

UNCIO - Working papers - Commissions & Technical committees
- Commission II Committee II - 3rd meeting

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COMMISSION II

GENERAL ASSEMBLY

SUMMARY REPORT OF THIRD MEETING OF COMMITTEE II/2

Veterans Building, Room 314, May 9, 1945, 5:08 p.m.

The Third Meeting of the Committee was opened by the Chairman at 5:08 p.m.

1. Report by Chairman on Voting Procedure

The Chairman reported that the Steering Committee had approved a voting procedure, and asked the Secretary to read it. The Secretary read Doc. 147, EX/8.

Decision:

The Committee agreed to use this procedure.

2. Report on Documentation

The Chairman reported that the indexed volume of all amendments to the Dumbarton Oaks Proposals, of which he had before him the working model, was not ready. The Committee Officers' tentative grouping of the amendments relevant to the Committee's terms of reference prepared on the Committee's instructions (Doc. 176, II/2/7 (1)), together with its covering report (Doc. 171, II/2/7), was now before the Committee as a basis for discussion.

3. Discussion on Paragraphs I and 6, Section B, Chapter V, of Dumbarton Oaks Proposals

Senator Vandenberg (United States) proposed a composite amendment to paragraph 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"

from the amendments proposed by the Governments of the four sponsoring powers (Doc. 2, G/29), with the addition of the United States' proposed new paragraph to follow paragraph 6 (Doc. 22, G/14 (v))

"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."

He said that the second paragraph was approved by the four sponsoring powers.

In the course of the discussion, the relation between the amendment and paragraph 1 of Section B, Chapter V, was fully considered. Many members welcome the amendment as a desirable enlargement of the powers of the General Assembly, although some anticipated confusion through the discussion of an amendment to paragraph 6 when paragraph 1 was on the agenda.

The Chairman summarized three possibilities before the Committee: (i) it could vote on Senator Vandenberg's proposal as presented; (ii) it could vote on the first paragraph of the amendment and leave the second to be dealt with when discussing paragraph 6, Section B; (iii) it could appoint a drafting committee to coordinate the amendment with paragraph 1, Section B, Chapter V. He suggested that the Committee should consider (i).

Decision:

The Committee agreed to vote on the whole Vandenberg proposal.

The Chairman then put this proposal to the vote.

Decision:

Motion adopted.
The ~~meeting~~ adjourned at 7:50 p.m.

The Delegate of Colombia asked to go on record as abstaining and reserving the right to put the procedural question of the Committee's divergence from its agenda before the Commission. The Delegate of Chile asked to be put on record abstaining and reserving the right to ask for a clarification of the word "situations".

RESTRICTED
May 9, 1945

COMMISSION II COMMITTEE 2

REPORT BY THE OFFICERS ON GROUPING OF SUGGESTED
MODIFICATIONS TO DUMBARTON OAKS PROPOSALS

Your officers have surveyed the many comments and recommendations submitted by participating governments relating to those portions of the Dumbarton Oaks Proposals which fall within our terms of reference (namely: Chapter V, Section B, paragraphs 1, 3, certain aspects of 6, 8, and the second of the Chinese proposals). Acting under the instructions of the Committee, we have attempted to group the various suggestions.

We find that there are many inter-related and mutually over-lapping suggestions, and that the categories of any practical scheme of grouping cannot be mutually exclusive. An experimental attempt to group the suggested amendments according to the particular lines of paragraphs affected encountered very great difficulties and did not seem to offer much help in organizing the business of the committee for clarity of discussion. The reason is that some governments have proposed to accomplish a certain objective by an amendment to one line or paragraph, while other governments with an identical or similar objective have proposed modifying a different line or paragraph. Therefore, we finally adopted a method of grouping based on subject matter or intended objective. In the pages which follow, suggested changes in the Dumbarton Oaks Proposals are arranged according to this system:

RELATING MAINLY TO PARAGRAPH 1 OF SECTION B,
CHAPTER V

- 2
- | | |
|------------|---|
| Group I. | General Competence of the Assembly |
| Group II. | Effect of Action or Inaction by the Security Council on the Assembly's Competence |
| Group III. | Specific Powers of Assembly |
| Group IV. | Assembly's General Reviewing Authority over Action by the Security Council |

RELATING MAINLY TO PARAGRAPH 3 OF SECTION B,
CHAPTER V

Group V. The Assembly's Authority Regarding

- A. Suspension
- B. Expulsion
- C. Sanctions in General

RELATING MAINLY TO PARAGRAPH 6 (OR PROPOSED
ADDITIONAL PARAGRAPHS) OF SECTION B, CHAPTER V

Group VI. Initiation of Studies and Making of Recommendations by Assembly

- A. International law
- B. Revision of Treaties
- C. Other Subjects and Objectives

RELATING MAINLY TO PARAGRAPH 8 OF SECTION B,
CHAPTER V

Group VII. Receipt and Consideration of Reports by Assembly

We recognize that there is a large element of discretion both in formulating the categories and in deciding under which category or categories a particular suggestion should be placed. Doubtful questions have been resolved with a view to facilitating an orderly discussion.

Your officers recommend that the Committee agree to proceed first to the discussion of proposals under Group I. Reference to proposals listed under other Groups would not be excluded from the debate, but at this stage we would attempt to reach a decision on the proposals of Group I. It may be possible for the Committee to agree on a text which would combine the various ideas expressed by member governments in Group I proposals and then to put such a text to a vote.

Victor Andrade
Chairman

Tulio Franco y Franco
Rapporteur

Eugene Staley
Secretary

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May 9, 1945

COMMISSION II COMMITTEE 2

ANNEX 1

to

REPORT BY THE OFFICERS ON GROUPING OF SUGGESTED
MODIFICATIONS TO DUMBARTON OAKS PROPOSALS

This first annex brings together proposals of participating governments which relate mainly to paragraph 1 of Section B, Chapter V. The following scheme of classification is used:

- Group I. General Competence of the Assembly
- Group II. Effect of Action or Inaction by the Security Council on the Assembly's Competence
- Group III. Specific Powers of Assembly
- Group IV. Assembly's General Reviewing Authority over Action by the Security Council

Subsequent annexes will similarly bring together the proposals relating mainly to paragraphs 3, 6, and 8 of the same section, according to the scheme of classification set forth in the report to which this is annexed.

Many of the proposed amendments relate to more than one category in the grouping which is being used. In such cases the proposal is quoted under the group on which it appears to have the most important bearing and reference is made to it under other groups. Roman numerals are used in the left margin opposite a quoted proposal to indicate groups under which reference is also made to this proposal. *a particular falls.*

For this reason Note: Because of the heavy burden on the reproducing departments, there were still a few documents which had been submitted by member governments but had not yet become available to the Committee at the time this annex was compiled. ~~Therefore,~~ and because of the speed with which the work had to be done, there may be omissions and inaccuracies. It will be appreciated if members would point these out to the Secretary of the Committee, Conference telephone extension 176. A supplement will be issued if needed.

Proposed Amendments Relating Mainly to para. I, Sec. B, Ch. V.

GROUP I. GENERAL COMPETENCE OF THE ASSEMBLY

Australia, Doc. 2, G/14 (1), page 2-3.

Substitute for para. 1, Sec. B, Ch. V:

I "(1) The General Assembly may consider, and may make such recommendations as it thinks fit with regard to, any matter affecting international relations (including the principles governing disarmament and the regulation of armaments); provided that, while in relation to any dispute or situation the Security Council is exercising the functions assigned to it under Chapter VIII, the General Assembly may not, unless on the request of the Security Council, make any recommendation with regard to that dispute or situation.

II "(2) When the Security Council commences to exercise its functions in relation to any dispute or situation, and also when it has ceased to do so, the Secretary-General shall immediately notify the General Assembly through its President. The President of the General Assembly may at any time require the Secretary-General to report on the position of any dispute or situation before the Security Council.

VII If the General Assembly by a three-fourths majority is of opinion, having considered the Secretary-General's report, that the Security Council has ceased to exercise its functions in relation to the dispute or situation, it may proceed to make any recommendation it thinks fit with regard thereto."

Brazil, Doc. 2, G/7 (e) of May 2, 1945, page 7.

I "The functions and powers of the Assembly of the new Organization will be somewhat less than those of the Security Council, in accordance with the Dumbarton Oaks Proposals. It therefore might be desirable to strengthen the first of these two bodies, in which all Members of the Organization will be represented.

"This, however, is one of the points wherein it might be difficult to change what was established at the Dumbarton Oaks Conference."

~~D.B.6~~

5.8 pm.

Ch. Documentation arising fr. 2nd mtg, Bureau de Ctee & make

① Announcements. Voting - approx steering, ^{alltho'} yet Plan, in int of getting on w. wk, we use it. Sec to read, we see if ok

Staley reads Doc EX/8.

Ch Obj^m - O.

Working model doc^t. Not ready, so go on w our doc. prep by Ctee Offs.

② Now our doc. Recall: need of special grouping. We have made tentative grouping, under 6 hds, as the doc bef you. Fr trans not ready yet, promised. Bert / Candis is to offer a verbal trans made now.

Sec. One error, p. 2, Doc 171, Typ VIII where shd be VII.

③ Ch. Now discuss §1, as Appenda. Doc 176 includes our grouping of all what appeared to be the relevant Appends

Vandenberg, many amends under lock. 4 Powers have agreed one gen. to §6 of Sec B, wh. I judge

G/29 to cover many other suggn, & to assist in true realⁿ of purps of Org (reads) / submit

G/14(V) This = broad grant of power to Org to survey any injustice & recommend ^{its} correction

Australia. Approach of our deleg to powers of less. V. Similar to Senator V. O shd be excluded fr. matters wh. Ass can discuss. "Town Meeting".

D.O. Text reads (VBI) is in guarded lang. (reads)

Sent 1 We read that as limitⁿ to discuss gen prin^s

Sent 2 "Prin^s"

Sent 3 Disqualify in cond

We tackled this by looking at p. 2 of our doc in our amend G/14 (l) pp 2-3. Then we tried to cut down limit on Ass' powers. This is intended to be more precise rendering of actual D.O. intention. But for time delay added a § 2 (G/14 (l)) Cf w. 4-P., it is too limited in amend to § 6, & Senator V added his para

Vand That is now spons by all 4

~~Evatt~~ to sum up, no objecⁿ found to Vand + ^{orig} ex Fraser wants to go further. Sup drafting sub-ctee (we don't want duplicate act in ass. sc) presently.

If veto exerc, no result, matter comes back automatic to Ass under our amend. Fraser. Senator V has taken us a long way along road, in 4-P + US (now spons) he read. Better prop now for old "gen welfare" clause. Ass must have some form of proceed, Aust. prov f. that - ed they not be combined in some way. We like to cover milit action by St Pons, instead of interim delay, giving rise to much more serious situ. Ass ought to be able to ask f. some action. That wd meet every req^{ts}. V. sat - shows Ass to have real job, not mere debating soc, as we had feared.

Belgium Sen V. has made import commⁿ ~~concluding~~ in comb. his amends w. Aust, 3 q^{ns} raised.
1 Competence of Ass (attribution)
2 Posit Ass v. ass. S.C.
3 Powers of Ass v. - ass. its members

Ed has written text

This (3) v. import to Belg. We have 7, look to submit an amend § 6 in this comm^{ee}

(3)

Iran 2 cases can arise over relat, - w/c Ass & S.C.
If both agreed, prompt action. If not, S.C.
might delay 3rd, Ass not get to it. Iran
wd like some way for Ass to speed up
- as Aust pts

Foot. 1 agree & hand. The 2 amends achieve that
Ass wd not be mere debating Soc. I am
sure that no one here wants S.C. to
sit on ^{the} ~~the~~ perm or long time, w/out
giving any power to Ass to recommend,
- but we must avoid poss clash
Ass & S.C. Hence Aust § 2 is in
too wide (reads). This might prod ^{such}
a clash. It wd destroy auth of S.C.
if you had one of its decis recalled
by Ass, & Ass passed vote censure
on matter S.C. still handling.
Essence of D.O. = action on Secur,
bus of S.C. Cant have divided
resp. If Ass can recommend
on matter b/f S.C., this wd divide
resp. Later we shall have to
consider Ass - S.C. relats, so I
sup at this stage, pass his
amend adopted 4. P.

Aust 2 pts arise. We can't vote
amend art 6 b/f Art 1. 1.1.
sup, if we pass from this clause,

(Sug we ref. to drafting S-cttee. I don't
 agree atop w. lit. on resp of S.C. It is
 ans. to some one - world or ass.
 It is remarkable to try to limit power
 of ass. There have in past been grave
 delays.

Chile I am ready to agree Vand, but explain
 peaceful adjustment of any situaⁿ - does it mean
 but take also 2nd Australia &
 into consid
 any conflict? Is it applic to pres

Toutes situ too vague - conflicts of internat
 nature - too vague. "Good relations" - what
 does that mean. There are in wh. are
 not good but wh. do not endanger
 peace, & can be replied by ord diplom
 Channels. Does amend refer only
 to new situ, or to exist^{ing}, & even
 long standing, situ^{ns}. We ought to be
 more precise

USP

V. sound gas, but submit I can't define
 specif meaning of this lang, lest I
 create by defin limit^{ed} on a power
 wh I want wide as world. Of
 course, domestic gas excluded.
 Exc f this, I hope unlimited
 prevention fr. putting injustice into
 a strait jacket. Aust. - N.Z. I
 understand anxiety lest S.C. shd
 by narrow jurisdiction, prevent
 an action wh it shd be free to take

I suggest we must go by process of evolution,
 & not try to lay down every thing here in
 S.F. Not against pts sup, but phd lean
 it to evolution & course of living top,
 and getting to know each other
 "Any situ regard less of origin" is
 heart of Charter to me. It rules out
 free grip of states who in world, only to be
 been escaped by the v. force we try to escape
 from. I rep. the sort of thing now prop as
 in dispensable. I think fact U.P. have
 agreed on this is an encum ex of
 evolution to wh. I referred.

Egypt Appland v's idea of pen attrib of
 Ass, & about evolution, & his fear of
 making limits by replying to Chille.
 But another gr. There is actual fact
 of concurrent jurisdiction betw Ass
 & S.C., & gr of time to be taken up.
 We must devise method of reconciling
 this concurrent jurisdiction. The time
 when recon & decid ed be made
 may intermingle, & we must, here,
 lay down proceed. - otherwise clash
 & friction. Respective functions must
 be settled. Then Egypt & Aust may
 meet. Order in wh 2 organs
 can act must be laid down.
 Sequence in time and quality of decision.

Something on which we must agree. They
 can't bear things simultaneous. One organ
 must act. That is S.C., we agree, but
 are unstarbe debanded for. proper function
 Chile clear by negative sense of V's reply. I agree

— in him we want to make as a
^{but we must be clear} forming. Nevertheless, qu of future +
part situⁿ is v. import^{ant} — raises
qu of? refractivity of law. So does
 question of relations, not good, but
 not endangering peace
 Yesterday, today & tomorrow

Vand
 Fraser

Can't ask V for more. Expedited
 evoluⁿ — let us speed it up more
 Recop diffy that amend was to § 6.
 We must recop that resp & power go to
 v. a.v. aggressor, but that is not all
 of things. All coms are involved.
 Small nations must have effective
 voice. It is otherwise intolerable. A clone
 exam last sent § 1, as can't recorn.
 But Foot says no init of discuss. How
 will "recommend" be interpreted?

(Case of expressing condemnatory opinion
 given) I supp Vand, D. Foot, Evatt,
 Belguin, meet overnight. If get
 farther, good. If not, must do best
 we can. Not a choice,

baseline
 measures
 to express
 opinion.

Foot Suppose we pass Vand, even tho § 6,
 & we are not thereby precluded from
 consid amends (esp. Aust) to § 1. Do
~~pass~~ this motion today, wh. has met w
 pen apprs.

Aust On order — to vote on § 6 wth
 under discussion.

Bonnet I support Aust for his reason of order
 possible. The powers of ass are concerned.
 There is a previous § 6. (quotes § 1)
 Doesn't seem to be bad. Quite wide
 discussion of all gns raised by mems
 or S-C. "Double emploi". We
 can't give V's powers in § 6, w/out
 raising infinite misunderstanding
 over § 1. We may need to ~~avoid~~ ^{avoid} these
 2 §s. Our first desire (7.) is to assume
 peace & security. It dominates all.
 I think V's amend can be done by
 evolution, but I would nonetheless like
 proposition made clearer, & not rely too
 much

Belf. At pres DO only give recon's power
 to ass. End & means not reconcil-
 able. Hence it is necess that discuss
 of powers of ass must be linked
 w. Australian amend, & relate Poms
 of S.C. & ass.

Fraser Priority of 4 Power Amend, & has been p'd
 that this doesn't preclude

Ch That is what I was going to point out. I
 of procedure raised by Anshahia.
 Steering Ctee gave spons P's amend
 priority. I... ask Ass, on go of
 proceed, if a free "proceed" voting proceed
Columbia On go of procedure. I do not think
 priority given to 4-Power is enough to
 change Agenda. I think appointment of
 drafting Sub ctee is indispensable. It is obvious
 we have 2 groups ~~actions~~ - 1st, who have to
 fight small, who want a voice, & 2nd, who
 Sub ctee cth have men both groups, &
 arrange quickly at conclusion.

Bonnet I am ready to vote on 1st (4-P) para. But
 on next want not to. It would be in int
 of our tasks to find a position between V.
 & §1 D.O. Hence desire S-c Ctee. Same
 group is at present expressed by
 1st group vote first party, have S-c on 2nd.
 to co-ordinate §1 & 2 V's amend.

Fraser sticks to original pt. No prejudice to other
 amends. Against postponement.

Ch Wants to clean up proposals presented
 1. Vandenberg amendments
 2. Concentrate on §1, & leave V. till we get to
 3. A drafting ctee.

On 3, Question. Can s.c. discuss only V's
 amend, or take into a/c all amends,
 which we have not discussed

Egypt Against #1... Amend the amend by
 thinking out "Subs to §1."

(9)

Chile ? Can we amend 4-P amend,
or have we to accept them as stand
Vand 4-P. not final — but they have been
agreed by 4-P's, 2nd diff of
getting changes. I wd put out that,
by voting on § 6 amend, you put
it subord to what happens to § 1.
Ch V. has made clear situ
Put to vote in customary order

Bornet Want § 1 of V, other parts to go to drafting
sub-committee

Ch 1 Are we going to vote?
2 Are we to do it in stages?

Vand I feel resp to 4 Powers — not fair to
divide amend. I wd have to re-
submit to authors.

Ch 1. Vote now on Vand as whole be
fore us. Adopted, 20-

2. Those in fav. of total amend
23-3

Columbia registers abstention,
& reserve right put to Commission.

Chile abstained in order to reserve right
to change word.

7.50.

Commission II

Committee 2
Comité

3rd Meeting

Attendance Record
Bulletin de Présence

Date Wednesday 9 May 1945

Country
Nation

Name of Representative Present
Nom du Représentant Présent
(Please Print)
(en Majuscules, S.V.P.)

Argentina

H. Pratt

Australia

Fernand DEHOUSSE

Belgium

Vandrade

Bolivia

Brazil

Amado Louproux

Canada

Mr. L. G. Brown

Chile

L. Vial de Rio

China

Carson Chang

Colombia

Costa Rica

Francisco Aguirre

Cuba

José Capriles

Czechoslovakia

New Zealand

Nicaragua

Norway

Panama

Paraguay

Peru

Philippine Commonwealth

Saudi Arabia

Syria

Turkey

Ukrainian S. S. R.

Union of South Africa

Union of Soviet Socialist
Republics

United Kingdom

United States of America

Uruguay

Venezuela

Peter Lase

Guillermo Serina Sarasa

Jaakko Vorn-Muth

M. L. L. L.

Luis Alvarado

Jose F. Linder (Advisor)

~~Advised~~

A. S. Esmer

M. Petrovsky

Leif Egeland

Liffman

Lindfoot

Adrian

Pro Lanchano

Ernest Lopez M.D.

White Russian S. S.R.

Yugoslavia

R. Kiselev
T. V. GURGJEVIC