him.

The Chairman ruling that the ^{amendment} ~~question~~ had been thoroughly discussed put the matter to a vote.

Decision: The Norwegian amendment to paragraph 1, Section B, Chapter VI, was defeated by a vote of 10 to 1.

Decision: Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, was adopted by a vote of 26 to 0.

~~The Chairman then read paragraph 3 to which there were~~
4. Paragraph 3, Section B, Chapter VI,
~~no amendments.~~

Decision: Paragraph 3, Section B, Chapter

9

VI, ~~was adopted~~ of the Dumbarton Oaks
Proposals, was adopted by a vote of
30 to 0.

5. Paragraph 4, Section B, Chapter VI.

(a) Liberian and Mexican Amendments (Doc. 360 (English),
III/1/10, p. 5)

The Chairman pointed out that ^{Liberia, Mexico, and the Netherlands} ~~there were three~~
^{had proposed} amendments ^{of these} to paragraph 4. ~~of which~~ the Mexican and Liberian
amendments were so similar that unless there were objec-
tions ~~the Committee would consider only the~~
^{would be considered} Mexican amendment. The Delegate of Liberia agreed to this
procedure. The Representative of Mexico pointing out that
his amendment (Doc. 2, G/7 (c) (1), p. 11) ~~also Doc. 338,~~
~~(English), p. 5~~, referred to the right of appeal ~~from~~
~~Council action~~ to the Assembly with restrictions provided
for by an amendment to paragraph 1, Section B, of Chapter
V. ~~XXXXXXXXXX~~ He proposed therefore that the Mexican
amendment should not be discussed until the work of the
Committee on ^{the} Assembly had been completed. This was agreed
upon. The Delegate of the Netherlands explained that ^{since} his
government had not made a regular amendment ~~but~~ ~~and would~~
^{only} ~~but~~ had/made certain comments he had nothing
to bring before the Committee.

(b) Belgian Amendment

The Belgian Delegate, stating that the various proposals
of Norway, Liberia, and Mexico all seemed to suggest a lack
of confidence in the exercise of the Council's powers, suggested
that doubts could be removed if in paragraph 4 it should be

clearly stated that the Council was acting with respect to Chapter VIII. He therefore moved an amendment to add after the words "decisions of the Security Council" the words "taken under Chapter VIII". This, he ^{believed,} ~~asserted,~~ would ^{meet the objective of the several} ~~dispose of the~~ proposed amendments ~~to the text~~ and would ^{make clear the obligations which members were to} ~~give greater confidence concerning the powers of the Council~~ ^{undertake.} ~~to which members obligated themselves.~~ ¶ Several delegates seconded this amendment. ¶ The Representative of the United Kingdom noted that while the Belgian amendment seemed to be a very simple one it was really one of substance and of very great importance. The Council ^{had other duties} ~~is empowered to do other~~ ^{prescribed} ~~things~~ besides those ~~laid down~~ in Chapter VIII and the implications therefore of limiting the obligation to accept the decisions of the Council only when it was acting in accordance with Chapter VIII needed very careful study. As a point of order he asked if the Belgian motion could be properly considered by the Committee until it ^{had gone} ~~went~~ through the ^{proper channels} ~~procedure laid down~~ for the presentation of new amendments. ^{to the Conference} ¶ The Chairman ^{agreed} ~~ruled~~ that the Belgian amendment would have to be presented through the proper channels and proposed a vote upon the ^{Dumbarton Oaks} text of paragraph 4. ¶ The Canadian Representative, however, pointed out that the text was not entirely clear in its implications and asked if one of the Sponsoring Powers would state whether or not under this paragraph the Security Council could call on a member to take military action not covered in special agreement, ~~or~~

19

or agreements, to which that member was a party under Chapter VIII, Section B, paragraph 5.

The Delegate of the United States again emphasized that the Charter must be construed in its entirety and that ^{no single} ~~one~~ paragraph could ~~not be taken from its context~~ ^{rest of the} ~~and~~ be separated from the ~~whole~~ document. While there were special provisions which overrode general provisions the answer to the question put was a categorical ~~No~~ because the Security Council ^{had no} ~~must~~ act in accordance with all provisions of the Charter as expressly stated in paragraph ^{section Chapter} 2, B, VI.

A division of opinion arose as to whether or not paragraph 4 should now be put, but ~~the~~ a motion to adjourn was carried by a vote of 20 to 3.

The meeting was adjourned at 11 p.m.

Section B du Chapitre VI.

1. Après avoir achevé l'examen de la Section A du Chapitre VI nous avons adopté un certain nombre de décisions quant aux principes qui doivent régir la composition du Conseil de Sécurité.

2. Nous avons également entamé et achevé la discussion générale sur la Section C, quitte à reprendre l'examen des dispositions de cette Section C dès que le Sous-Comité III/1/B nous soumettra son rapport.

3. Hier, après-midi, nous avons adopté les alinéas 1, 2 et 3 de la Section D du Chapitre VI. Certains amendements relatifs aux paragraphes 4 et 5 ont été renvoyés au Sous-Comité III/1/B et de ce chef le vote sur le paragraphe 4 a été ajourné. L'amendement des puissances invitantes à l'alinéa 5 a été adopté sans préjudice de l'examen par le Comité des amendements des autres dé-

légations. *au sujet de cet alinéa 5. Le moment venu*

4. Nous entamerons aujourd'hui l'examen de la Section B du Chapitre VI, section qui concerne les principales attributions et les pouvoirs du Conseil de Sécurité.

Je vous rappelle que notre Comité a approuvé le Rapport du Sous-Comité III/1/A, présidé par notre rapporteur Monsieur de Castro, rapport qui conclut à la compétence de ce Comité à connaître de tous les points de la Section B. Ce Rapport est devenu définitif puisqu'il est approuvé par le Comité de Co-

Profile
13th
mtg

Keep carefully

4 et

5 sera à son tour soumis à l'examen et au vote après que nous aurons reçu le Rapport du Sous-Comité B.

les alinéas

ordination, auquel le Secrétaire-Général avait été prié de l'adresser.

J'ouvre la discussion sur la Section B. Je propose au Comité d'y consacrer cette séance, étant cependant entendu que, le moment venu, je me considérerai autorisé à déclarer la clôture de la discussion, et je mettrai à l'examen et au vote les principes contenus dans les alinéas de la Section B, ainsi qu'il a été procédé jusqu'ici.

CHAPITRE VI, Section B, paragraphe 1.

Le Costa Rica, la Tchécoslovaquie, l'Egypte, l'Equateur, le Guatemala, la Norvège, le Paraguay, les Pays-Bas, la République Dominicaine, la Turquie et le Vénézuéla ont présenté des observations au sujet du principe énoncé dans cet alinéa premier de la Section B.

Ces pays estiment en général à des degrés divers qu'il faudra concéder à l'Assemblée un droit de regard sur les activités et les décisions du Conseil de Sécurité. A leur avis, l'Assemblée devrait bien déléguer ses pouvoirs au Conseil, mais à condition d'avoir le droit de contrôle sur la manière dont le Conseil donnera effet à ce mandat.

A vrai dire, il n'y a que trois amendements formels présentés avant la date fatale du 4 mai, à minuit, à savoir ceux de la Norvège, du Chili et

du Mexique. *Je prends en 1er lieu l'amendement norvégien, qui se rapporte au titre de la Section B. La Délégation de Norvège propose la suppression du mot "principaux" dans le titre.*
~~L'amendement chilien étant le plus éloigné, je le mets en discussion~~
~~en premier lieu.~~ *est ensuite mise en discussion.*

Cet amendement consiste dans l'addition à la fin de l'alinéa des mots

suivants:

"Cette responsabilité incomberait au Conseil tant que
l'Assemblée ne sera pas en session,"

Je mets ensuite aux voix l'amendement mexicain, ainsi conçu:

"1. Afin de permettre à l'Organisation etc....."

~~Je mets à présent aux voix l'amendement norvégien, consistant en la
suppression du mot "principaux" dans le titre.~~

CHAPITRE VI - Section B des propositions de Dumbarton Oaks.

Paragraphe 2 : "En remplissant ces *fonctionset*,"

A vrai dire, il n'y a qu'un seul amendement, celui de la Norvège,
consistant dans l'adjonction des mots suivants, à la fin du texte de base,
après le mot "Organisation": "aux dispositions de la Charte et en tenant
compte du fait qu'aucune solution ne devrait être imposée à un Etat qui
soit de nature à diminuer sa confiance en sa sécurité ou en sa prospérité."

Je mets aux voix cet amendement.

*

*

*

D'après le document préparé par le Secrétariat, il n'est pas très
clair si la Tchécoslovaquie offre des commentaires ou si elle soumet un
amendement. Dans ce dernier cas je le mettrais aux voix.

Paragraphe 3 du texte de Dumbarton Oaks:

"3. Les pouvoirs propres accordés au Conseil etc....."

Il n'y a aucun amendement au texte de base. Je le mets donc aux voix.

*

*

*

Paragraphe 4 des propositions de Dumbarton Oaks:

"4. Tous les membres de l'Organisation etc....."

Il y a trois amendements à ce texte, dont deux présentés respectivement par le Libéria et le Mexique, et qui sont si voisins que nous pourrions les prendre ensemble. Si le Libéria n'y voit pas d'objection je mettrais aux voix le texte de l'amendement mexicain, qui comprend le principe de l'amendement du Libéria, ~~et qui va même plus loin.~~

Mettre aux voix le principe de l'amendement mexicain tel qu'il figure dans le texte soumis par le Mexique.

*

*

*

Nous en arrivons à présent à l'amendement des Pays-Bas, ainsi conçu:

"Aucun droit de libre appréciation de....."

Mettre aux voix l'amendement néerlandais.

*

*

*

Paragraphe 5 des propositions de Dumbarton Oaks:

"5. Afin de favoriser l'établissement etc....."

Il y a à ce texte un amendement de l'Uruguay consistant dans l'insertion de la phrase suivante: "dont la fabrication sera exclusivement réservée aux Gouvernements" après les mpts "réglementation des armements" une ligne avant la fin du texte de base. Le nouveau texte se lirait donc comme suit:

"Afin de favoriser etc....."

Mettre aux voix l'amendement uruguayen.

*

* *

Il y a, en outre, trois groupes de projets de textes d'articles dont l'adjonction sous forme de dispositions additionnelles est demandée par les délégations du Chili, de l'Equateur et de la Norvège respectivement.

Nous procéderons d'abord à l'examen des projets d'articles 6, 7, 8 et 9 soumis par la délégation du Chili. Monsieur le Délégué du Chili préférerait sans doute que nous prenions article par article ses amendements et que, le moment venu, nous procédions au vote sur chacune de ses propositions dans l'ordre établi par lui-même.

Ainsi nous prendrons d'abord le nouvel article 6. Le mettre aux voix.

Prendre ensuite le nouvel article 7 présenté par le Chili et le mettre aux voix.

Prendre en 3e. lieu le nouvel article 8 § et le mettre aux voix.

Prendre en dernier lieu le nouvel article 9 présenté par le Chili et le mettre aux voix.

Amendements soumis par l'Equateur.

Nous aborderons maintenant l'examen des projets d'articles nouveaux 6 et 7 soumis par la Délégation de L'Equateur. Monsieur le Délégué de l'Equateur préfère sans doute que nous les abordions successivement, en examinant d'abord le projet de l'article 6 nouveau et ensuite celui de l'article 7.

Examiner et mettre aux voix d'abord l'article 6 et ensuite l'article 7.

Amendements de la Délégation norvégienne

Nous prendrons enfin l'un après l'autre les deux projets d'articles nouveaux 6 et 7 soumis par la Délégation norvégienne.

Prenons tout d'abord l'article nouveau 6 ainsi conçu: "6. Le Conseil de Sécurité a"

Discuter et mettre aux voix l'article 6.

Nous prendrons pour finir l'article nouveau 7, ainsi conçu: "7. Quant à l'élection des juges etc....."

Discuter et mettre aux voix ce projet d'article 7.

CORRIGENDA TO SUMMARY REPORT OF THIRTEENTH MEETING OF
COMMITTEE III/1
May 23, 1945

Doc. 555 (English), III/1/27

(1) Page 3

Delete line 1 and substitute the following:

"that period the experiment of conferring such extensive powers"
(At request of Delegate of Mexico.)

(2) Page 3 under Item 2 c., line 13, correct "Chapter B to Chapter V."

Page 3

(3) delete last paragraph and substitute the following:

"The Delegate of Mexico stated that in view of a Mexican proposed amendment to Paragraph 1, Section B, Chapter V, which was before another Committee, he would reserve full rights to propose a reconsideration of the Canadian amendment, (just as he had done before, and on the grounds already explained by himself concerning the reconsideration of the original text of Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals) when the report of that Committee was received.
(At request of Delegate of Mexico.)

(4) Page 6

Two decisions under Item 3 should refer to Paragraph 2, Section B, rather than Paragraph 1 as now stated.

(5) Page 6

Under Item 5a, line 3, delete: "only the Mexican amendment would be considered" and substitute the following: "The Liberian and Mexican amendments would be merged and considered together as one amendment."
(At request of Delegate of Liberia.)

CORRIGENDA TO SUMMARY REPORT OF THIRTEENTH MEETING OF
COMMITTEE III/1
May 23, 1945

Doc. 555 (English), III/1/27

(1) Page 3

Delete line 1 and substitute the following:

"that period the experiment of conferring such extensive powers"
(At request of Delegate of Mexico.)

(2) Page 3 under Item 2 c., line 13, correct "Chapter B to Chapter V."

(3) Page 3
Delete last paragraph and substitute the following:

"The Delegate of Mexico stated that in view of a Mexican proposed amendment to Paragraph 1, Section B, Chapter V, which was before another Committee, he would reserve full rights to propose a reconsideration of the Canadian amendment, (just as he had done before, and on the grounds already explained by himself concerning the reconsideration of the original text of Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals) when the report of that Committee was received.
(At request of Delegate of Mexico.)

(4) Page 6

Two decisions under Item 3 should refer to Paragraph 2, Section B, rather than Paragraph 1 as now stated.

(5) Page 6

Under Item 5a, line 3, delete: "only the Mexican amendment would be considered" and substitute the following: "The Liberian and Mexican amendments would be merged and considered together as one amendment."
(At request of Delegate of Liberia.)

Thirtieth Meeting
CORRIGENDA TO THE SUMMARY REPORT OF COMMITTEE III/1
May 23, 1945

Doc 555 (English), III/1/27

(1) Page 3

Delete line 1 and substitute the following:

"that period ^{the} experiment of conferring such extensive powers" (at request of Delegate of Mexico.)

(2) Page 3

Paragraph 1, Section B,
Delete last paragraph and substitute the following:

"The Delegate of Mexico stated that in view of a Mexican proposed amendment to Chapter V, Section B, paragraph 7, which was before another Committee, he would reserve full rights to propose a reconsideration of the Canadian amendment, (just as he had done before, and on the grounds ^{already explained} exposed by himself concerning the reconsideration of the original text of Paragraph 14, Section B, of Chapter VI of the Dumbarton Oaks Proposals) when the report of that Committee was received, and requested that this be inscribed in the minutes. This was acceded to by the Chairman."
(At request of Delegate of Mexico.)

4
(3) Page 6

Two decisions under Item 3 should refer to Paragraph 2, Section B, rather than Paragraph 1 as now stated.

Page 6
(#)
Under Item 5a, line 3, delete: "only the Mexican amendment would be considered," and substitute the following: "The Liberian and Mexican amendments would be merged and considered together as one amendment."
(At request of Delegate of Liberia.)

(4) Page 3 under Item 2 c., line 13, *Correct "* ~~Chapter B~~ *" to "Chapter V."*

(B)

Corrigenda for
document 555

(13th meeting)

~~The~~ Last paragraph of page 3:
must read as follows

Q "The Delegate of Mexico stated that in view of a Mexican proposed amendment to Chapter V, Section B, paragraph 1, which was before another Committee, he would reserve full rights to propose a reconsideration of the Canadian amendment (just as he had done ~~the~~ before, and on the grounds already exposed by himself, ^(the reconsideration of) concerning the original text of Paragraph 1, Section B of Chapter VI of the Dumbarton Oaks Proposals) when the report of that Committee was received and requested that this be inscribed in the minutes.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

2

This was acceded to by
the Chairman.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

13th May 23

Courtyard

p. 6 Subbia and S. G.

Subbia words "only the Mexican
Amendment ^{the following} not be considered" and
substitute "The Liberian and Mexican
Amendments will be merged and
~~therefore~~ considered together as one
amendment."

Roll Senator Gibson - Mark Hopkins
Ext. 430

SUMMARY REPORT OF THIRTEENTH MEETING OF COMMITTEE III/1

Veterans Building, Room 223, May 23, 1945, 8:30 p.m.

The thirteenth meeting of the Committee was opened by the Chairman at 8:45 p.m.

1. Title of Chapter VIII, Section B.

- a. Norwegian Amendment (Doc. 2, G/7 (n) (1) p. 4; also in Doc. 360, (English), III/1/16, p. 1)

The Delegate of Norway proposed that the word "principal" be deleted from the title to conform with the legal rules applicable to such a definition, to make the title consistent with the title of Chapter V, Section B, and to eliminate the vagueness inherent in the present phrase. The Norwegian amendment was seconded by the Delegate of France. The Delegate of Australia pointed out that the amendment was a matter of drafting and suggested that the Delegate of Norway permit his proposal to be referred to the Committee of Coordination. This suggestion was acceptable to the Delegate of Norway.

Decision: It was decided, without further discussion, to refer the Norwegian amendment for the deletion of the word "principal" to the Coordination Committee.

2. Paragraph 1, Section B, Chapter VI.

- (a). Chilean Amendment (Doc. 2, G/7 (1) p. 6; also in Doc. 360 (English) III/1/16, p. 1)

The Delegate of Chile stated that he would withdraw his amendment to add the sentence "such responsibility would last so long as the Assembly does not function and until it is called", in the interests of expediting the debate, since this amendment, as well as others proposed by Chile to this section, were being discussed in other Committees.

- b. Mexican Amendment (Doc. 2, G/7 (c) (1) p. 10; also in Doc. 360, (English), III/1/16, p. 2)

The Delegate of Mexico requested that the portion of the Mexican amendment relating to the intervention of the General Assembly in questions within the competence of the Security Council be deferred until Committee II/2 had completed its consideration of the amendments proposed to Chapter V, of Section B. He also requested that consideration of the first portion of the Mexican amendment, the

The Chairman reviewed the proceedings of the Committee to date. He stated that after having completed the consideration of Section A, Chapter VI, the Committee had adopted certain decisions respecting the composition of the Security Council. It had also completed a general discussion of Section C, the detailed consideration of this Section, however, to be taken up as soon as Subcommittee III/1/B submits its report.

The Chairman further stated that at the meeting held on May 22, paragraphs 1, 2, and 3, Section D, Chapter VI had been adopted. Certain amendments respecting paragraphs 4 and 5 were referred to Subcommittee III/1/B, for which reason the vote on paragraph 4 was postponed. The amendment of the sponsoring powers to paragraph 5 was adopted as a basis for discussion by the Committee without prejudice to the consideration by the Committee of amendments of other delegations with respect to this paragraph. At the proper time, when the report of Subcommittee III/1/B is received, paragraphs 4 and 5 will be considered and voted upon.

The Chairman then stated that the consideration of Section B, Chapter VI would be commenced, this Section covering the principal functions and powers of the Security Council. He recalled the fact that Committee III/1 had approved the report of Subcommittee III/1/A, presided over by the Rapporteur of the Committee, Mr. de Castro, which report recommended that all of Section B be referred to the jurisdiction of this Committee. This report, he stated, had been approved by the Coordination Committee.

The meeting was then opened to the discussion of Section B.

addition of the words "for a term of eight years", be adjourned until Subcommittee III/1/B had completed its report on voting procedure. The limitation of eight years had been proposed because it was felt that within that period the experiment of conferring extensive duties on the Security Council would be shown to have succeeded or failed. However, he felt that the same results might be obtained by a change in the voting procedure or amendment to the Charter and he would be willing to withdraw the amendment in this case. The proposal to adjourn discussion on the Mexican amendment was seconded by Bolivia and Brazil.

Decision: It was decided to adjourn discussion on the Mexican amendment by a vote of 21 to 0.

- c. Canadian Amendment (Doc. 2, 9/14 (t), p. 2; also in Doc. 360 (English) III/1/15, p. 15)

The Delegate of Canada suggested that the Committee might appropriately discuss under paragraph 1 the Canadian amendment to add a new paragraph to the effect that the Security Council should submit annual and, when necessary, special reports to the General Assembly for its consideration. He observed that this amendment was a corollary to the power of the General Assembly to receive reports from the Security Council as set forth in Chapter V, Section B, paragraph 8. It was consequently proposed that the corresponding obligation be placed on the Security Council. The Canadian amendment was seconded by the Delegates of Australia and Turkey. The Delegate of Brazil called attention to the Brazilian amendment to Chapter V, Section B, paragraph 8, being considered in another Committee, to the effect that the General Assembly should discuss the reports of the Security Council, and felt that the Canadian amendment might appropriately use the term "discuss". The Delegate of Canada was of the opinion that the term "consider" would include discussion and proposed that his amendment be adopted unaltered, leaving it to the Coordination Committee to bring the two texts into harmony if necessary.

Decision: The Canadian amendment was adopted by a vote of 38 to 0.

Decision: Paragraph 1, Section B, Chapter VI, of the Dumbarton Oaks Proposals, as amended, was adopted by a vote of 40 to 0.

by The
addition of the
sentence
proposed by the
Canadian Delegate

proposal another
The Delegate of Mexico stated that in view of a Mexican Amendment to Chapter V, Section B, paragraph 8, which was before Committee III/2, he would reserve full rights to propose a reconsideration of the ~~Canadian~~ *Mexican* amendment when the report of that Committee was received.

requester that this be included in the minutes.

3. It was decided to by the Chairman:
3. Paragraph 2, Section B, Chapter VI.

a. Norwegian Amendment (Doc. 2, G/7 (n) (1) P. 4; also in Doc. 360, (English), III/1/16, P. 4)

The Delegate of Norway observed that the Norwegian amendment to add a final clause providing that "the provisions of the Charter and the consideration that no solution should be imposed upon a state of a nation to impair its confidence in its future security or welfare" was made with a view to establishing rules of conduct for the Security Council. The Security Council was vested with enormous powers and little restraint was placed upon their exercise by the Dumbarton Oaks Proposals. The chapters on Purposes and Principles offered no such rules, with the exception of the principle of the sovereign equality of states. He felt that a basic rule of conduct must be formulated as a restraint on the Security Council and as a guarantee that it would not resort to a "politique de compensation". Whatever sacrifices the Security Council might impose on a nation, ~~they~~ *requiring* should not be of such a nature as to impair the confidence of that nation in its future.

under con- sideration
The Delegate of Czechoslovakia explained that his government's proposal, to which the Norwegian Delegate had referred, ~~as included in the Committee's documentation,~~ was in the nature of an observation. Since it ~~had to do~~ *dealt* with the larger problem of respect for territorial integrity ~~dealt with by Committee I/1, the Czechoslovak Delegate~~ *he* did not wish to have it considered here.

he considered it inadvisable
The Representative of the United Kingdom, in opposing ~~the adoption of the Norwegian amendment,~~ pointed out that its purpose was already served by the amended principles in Chapter I, ~~of the Charter.~~ *desirable* Where it was stipulated that the Organization was to "bring about by peaceful means, and with due regard for principles of justice and international law, adjustment or settlement ..." etc. In his opinion, the Norwegian amendment was not a very good, or, indeed, a safe way of stating the case because it would not seem advisable to limit the Council in its actions, as was in effect proposed, when it was dealing with a lawbreaker.

In reply, the Delegate of Norway asserted that the amendment, though its wording might be improved, was intended to deal ~~not~~ with aggressors of the present war, but with the future ~~situation when the family of nations had been set up~~. The members of the Organization should have some assurance, not only of their independence and territorial integrity, but also of their ~~life-line~~. The quotation from the "Principles" given by the previous speaker contained no rule of conduct for the Security Council at whose disposal overwhelming powers had been placed. There was no problem connected with its pacific settlement of disputes, but only with its coercive action in applying sanctions. The Norwegian Delegate felt that Chapter I was not the right place for rules governing the Security Council. He questioned finally whether the word "justice" had in fact been introduced into the text of Chapter I of the Charter.

*continued
existence
as
political
entities.*

impairment
The Delegate of the United States supported the opinion that Section B of Chapter VI was not the proper place for the Norwegian amendment. He asserted that the Committee dealing with Principles and Purposes had added such phrases as "regard for principles of justice and international law", ~~also~~ "respect for the principle of equal rights and self determination of people", and "promotion and encouragement of respect for human rights and for fundamental freedoms for all without respect to race, language, religion, or sex..." These, in his opinion, constituted the highest rules of conduct. Furthermore, the Charter had to be considered in its entirety and if the Security Council violated its principles and purposes it would be acting *ultra vires*. Finally he pointed out that the phrase in the Norwegian amendment referring to the ~~impairing~~ of a nation's "confidence in its future security or welfare" was a ~~fantastic standard~~ because ~~it would be impossible for the Security Council to find out whether or not the people of a country would react in that way to proposed action.~~

*impracticable
could not
base its
action solely
on the attitude
of the people
of the
country
concerned.*

its
The Australian Delegate agreed that Norway's amendment was ~~not couched in the proper form but felt that the idea was a very important one~~. He further agreed that the proper place for its expression was in another part of the Charter to which Australia had proposed an amendment that all nations should refrain from threat or use of force against one another. This idea, as well as the Czechoslovakian desire for guarantees of independence and territorial integrity, ~~were~~ concerned with the same basic question as the Norwegian amendment, but belonged *in* to an earlier section of the Charter. The Delegate of Greece concurred and characterized the ~~criterion in the~~ Norwegian amendment as a subjective one which would be difficult to apply.

In defense of his motion the Norwegian Delegate declared that its object was not to weaken the Security Council but to strengthen it by surrounding it with the confidence of the nations. He could not agree with those who felt that his objective was achieved in the first two Chapters of the Charter and thought it was a mistake not to make the rule of conduct clear at the place where it was stipulated that the Security Council was to act in accordance with the purposes and principles of the Charter.

The Representative of Mexico asked the Delegate of the United States if he was in favor of inserting an allusion to justice and international law immediately after the phrase "to maintain international peace and security" in paragraph 1, Chapter I. He raised the question because Mexico had made a very similar amendment.

The Delegate of the Ukrainian Soviet Socialist Republic declared that as Chairman of Committee I/1 he could say that the phrase concerning justice and international law had been accepted by the Committee. He, therefore, considered that the purpose of the Norwegian amendment had been already achieved, for the principles and purposes set forth at the beginning of the Charter applied not only to the states members of the Organization but also to the Security Council and no useful service could be served in repeating them. The Delegate of the United States, replying to the Mexican representative, believed that this statement answered the question that had been put to him.

The Chairman ruling that the amendment had been thoroughly discussed put the matter to a vote.

Decision: The Norwegian amendment to paragraph 1, Section B, Chapter VI, was defeated by a vote of 10 to 1.

Decision: Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, was adopted by a vote of 26 to 0.

4. Paragraph 3, Section B, Chapter VI.

No amendments were presented to this paragraph & there was no discussion.

Decision: Paragraph 3, Section B, Chapter VI, of the Dumbarton Oaks Proposals, was adopted by a vote of 30 to 0.

5. Paragraph 4, Section B, Chapter VI.

a. Liberian and Mexican Amendments (Doc. 360
(English), III/1/18, p. 5)

suggested
The Chairman pointed out that Liberia, Mexico, and the Netherlands had proposed amendments to paragraph 4. Of these the Mexican and Liberian amendments were so similar, that unless there were objection only the Mexican amendment would be considered. The Delegate of Liberia agreed to this procedure. The Representative of Mexico pointing out that his amendment (Doc. 2, G/7 (c) (1), p. 11) referred to the right of appeal to the Assembly with restrictions provided for by an amendment to paragraph 1, Section B, of Chapter V. He proposed therefore that the Mexican amendment should not be discussed until the work of the Committee on the Assembly had been completed. This was agreed upon. The Delegate of the Netherlands explained that since his government had not made a regular amendment but had only made certain comments he had nothing to bring before the Committee.

b. Belgian Amendment.

suggested
The Belgian Delegate, stating that the various proposals of Norway, Liberia, and Mexico all seemed to suggest a lack of confidence in the exercise of the Council's powers, suggested that doubts could be removed if in paragraph 4 it should be clearly stated that the Council was acting with respect to Chapter VIII. He therefore moved an amendment to add after the words "decisions of the Security Council" the words "taken under Chapter VIII". This, he believed, would meet the objective of the several proposed amendments and would clarify the obligations which members were to undertake.

Several delegates seconded this amendment.

The Representative of the United Kingdom noted that while the Belgian amendment seemed to be a very simple one it was really one of substance and of very great importance. The Council had other duties besides those presented in Chapter VIII and the implications therefore of limiting the obligation to accept the decisions of the Council only when it was acting in accordance with Chapter VIII needed very careful study. As a point of order he asked if the Belgian motion could be properly considered by the Committee until it had gone through the proper channels for the presentation of new amendments to the Conference.

5.1
The Chairman agreed that the Belgian amendment would have to be presented through the proper channels and proposed a vote upon the Dumbarton Oaks text of paragraph 4.

The Canadian Representative, however, pointed out that the text was not entirely clear in its implications and asked if one of the Sponsoring Powers would state whether or not under this paragraph the Security Council could call on a member to take military action not covered in special agreement, or agreements, to which that member was a party under Chapter VIII, Section B, paragraph 5. *the* *would be*

would override The Delegate of the United States again emphasized that the Charter must be construed in its entirety and that no single paragraph could be separated from the rest of the document. *While there were special provisions which overrode general provisions, the answer to the question put was a categorical "No." The Security Council had to act in accordance with all provisions of the Charter as expressly stated in paragraph 2, Section B, Chapter VI.* *and*

A division of opinion arose as to whether or not paragraph 4 should now be put, but a motion to adjourn was carried by a vote of 20 to 3.

The meeting was adjourned at 11 p.m. *he voted upon*