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- commission II committee II - drafting sub-committee (B)

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SUMMARY REPORT OF SIXTH MEETING OF SUB-COMMITTEE B
OF COMMITTEE II/2

Veterans Building, Room 311, May 29, 1945, 10:35 a.m.

The Chairman opened the meeting at 10:35 a.m.

The following representatives were present:

The Chairman (Victor Andrade, Bolivia)
The Rapporteur (Tulio Franco y Franco,
Dominican Republic)
a/ P. Hasluck (Australia)
D. de Giffier (Belgium)
Luis Padilla Nervo (Mexico)
A. A. Roschin (U.S.S.R.)
Dingle Foot (United Kingdom)
Benjamin Gerig (United States)

The Sub-Committee proceeded to the redrafting of Paragraph 8, Section B, Chapter V, of the Dumbarton Oaks Proposals, in the light of the affirmative votes of Committee II/2 on four questions of principle formulated by Sub-Committee A in its Third Report (Doc. 476, II/2/A/4). The questions answered in the affirmative were as follows:

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

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

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

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

It was recalled that the third of these questions had been affirmed in Committee II/2 after an interpretation which made clear that the Assembly should not make recommendations with respect to matters being dealt with by the Security Council.

Decisions:

The Sub-Committee agreed that the word "consider" in the original Dumbarton Oaks text encompassed the word "discuss", and therefore retained the former;

The Sub-Committee approved the following text for submission to Committee II/2:

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

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

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

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

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

The meeting adjourned at 12:20 p.m.

General Assembly
(8. The ~~S. A.~~ ^{General Assembly} should ^{receive} ~~maintain~~ and consider annual and special reports from the Security Council; such reports should include an account of the measures ^{to maintain international peace and security} ~~concerning peace and security~~ which the Security Council has adopted or applied. ^{of this Section}

Subject to the provisions of Paragraph 1, the General Assembly should be empowered:

a) to approve or disapprove in whole or in part any report from the Security Council and ^(to make) to make any recommendations or observations thereon; ~~that it thinks fit.~~

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

The General Assembly should receive and consider reports from the other bodies of the Organization and ^{it may} ~~it~~ make any recommendations or observations thereon, ^{it} ~~that it sees fit.~~

The meeting adjourned at 12.20 p.m.

8. Il appartiendrait à l'Assemblée Générale de recevoir et d'examiner des rapports annuels et des rapports spéciaux émanant du Conseil de Sécurité; ces rapports devraient rendre compte des mesures adoptées ou appliquées par le Conseil de Sécurité concernant la paix et la sécurité.

Sous réserve des dispositions du paragraphe 1, l'Assemblée Générale devrait être habilitée.

a) à approuver ou à désapprouver, en tout ou en partie, tout rapport émanant du Conseil de Sécurité et à formuler telles recommandations ou telles observations qu'elle jugerait convenables de faire à ce sujet.

b) à soumettre des recommandations au Conseil de Sécurité en vue d'assurer la pleine exécution des devoirs du Conseil de Sécurité inhérents à sa fonction de maintien de la paix et de la sécurité internationales.

Il appartiendrait à l'Assemblée Générale de recevoir et d'examiner des rapports émanant d'autres organismes de l'Organisation et de formuler telles recommandations ou telles observations qu'elle jugerait convenables de faire à leur sujet.

FOR CONSIDERATION OF SUBCOMMITTEE II/2/B

Paragraph 8

The question of drafting paragraph 8, Section B, Chapter V, would appear to involve consideration of the following materials:

1. Original provision of Dumbarton Oaks

Chapter V, Section B, paragraph 8 reads as follows:

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

2. Questions relating to paragraph 8, Section B, Chapter V to which Committee II/2 gave an affirmative answer

Committee II/2 affirmed the following questions:

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

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

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

The affirming of this question occurred after an interpretation which made clear that the Assembly should not make recommendations with respect to matters being dealt with by the Security Council.

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

29 mai, 1945

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ON INTERNATIONAL ORGANIZATION

POUR CONSIDERATION PAR LE SOUS-COMITE II/2/B

Paragraphe 8

La rédaction du paragraphe 8, Section B, Chapitre V, semble nécessiter l'examen de la documentation suivante :

1. Dispositions originales de Dumbarton Oaks.

Le paragraphe 8 de la Section B du Chapitre V a la teneur suivante :

" 8. L'Assemblée Générale devrait recevoir et examiner les rapports annuels ou spéciaux émanant du Conseil de Sécurité et d'autres organes de l'Organisation."

2. Questions se rapportant au paragraphe 8, Section B, Chapitre V, auxquelles le Comité II/2 a donné une réponse affirmative.

Le Comité II/2 a retenu les questions suivantes :

"(1) Le Conseil de Sécurité devrait-il rapporter à l'Assemblée sur toute question intéressant la paix et la sécurité internationales au sujet de laquelle il a adopté et/ou pris les mesures qu'il a jugées nécessaires ?"

"(2) L'Assemblée Générale devrait-elle avoir le droit de recevoir et de discuter les rapports prévus au paragraphe 8 ?"

"(3) L'Assemblée Générale devrait-elle avoir le droit d'étudier et approuver ou désapprouver, en totalité ou en partie, les rapports du Conseil de Sécurité ?"

L'acceptation de cette question fut décidée après qu'une interprétation eût précisé que l'Assemblée ne devrait pas faire de recommandations relativement à des questions dont s'occupe le Conseil de Sécurité.

"(4) Sous réserve des dispositions du paragraphe 1, l'Assemblée Générale devrait-elle avoir le droit de faire des recommandations au Conseil de Sécurité en vue d'assurer l'accomplissement total par le Conseil de Sécurité des devoirs inhérents à sa responsabilité pour le maintien de la paix et de la sécurité internationales ?"

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etc. This wd save putting in resⁿ twice.

(See redraft)

Austh App basis is actually made distinct betw
nature of rep^s which it shd rec from spec
organs.

Trans (The text has annual or special — Imp =
annual and ...)

UK I think this 'distinct' is implicit in the
adopted, & is convenient. S.C. reports are
normally annual, whereas other bodies
may report more often. Also limitation on
recs. Only App applies to S.C., not to
other bodies' actions.

(Pause for typing)

Ch reads

Mex What is "§ 1"?

Austh Leave § as blank

Ch It is still § 1, altho' there may be sub §§.

Mex Then real purp of § 1 is usual limitation
I am not clear about the position of the phrase
"Subj ... § 1". Then is a pro + disappro
— as dist fr. recs — not also involved in
this restrict. I think "Subject ... § 1"
shd come in bef "and make" in (a). fail to

W.S.A. I fail to see how "appro + disappro" ^{can fail to} ^{work}
~~recs. of bodies in rec 3~~

Austh Precise nature of exceptⁿ is found in § 16.
It is not a prohib abg disapp, but a rec...
I think dft now bef us is sat, as § 1 comes

Mex I find a slight diffc, because appro +
disapp. can ref. to questions wh S.C. has done

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Ch Now Draft § 8. On wkng doc, 4 Qs ans yes.
∴ what do we now add to § 8 to embody these ans.
"Consider" covers discussion

U.S.A. Is en whether to use "consider" and/or "discuss"
U.S.S.R. Del at D.O. said there was a diff^c. U.S. &
U.K. said either. Redundant to use both.

NB (The word in French is "examiner")

Mex A body can't "consider" without discussing
— an individual can "examine" without discussing

Ch Then "discuss" is redundant.
As rg. Qn 1 — for what purp wd S.C. report,
if not to tell what meas it has adopted.

U.K. Wds "measures meas." are obviously
redundant. If acc § 8 as stands, add
"Such reports shd ^{include an} contain a/c of ^{the} measures
concerning ~~the maintenance of~~ ^{the} ~~the~~ ^{the} S.C. has adopted or applied."

Ch We have still to add last sent of § 8 — this
will not make good English.

U.K. Cut out "reports" second time. This wd alter
sense a little, as "other organs" wd then have
to present annual repts

Trans Pts out that this alteraⁿ does not appear in
French ^{more than}

Mex You will have to make 1st sent, "I" of this
en of special reports, and "I" sent, added
wd make other bodies required to give
a/c of

U.K. Mex is right. Better omit other bodies in
first sent, and concentrate on our orgs wh concern S.C.
The GA shd receive fr S.C. ~~a~~ & S reports
shd include etc.

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W.K. Put 3 after "reports" and restart "such reports". Then put other bodies reports in - The G.A. shd also receive, etc.

Quest. I think that is all right. But where do we put in idea of Sec 24, approve or disapprove.

Ch. That is why I wanted to get a rough draft, & then come back to careful editing. There is still Sec 4 to be worked in.

W.S.A. (3) "and ^{make} express its ^{observations} views upon." - because we have to get in the part that Ass may approve or disapprove in part

Ch. I think "approve & disapprove" business is incomplete. " " ought to have an effect (cf in Pact). This leaves action entirely in the air - but I did not want to interfere w. E.C.E. I wd like to maintain wds "approve" "disapprove", otherwise E.C.E. will object - wd that I agree with this view.

Quest. The G.S. delegate's diff is really met by "in whole or in part". On pending, can we make a separ betw sent? we have set down? First, we have an oblig on S.C., then we have powers of Ass. I think it wd also meet Ch's objections. Indirectly, Ass, as "town meeting", can express an opinion wh. may not be without effect on S.C. In another sent, we can express approve, disapprove, or power to recommend.

W.K. The ans to 3 & 4 might be taken together. In answer to 4, we put in "Subj ... § 1". But this ansd obviously applies to 3 also. Dft something like this "Subj to ... § 1, the G.A. shd be

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with. It isn't intended to contrib to solution of prob. Rec wd be in nature of contrib of advice, etc. But Ans wd be dealing w. past facts

UK. But Ans not neces dealing w. past facts. Eg. "meas adopted & applied" may be continuing for weeks or months (if even same?). Also "Subj § 1" must apply to approve disapprove; & I don't believe ~~it~~ ^{it} contemplated any thing else. It has consistently refused to adopt any gn wh. cd precipitate a conflict betw Ans & S.C.

Ch Any specific correction to this dft?

Genip After §, get phrase "concerning p & § 4" - put in "for the maint of l.p. & §." Also take out "which it thinks fit" in both places.

Ch Reads dft.

U.S.A. Could words ref to maint of l.p. & §.

May Will S.C. report on gns in prog, or only at end of dealing

UK. Since annual reports are envisaged, must be interim sometimes.

The General should receive & consider annual reports from the Security Council. Such reports should include an a/c of the measures which the S. Council had adopted or applied. The G. A. should be empowered

a) to study and approve or disapprove, in whole or in part ~~the~~ ^{any} reports ^{from} of the S. Council and make any recommendations or observations thereon ~~that~~ it may think fit

b) to submit recommendations to the S. Council with a view ... etc.

The Gen Ass should also ~~also~~ receive & consider reports from ^{the} ~~the~~ ~~Boards~~ of the Organisation

Subject to
an proviso
of S. 1

Commission II

Committee 2
Comité

Attendance Record
Bulletin de Presence

Sub committee B
10:30 A.M. R 311

Date *Tuesday, 29 May 1945*

Country
Nation

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

Argentina

Australia

Belgium

Bolivia

Brazil

Byelorussian S.S.R.

Canada

Chile

China

Colombia

Costa Rica

Cuba

Czechoslovakia

Paul Hasbuck,

P. de Giffen

J. Andrade

Dominican Republic

Ecuador

Egypt

El Salvador

Ethiopia

France

Greece

Guatemala

Haiti

Honduras

India

Iran

Iraq

Lebanon

Liberia

Luxembourg

Mexico

Netherlands

Smith

Handwritten signature

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

Yugoslavia

Ryshin
Ingilit
Perig

29 mai, 1945

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