

UNCIO - commissions & technical committees - commission 3/
committee 2 - inter-office correspondence.

01 May 1945

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(PAGE 5/2.2.3)

June 21, 1945

TO: Mr. C. E. Rothwell

FROM: Mr. Grayson Kirk

Bill Fox has discussed with me the feasibility of his leaving San Francisco either Friday or Saturday night, June 22 or 23. Train accommodations are available. He has urgent business in New Haven the middle of next week.

This letter is to testify that his Committee work has reached such a stage that his presence in San Francisco is no longer essential. If his leaving at this time is agreeable with you, will you please initial this letter.

WTRF:an

19
June 28, 1945

MEMORANDUM

TO: Executive Committee (via Commission III)

SUBJECT: Approval of Paragraphs 1 and 2, Chapter XII, by Commission III, Committee 3.

1. This will inform you that Committee 3, of Commission III, has this date completed the consideration of and has approved paragraphs 1 and 2 of Chapter XII of the Dumbarton Oaks Proposals, with the following change:

The original paragraph 1 redrafted in order to give greater precision to the text.

2. The Dumbarton Oaks Proposals, as acted upon by Committee 3, Commission III, follows:

"CHAPTER XII. TRANSITIONAL ARRANGEMENTS

1. Pending the coming into force of the such special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Chapter VIII, Section B, paragraph 4, the States parties to and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of the states parties to that Declaration, should consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action."

This letter is forwarded to you in compliance with "Conference Procedure on Drafting Final Charter" as approved by the Steering Committee on May 10, 1945.

Secretary
Committee 3
Commission III

Approved:

Executive Officer
Commission III

cc-2, Executive Secretary

COPY

June 18,

TO: Mr. Kirk

FROM: J. C. Dreier

The party which the Executive Secretary and the Executive Officers of the four Commissions are giving for the Officers of the Committees and Commissions will be held Wednesday evening, June 20, from six to eight.

Mr. and Mrs. Sutro have very kindly made their home available for this party. The address is 3598 Jackson Street.

Will you please invite the Officers of Committees and Commissions and the members of your staff of working secretaries, and let me know how many expect to come.

Chairman &

Rapporteur

J. C. Dreier

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 12, 1945

MEMORANDUM

TO: Mr. Fox

FROM: Mr. Farley *W.F.*

At the request of Mr. Chamberlain, "Working Documents" for our Committee were reviewed with the purpose of having rerun as regular Conference documents those which had not already been rerun in this manner.

Job jackets have been made and submitted to Mr. Chamberlain for the following four working documents of our Committee (all the working documents we have had):

- WD 36: "Proposed Motions" (Subcommittee Report on paragraphs 1 and 2 of VIII-B)
- WD 67: "Proposal for III/2 to III/3" (The Greek Proposal for Chapter XII)
- WD 68: "Aide-Memoire" (Subcommittee Report on Chapter 12)
- WD 185: "Text of VIII-B" (As forwarded to the Coordination Committee)

HF:an

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HF:an

Inter-Office Correspondence

MEMORANDUM ON THE GREEK PROPOSAL
(An ^{add}Agendum to the Rapporteur's Report to the Steering Committee on Chapter XII)

At the time Committee III/3 voted to refer Chapter XII to the Steering Committee a Greek proposal which had been referred to Committee III/3 from Committee III/2 had not yet been acted upon. The following is an extract from the Summary Report of the fourth meeting of Committee III/2 (Doc. 321, III/2/9):

"The Delegate of Greece, wishing to exclude the use by states that are enemies of the United Nations of the procedures of Chapter VIII, Section A, and believing that Chapter XII, paragraph 2, did not adequately fulfil this purpose, proposed the consideration of the following amendment to Chapter VIII, Section A, paragraph 2:

"It is understood that the enemy states in this war shall not have the right of recourse to the Security Council before the entry into effect of the treaties putting an end to the war."

"On the suggestion of the Delegate of France, the words 'or the General Assembly' were accepted for insertion after the words: 'to the Security Council'.

"Decision: It was agreed, by a vote of 24 to 0, to refer this proposal, as amended, to Committee III/3 as relating to Chapter XII, paragraph 2, with the statement that Committee III/2 approved the proposal in principle so far as it applied to Chapter VIII, Section A, with the understanding, in particular, that the precise meaning of the term 'enemy states' needs further clarification."

At the seventeenth meeting of Committee III/3 the Delegate of Greece called the Committee's attention to the fact that his proposal had not yet been acted upon and requested that a statement to that effect be added to the Rapporteur's report to the Steering Committee on action

taken with respect to Chapter XII so that at whatever point final action is taken with respect to Chapter XII the Greek proposal can at the same time be acted upon.

RESTRICTED

June 10, 1945.

MEMORANDUM

TO: Mr. Alger Hiss
Mr. Charles F. Darlington

FROM: Mr. Elwood N. Thompson

SUBJECT: Referral by Committee III/3 to the Steering Committee of Chapter XII of the Dumbarton Oaks Proposals Concerning Transitional Arrangements.

Attached are two documents concerning the above subject: (1) report to the Steering Committee of the Rapporteur of Committee III/3 concerning Chapter XII, with an addendum concerning a related Greek proposal referred by Committee III/2 to Committee III/3, (2) a draft of the Rapporteur's report, prepared by the Secretary of Committee III/3, William T. R. Fox, for our information but not for official use.

Committee III/3 first voted to postpone voting on the two articles of Chapter XII of the Dumbarton Oaks Proposals and referred the text to a drafting subcommittee for clarification. The drafting subcommittee was unable to agree on an alternative text which would conform to the substance of the provisions of Dumbarton Oaks Proposals. The subcommittee decided by a vote of 5 to 0, with four abstentions, to recommend to Committee III/3 the adoption of the text of Dumbarton Oaks Proposals and also to report explanations on the scope and meaning of Chapter XII. Committee III/3 at its meeting June 2 examined the subcommittee's report, and rejected paragraph 1 of Chapter XII by a vote of 21 to 9; the Chairman refrained from taking a vote on paragraph 2. The delegate from Australia expressed criticism of the explanations reported by the subcommittee to the full committee concerning the meaning of the Dumbarton Oaks text.

On the suggestion of the delegate of the United Kingdom, (Sir Alexander Cadogan), Committee III/3 decided to refer to the Steering Committee the explanations which had been presented to it by the drafting subcommittee, as well as the criticisms voiced by the delegate of Australia. It is specified in the

Rapporteur's report that the committee's rejection of Chapter XII is motivated only by the present form of the text and not by the principles involved.

A study of the attached documents, and conversations with the Secretary of Committee III/3, indicates that the primary problem is that of producing a text which states the principles of Dumbarton Oaks Proposals Chapter XII in language that is satisfactory to Committee III/3. Neither the Executive nor the Steering Committee is an appropriate body to perform this function. If redrafting requires political decisions by the sponsoring powers and France, it would appear that the Big Five should prepare a new draft of Chapter XII for submission to Committee III/3. It could then be moved in the Committee that it recall the Rapporteur's report to the Steering Committee and consider the new text. Presumably the new text would not be regarded as a new proposal requiring authorization of the Executive Committee in order to be admitted after the May 4 deadline. In case of such question, the action of the Executive Committee could be ascertained within 24 hours without calling a meeting.

June 7, 1945

MEMORANDUM

TO: Mr. Rothwell

FROM: Mr. William T. R. Fox

RE: Action taken by Committee III/3 on amendments to Associate the General Assembly with the Security Council in Decisions involving the use of Force.

1. Proposed Amendments.

The following are the texts of amendments proposed by New Zealand, Mexico and Egypt which bear upon this point and which were considered and acted upon by the Committee:

New Zealand "4a (a) A decision of the Security Council involving the application of the measures contemplated in paragraphs (2) and (4) of Chapter VIII Section B shall require the concurring vote of the General Assembly, deciding by a simple majority.

"(b) Nevertheless, in any case which, in the opinion of the Security Council, is of extreme urgency, the Security Council may decide to apply such measures forthwith without the concurring vote of the General Assembly; but in every such case it shall forthwith report its decision to the General Assembly.

"(c) Every decision made in accordance with sub-paragraphs (a) and (b) of this paragraph shall be binding on all members of the Organization. (Doc. 2, G/14 (f) p.3)"

Mexico. "VIII-B-1. Should the Security Council or the General Assembly deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, the Security Council should take any measures.... (Doc. 2, G/7 (1) pp.12-13)"

"2. The Security Council or the General Assembly, should determine the existence of any threat to the peace, etc....(Doc. 2, G/7 (c) (1) p.13)"

Egypt. (To be added after paragraph 4)

"Should the Security Council take the action referred to in paragraph 4, it should within reasonable limits of time submit the matter for review to the General Assembly at a special meeting. Only a vote of three-quarters of the Members of the General Assembly could suspend or cancel the decisions taken by the Security Council. (Dec. 2, G/7 (q) (1) pp.7-8)"

2. Decisions.

After discussion, each of these amendments was defeated at the seventh meeting of the Committee on May 10, 1945, by the following vote:

New Zealand amendment	- 22 to 4
Mexican amendment	- 23 to 7
Egyptian amendment	- 18 to 12

3. Reasons therefor.

At prior meetings in order to crystallize the points of view of the Delegations general discussion took place relating to these amendments but centering around the following motion proposed by the Delegate from New Zealand:

"that this Committee express its approval of the plan that in all matters of the applications of sanctions, military or economic, the Security Council associate with itself the General Assembly",

and the amendment to this motion proposed by the Delegate from Canada:

"that provision be made for the participation in decisions of the Security Council of members not represented on it, whenever such members are desired to take serious enforcement action under these decisions."

The following are some of the arguments brought out in discussion concerning those portions of the three proposed amendments which bear upon the language of Chapter V, Section B, paragraph 8, as approved by Committee II/2:

(a) The Security Council is, in effect, the representative of all the member states which are present in the General Assembly. It is not the agent of the Assembly, particularly in enforcement action. The Council, no less than the Assembly, is the trustee

of the community of nations. As such, it can be relied upon to make decisions in the interests of all.

(b) The Council, to be effective, must have complete liberty of action. It cannot adequately perform its function if its enforcement action is subject to ratification or review by the General Assembly or if the latter is permitted to act concurrently.

(c) Any measures which lessen the effectiveness and swiftness of the enforcement action of the Council constitute an invitation to potential aggressors.

(d) An intolerable situation would result if, after enforcement action is undertaken pursuant to a decision of the Council, the Assembly should disapprove of that decision. It would be impossible to halt military action under way and, in any event, the effect of such disapproval would be unfortunate.

As can be seen from the language of the Canadian motion, there was under simultaneous consideration the Canadian amendment to permit states not members of the Council to sit as members when decisions are pending involving the use of their forces. It should be mentioned that one of the reasons underlying the votes defeating the three amendments was undoubtedly a knowledge that some such provision as that proposed by Canada would be agreed upon and that thus a major objective of the Governments sponsoring the three amendments would be realized through that means.

4. Relation to V-B-8.

(a) Although it is not specifically so stated in the language of the proposed paragraph 8 of Section B of Chapter V, it would appear that the possible disapproval by the Assembly of Council action envisaged therein would not have any effect upon the validity of the decision or upon enforcement action taken by the Council in pursuance thereof. Indeed, it would appear that the Assembly would not be permitted even to consider a report by the Council concerning any pending action since the paragraph reads:

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

a) to approve or disapprove....."

This, then, is an essential difference between this paragraph and the three proposed amendments discussed above.

(b) It is assumed that any disapproval by the Assembly under

V-B-8 of reports of the Security Council will be by majority vote. The decisive defeat of the above quoted Egyptian amendment shows that Committee III/3 was unwilling to permit even a three-fourths majority of the Assembly to override decisions of the Security Council on enforcement measures.

(c) The three amendments discussed above dealt only with enforcement measures and did not relate to decisions with respect to peaceful settlement or to any other action by the Council. The language of V-B-8 apparently refers to any action taken by the Council to maintain international peace and security.

EXECUTIVE COMMITTEE

PROPOSED AGENDA FOR SIXTH MEETING OF EXECUTIVE COMMITTEE
Opera House, Room 418, June 6, 1945, 10:30 a.m.

The following items have been placed on the agenda by the chairmen of the delegations of the sponsoring governments and France.

(1) Consideration of whether the nomination of the Secretary-General by the Security Council should be by vote of any seven members.

The Rapporteur of Committee II/1, reporting to Commission II at its plenary session of May 30, stated: "The Committee recommends that the Secretary-General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The Delegate of the Union of Soviet Socialist Republics requested that action on the recommendation be postponed by Commission II since the question of the election of the Secretary-General had been referred by his Delegation to the Steering Committee. The President ruled in favor of this request and referred to the paper on the Organization of the Conference (adopted in plenary session April 30, 1945). That document provides that the Steering Committee shall consider any major policy or procedure question submitted to it during the Conference by the co-presidents or the chairman of any delegation.

The proposed Charter provision for electing the Secretary-General, adopted by Committee II/1 on May 25, 1945, reads as follows*:

*The numbers are those of the Dumbarton Oaks Proposals. The original language of Dumbarton Oaks is shown in plain type, deleted passages are shown in canceled type, and new language is underscored.

"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 4

4. The General Assembly ~~should~~ shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council ~~provided for in Chapter IX. It should be empowered to shall~~ elect, ~~upon recommendation of the Security Council,~~ the Secretary-General of the Organization ~~upon the recommendation of the Security Council, made by an affirmative vote of seven members. It should perform such functions in relation to the election of the judges of the International Court of Justice as may be conferred upon it by the Statute of the Court. The General Assembly shall participate in the election of the judges of the International Court of Justice in accordance with the provisions of the Statute of the Court."~~

(2) Consideration of whether the Charter should contain a provision creating the positions of Deputy Secretaries-General and making them eligible for reelection.

In Committee I/2, on May 24, the Delegate of the Union of Soviet Socialist Republics moved that the amendment of the sponsoring powers to Chapter X, paragraph 1, of the Dumbarton Oaks Proposals be modified to provide for five Deputy Secretaries-General, and their eligibility for reelection.

Committee I/2 thereafter voted upon the question, "Shall the Charter mention Deputy Secretaries-General or not?" Fifteen delegates voted "yes"; 13 "no".

The text of the Dumbarton Oaks Proposals, on this question, as amended by the four sponsoring powers, reads as follows*:

"Chapter X. The Secretariat

"1. There should be a Secretariat comprising a Secretary-General, four deputies and such staff as may be required. ~~The Secretary-General should be the chief administrative officer of the Organization. He should~~

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be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter. The Secretary-General and his deputies should be elected by the General Assembly on recommendation of the Security Council for a period of three years, and the Secretary-General should be eligible for reelection. The Secretary-General should be the chief administrative officer of the Organization."

(3) Consideration of the text adopted by Committee I/2, May 25, 1945. The text reads as follows*:

"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 3

The General Assembly should, upon recommendation of the Security Council, be empowered to The Organization may at any time suspend from the exercise of any the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of the these rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should-be empowered, upon recommendation of the Security Council, to expel from-the Organization any member of the Organization which persistently violates the principles contained in the Charter in accordance with the procedure laid down in Chapter ... para ..."

Prior to adopting the above text, the Committee voted on the question of whether or not it desired to retain in the Charter a provision concerning expulsion. Nineteen delegates voted "yes"; 16 "no". The Committee accepted by vote of 25 to 2, the text stated above.

(4) Consideration of the proposed paragraph 8, Section B, Chapter V, adopted by Committee II/2, May 30, 1945.

The text adopted by the Committee reads as follows*:

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"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 8

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

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

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

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

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

June 7, 1945

MEMORANDUM

TO: Mr. Rothwell

FROM: Mr. William T. R. Fox

RE: Action taken by Committee III/3 on amendments to Associate the General Assembly with the Security Council in Decisions involving the use of Force.

1. Proposed Amendments.

The following are the texts of amendments proposed by New Zealand, Mexico and Egypt which bear upon this point and which were considered and acted upon by the Committee:

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"(b) Nevertheless, in any case which, in the opinion of the Security Council, is of extreme urgency, the Security Council may decide to apply such measures forthwith without the concurring vote of the General Assembly; but in every such case it shall forthwith report its decision to the General Assembly.

"(c) Every decision made in accordance with sub-paragraphs (a) and (b) of this paragraph shall be binding on all members of the Organization. (Doc. 2, G/14 (f) p.3)"

Mexico. "VIII-B-1. Should the Security Council or the General Assembly deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, the Security Council should take any measures.... (Doc. 2, G/7 (1) pp.12-13)"

"2. The Security Council or the General Assembly, should determine the existence of any threat to the peace, etc....(Doc. 2, G/7 (c) (1) p.13)"

Egypt. (To be added after paragraph 4)

"Should the Security Council take the action referred to in paragraph 4, it should within reasonable limits of time submit the matter for review to the General Assembly at a special meeting. Only a vote of three-quarters of the Members of the General Assembly could suspend or cancel the decisions taken by the Security Council. (Doc. 2, G/7 (q) (1) pp.7-8)"

2. Decisions.

After discussion, each of these amendments was defeated at the seventh meeting of the Committee on May 10, 1945, by the following vote:

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"(b) Nevertheless, in any case which, in the opinion of the Security Council, is of extreme urgency, the Security Council may decide to apply such measures forthwith without the concurring vote of the General Assembly; but in every such case it shall forthwith report its decision to the General Assembly.

"(c) Every decision made in accordance with sub-paragraphs (a) and (b) of this paragraph shall be binding on all members of the Organization. (Doc. 2, G/14 (f) p.3)"

Mexico. "VIII-B-1. Should the Security Council or the General Assembly deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, the Security Council should take any measures.... (Doc. 2, G/7 (1) pp.12-13)"

"2. The Security Council or the General Assembly, should determine the existence of any threat to the peace, etc....(Doc. 2, G/7 (c) (1) p.13)"

Egypt. (To be added after paragraph 4)

"Should the Security Council take the action referred to in paragraph 4, it should within reasonable limits of time submit the matter for review to the General Assembly at a special meeting. Only a vote of three-quarters of the Members of the General Assembly could suspend or cancel the decisions taken by the Security Council. (Doc. 2, G/7 (q) (1) pp.7-8)"

2. Decisions.

After discussion, each of these amendments was defeated at the seventh meeting of the Committee on May 10, 1945, by the following vote:

New Zealand amendment	- 22 to 4
Mexican amendment	- 23 to 7
Egyptian amendment	- 18 to 12

3. Reasons therefor.

At prior meetings in order to crystallize the points of view of the Delegations general discussion took place relating to these amendments but centering around the following motion proposed by the Delegate from New Zealand;

"that this Committee express its approval of the plan that in all matters of the applications of sanctions, military or economic, the Security Council associate with itself the General Assembly",

and the amendment to this motion proposed by the Delegate from Canada;

"that provision be made for the participation in decisions of the Security Council of members not represented on it, whenever such members are desired to take serious enforcement action under these decisions."

The following are some of the arguments brought out in discussion concerning these portions of the three proposed amendments which bear upon the language of Chapter V, Section B, paragraph 8, as approved by Committee II/2;

(a) The Security Council is, in effect, the representative of all the member states which are present in the General Assembly. It is not the agent of the Assembly, particularly in enforcement action. The Council, no less than the Assembly, is the trustee

of the community of nations. As such, it can be relied upon to make decisions in the interests of all.

(b) The Council, to be effective, must have complete liberty of action. It cannot adequately perform its function if its enforcement action is subject to ratification or review by the General Assembly or if the latter is permitted to act concurrently.

(c) Any measures which lessen the effectiveness and swiftness of the enforcement action of the Council constitute an invitation to potential aggressors.

(d) An intolerable situation would result if, after enforcement action is undertaken pursuant to a decision of the Council, the Assembly should disapprove of that decision. It would be impossible to halt military action under way and, in any event, the effect of such disapproval would be unfortunate.

As can be seen from the language of the Canadian motion, there was under simultaneous consideration the Canadian amendment to permit states not members of the Council to sit as members when decisions are pending involving the use of their forces. It should be mentioned that one of the reasons underlying the votes defeating the three amendments was undoubtedly a knowledge that some such provision as that proposed by Canada would be agreed upon and that thus a major objective of the Governments sponsoring the three amendments would be realized through that means.

4. Relation to V-B-8.

(a) Although it is not specifically so stated in the language of the proposed paragraph 8 of Section B of Chapter V, it would appear that the possible disapproval by the Assembly of Council action envisaged therein would not have any effect upon the validity of the decision or upon enforcement action taken by the Council in pursuance thereof. Indeed, it would appear that the Assembly would not be permitted even to consider a report by the Council concerning any pending action since the paragraph reads:

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

a) to approve or disapprove....."

This, then, is an essential difference between this paragraph and the three proposed amendments discussed above.

(b) It is assumed that any disapproval by the Assembly under

V-B-8 of reports of the Security Council will be by majority vote. The decisive defeat of the above quoted Egyptian amendment shows that Committee III/3 was unwilling to permit even a three-fourths majority of the Assembly to override decisions of the Security Council on enforcement measures.

(c) The three amendments discussed above dealt only with enforcement measures and did not relate to decisions with respect to peaceful settlement or to any other action by the Council. The language of V-B-8 apparently refers to any action taken by the Council to maintain international peace and security.

EXECUTIVE COMMITTEE

PROPOSED AGENDA FOR SIXTH MEETING OF EXECUTIVE COMMITTEE
Opera House, Room 418, June 6, 1945, 10:30 a.m.

The following items have been placed on the agenda by the chairmen of the delegations of the sponsoring governments and France.

(1) Consideration of whether the nomination of the Secretary-General by the Security Council should be by vote of any seven members.

The Rapporteur of Committee II/1, reporting to Commission II at its plenary session of May 30, stated: "The Committee recommends that the Secretary-General of the Organization should be elected by the General Assembly upon recommendation of the Security Council made by an affirmative vote of seven members. It is the intent of the Committee that the majority stipulated shall be a majority of any seven members and need not include the concurrent votes of the five permanent members of the Security Council."

The Delegate of the Union of Soviet Socialist Republics requested that action on the recommendation be postponed by Commission II since the question of the election of the Secretary-General had been referred by his Delegation to the Steering Committee. The President ruled in favor of this request and referred to the paper on the Organization of the Conference (adopted in plenary session April 30, 1945). That document provides that the Steering Committee shall consider any major policy or procedure question submitted to it during the Conference by the co-presidents or the chairman of any delegation.

The proposed Charter provision for electing the Secretary-General, adopted by Committee II/1 on May 25, 1945, reads as follows*:

*The numbers are those of the Dumbarton Oaks Proposals. The original language of Dumbarton Oaks is shown in plain type, deleted passages are shown in canceled type, and new language is underscored.

"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 4

4. The General Assembly ~~should~~ shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council ~~provided for in Chapter IX. It should be empowered to shall~~ elect, upon recommendation of the Security Council, the Secretary-General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members. It should perform such functions in relation to the election of the judges of the International Court of Justice as may be conferred upon it by the Statute of the Court. The General Assembly shall participate in the election of the judges of the International Court of Justice in accordance with the provisions of the Statute of the Court."

(2) Consideration of whether the Charter should contain a provision creating the positions of Deputy Secretaries-General and making them eligible for reelection.

In Committee I/2, on May 24, the Delegate of the Union of Soviet Socialist Republics moved that the amendment of the sponsoring powers to Chapter X, paragraph 1, of the Dumbarton Oaks Proposals be modified to provide for five Deputy Secretaries-General, and their eligibility for reelection.

Committee I/2 thereafter voted upon the question, "Shall the Charter mention Deputy Secretaries-General or not?" Fifteen delegates voted "yes"; 13 "no".

The text of the Dumbarton Oaks Proposals, on this question, as amended by the four sponsoring powers, reads as follows*:

"Chapter X. The Secretariat

"1. There should be a Secretariat comprising a Secretary-General, four deputies and such staff as may be required. ~~The Secretary-General should be the chief administrative officer of the Organization. He should~~

*The numbers are those of the Dumbarton Oaks Proposals. The original language of Dumbarton Oaks is shown in plain type, deleted passages are shown in canceled type, and new language is underscored.

be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter. The Secretary-General and his deputies should be elected by the General Assembly on recommendation of the Security Council for a period of three years, and the Secretary-General should be eligible for reelection. The Secretary-General should be the chief administrative officer of the Organization."

(3) Consideration of the text adopted by Committee I/2, May 25, 1945. The text reads as follows*:

"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 3

The General Assembly should, upon recommendation of the Security Council, be empowered to The Organization may at any time suspend from the exercise of any the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of the these rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel ~~from the Organization~~ any member of the Organization which persistently violates the principles contained in the Charter in accordance with the procedure laid down in Chapter ... para ..."

Prior to adopting the above text, the Committee voted on the question of whether or not it desired to retain in the Charter a provision concerning expulsion. Nineteen delegates voted "yes"; 16 "no". The Committee accepted by vote of 25 to 2, the text stated above.

(4) Consideration of the proposed paragraph 8, Section B, Chapter V, adopted by Committee II/2, May 30, 1945.

The text adopted by the Committee reads as follows*:

*The numbers are those of the Dumbarton Oaks Proposals. The original language of Dumbarton Oaks is shown in plain type, deleted passages are shown in canceled type, and new language is underscored.

"Chapter V. The General Assembly

Section B. Functions and Powers

Paragraph 8

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

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

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

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

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

...not, matter to concern
in other mtrs on agenda there was some gen ~~note~~
by Antee'd xcd powers.

what want em to do? / D ... unless?

7th Mtg - 10:40

1. China ^{10:45} ~~proposed~~ ^{10:45} ~~item~~ 4. II/2 adopted it. Some of the Cmttee shud also cnsdr / issue. Since III/3 the actn wch in principle is incnsst w II/2.

Item placed before Cmttee by 4 spars & Fr.
3. China Power in @ is implied in DCP. Ld when cnsdr rpts of SC, can make cmnts & observations. But shud cnsdr fully whthr we want / wds "approve or disapprove" in / chtr. Doubt it. Tend to wk authority of SC & force of past decs. Disprl'd create awkward situ. Posa in / chtr mgt invite or emerge disprl by SC.

Fly regies rgt of SC to cmt.

② Age raises reflects on ably of S.C. Posn'd as to make SC a supervisory body over SC. Whereas tis basic princ & SC has purly rply. Shud avoid any posn giv imprn to SC is abrdnt.

Posn not nec or disobl.

resptae Cmttee & spars

Ppres to SC remind to strg Cmttee to mtr be rfd back to II/2 & III/1 (III/3) if they feel the idea shud be in, then lgge shud be used.

4. Australia ^{the quality} SC has unresrtd rgt to cnsdr any acty mtr rept when its beg dealt by SC. SC is watchdog of acty. Tis plain in DCP & decs of Cmttee.

Re this II "approve or disapprove". Phps mgt not like lgge, but theres no chfon. Cmttee aprvd overwhelmingly. Mgt mdfy lgge, but only gr is 1 of draft. Normal pdr is to re-refr it to SC.

(On of taste & emphasis) 2

Jurisdiction of AHA to approve or disapprove is clear,
So we should resort to this strategy; roundabout method.
Coordination Center may make drafts & get it & send it
back to Center.

EC should formally approve or disapprove.

5. Britain: That Evatt was reasonable.

Evatt: Marking white stone

Stet: What - Eh! -

Hal: He agreed.

Matr raises no problem of principle.

As Kossel, although power of full review is implicit
in DOP, but presumably implicit that in audit. tendency
to understand interpretation & disturb smooth work of EC.

Audit is like husband & wife making observations.
But - went outside to marital relations & process.

Method: Should Coordination Center refer to appropriate Center?

or " this EC " " " " "

He doesn't feel strongly.

6. Chun: In view of precedent of ref. I pres 3 items to
Strategic Center, I suggest we refer this to Strategic Center as well.

7. Australia Reiterates to normal procedure'd be for it to
go to Coordination Center & if necessary, back to Technical Center.
Preferential. If referred to Strategic Center.

8. Chun calls on Chun of Coordination Center; Dr Pasovolski
Refers to it to sub-center of the 2 Centers. Skip Coordination Center,
since it can't modify legal aspects. I have to refer
it to Technical Center in any event.

9. Aust: ? precise terms of reference to ...

10. Smuts: Send to II/2 & have them consult by
III/1 & frame an agreed draft.
+ III/13 if necessary

~~11. China~~

11. China Remind to Strg Centre to get it to techncal Centre

12. Australia Is diff from Smuts' idea.

Smuts's plan & Aust. acptd.

Vote :- Unan.

PROGRESS REPORT OF COMMITTEE III/3 - JUNE 4, 1945

In its eighteenth meeting, Committee III/3 completed consideration of all amendments and original proposals relating to Chapter VIII-B with one very minor and probably only contingent exception. Paragraphs 1 and 2, and a new paragraph to be inserted after paragraph 5, had previously been adopted. Paragraphs 3, 4, 6, 7, 8, 9, 10 and 11 were adopted unanimously, incorporating therein the amendments to paragraph 9 which had been previously approved. A redraft of paragraph 5 which largely achieved the purposes sought in the pending French and Australian amendments to paragraph 5 and the French amendments to paragraphs 6 and 9 was also unanimously adopted. Another meeting of the Committee will be necessary to discuss and approve the Rapporteur's Report. This Report will be completed probably by Tuesday night and ready for distribution Wednesday morning. It must then be considered by the Delegations for twenty-four hours, and a meeting of Committee III/3 to discuss it can, therefore, be held on Thursday. It seems probable that a meeting of Commission III can be scheduled for Friday or Saturday to consider the report of Committee III/3.

Chapter XII has been referred to the Steering Committee. It may, of course, possibly be referred back to Committee III/3 for further action.

Attachment
(Redraft of Para. 5)

PROPOSED REDRAFT OF
CHAPTER VIII, SECTION B, PARAGRAPH 5

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements ~~concluded-among-themselves~~, armed forces, ~~facilities-and assistance~~ and facilities including rights of passage necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible ~~and-should-in each-case-be-subject-to-approval-by-the-Security-Council-and to-ratification-by-the-signatory-states-in-accordance-with-their constitutional-processes~~ on the initiative of the Security Council and concluded between the Security Council and member states or between the Security Council and groups of member states. All such agreements should be subject to ratification by the signatory states in accordance with their constitutional processes.

Inter-Office Correspondence

DRAFT OF RAPPORTEUR'S REPORT TO STEERING COMMITTEE ON ACTION OF COMMITTEE III/3 TO REFER CHAPTER XII TO THE STEERING COMMITTEE

At its 17th meeting June 2, 1945, Committee III/3 voted to refer Chapter XII to the Steering Committee with the request that that Committee indicate what further disposition should be made of Chapter XII. This request was made under the following conditions.

With two exceptions, all formal amendments submitted to Chapter XII of the original proposals have been withdrawn or referred to other Committees or defeated (Doc. 704 III/3/36). One amendment to include France among the powers charged with special interim responsibilities under Chapter XII was approved. Another amendment, a proposal by the Delegate of Greece to add a third paragraph to Chapter XII, a proposal which was referred to Committee III/3 from Committee III/2, has not yet been acted upon. (Doc. 321, III/2/9; Doc. WD 67 III/3/37; and attached memorandum.)

At the 16th meeting of the Committee May 30 the Committee voted that a Subcommittee should "prepare a redraft of the text of Chapter XII as clarified by the discussion at this meeting for submission at the next Committee meeting." Subcommittee III/3/A held two meetings May 31 and June 1 in an effort to carry out the Committee's instructions. It failed to agree upon a "clarified" text of Chapter XII and reported back to the Committee its inability to do so. Instead it recommended by a vote of five to nothing that the Committee adopt the text of the original Dumbarton Oaks Proposals, as

amended by the inclusion of France in Chapter XII.1, and that certain explanations given by representatives of the sponsoring powers as to the meaning of the original text be incorporated in the Rapporteur's report.

To this end the Secretariat of Committee III/3 prepared a draft of the "explanations" to be used as the basis of Committee discussion in determining the content of the Rapporteur's report on this point (Doc. WD 68 III/3/A/2.) At the June 2 meeting of Committee III/3 this draft explanation was neither approved nor disapproved. The Delegate of the Soviet Union, however, requested that the last sentence of the document should be revised to read as follows: "The decision to turn over to the Security Council the responsibilities for the maintenance of peace assumed by the signatories of the Moscow declaration and by France should be the responsibility of the signatory powers and of France." The Delegate of Canada stated that the explanations given with regard to paragraph 1 were explanations which accorded with his own views as to the proper meaning of that paragraph, but he still found himself bound to vote against the text of the original proposals. With respect to paragraph 2 he did not believe that the explanations given cleared his doubts regarding the meaning. The Delegate of Australia then inquired as to the phrase in the "draft explanation" (WD 68 III/A/2), "the following explanations were given." He wished to know whether these were simply statements made by one or another of the sponsoring

powers which had not been actively opposed by any of the other sponsoring powers or whether they represented the combined views of the sponsoring powers.

After discussion in which Delegates representing each of the four small powers, members of Committee III/3/A (Belgium, Canada, Mexico, and New Zealand), expressed their dissatisfaction with the present phrasing of Chapter XII. The Committee proceeded to a vote upon the adoption of the first paragraph of Chapter XII. The motion to adopt paragraph 1 was defeated 21 to 9.

In further discussion Delegates made it clear that the Committee was not rejecting the principles of Chapter XII but expressing its dissatisfaction with the present wording. Further discussion of Chapter XII did not seem to the Committee at that point likely to prove fruitful and no alternative texts were before the Committee. Further references back to the Subcommittee which had failed to reach an agreement were also supposed by certain delegates to prove fruitless. The Committee therefore directed the Rapporteur to report its action on Chapter XII to the Steering Committee with the request that that Committee indicate what further dispositions should be made.

2 juin 1945

RAPPORT AUSTERLING COMMITTEE DU COMITE III/3 (mesures
coercitives)
relativement au Chapitre XII (dispositions transitoires)

I.- Dans sa séance du 30 mai 1945, le Comité III/3 a examiné le texte du Chapitre XII (dispositions transitoires) du texte de Dumbarton Oaks.

A - Un amendement proposant l'adjonction des mots "et la France" après "les signataires de la déclaration de Moscou" au paragraphe 1 du Ch. XII a été adopté par acclamations.

B - A la suite de demandes de précisions formulées par plusieurs Puissances sur la forme donnée dans le texte de D.O. à l'ensemble des dispositions transitoires, le Comité a décidé par 17 voix à 15 d'ajourner le vote des deux articles du Chapitre XII, et de charger un sous-Comité de rédaction d'étudier la possibilité d'éclaircir et de préciser ce texte.

II.- Le sous-Comité de rédaction s'est réuni le 31 mai et le 1er juin; il n'a pu se mettre d'accord sur un texte alternatif à soumettre au Comité, qui respecterait les dispositions de D.O. quant au fond. Après un long débat il a décidé par 5 voix à 0 et 4 abstentions de recommander au Comité III/3 l'adoption du texte de D.O., ainsi que l'insertion dans son rapport des explications données au cours de la discussion, quant à la portée du chapitre XII.

III.- Dans sa séance du 2 juin le Comité III/3 a examiné le rapport du sous-Comité. Après diverses interventions, en particulier du délégué de l'Australie, qui toutes critiquaient le procédé recommandé par le sous-Comité, il a été procédé au vote du paragraphe 1 du Chapitre XII, et ce paragraphe a été repoussé par 21 voix contre 9.

Dans ces conditions le Président a renoncé à mettre aux voix le paragraphe 2.

Les critiques énoncées par le délégué de l'Australie contre le projet d'explications soumis par le Comité étaient les suivantes :

A - La présentation de ces explications faite par le Sous-Comité est insuffisante. Elle se termine en effet par les mots: "les explications suivantes sont données" sans en indiquer l'auteur et sans exposer les critiques qui ont pu leur être apportées.

B - Il indique que les trois points de ces explications ne correspondent à aucun texte précis dans le chapitre XII :

- le point a fait allusion au règlement pacifique des différends dont il n'est pas fait mention dans le paragraphe 1 du chapitre XII;

- rien dans le paragraphe 1 du chapitre XII ne permet de conclure dans le sens donné par le point b de l'explication, puisqu'il n'y est à aucun moment fait allusion à un nombre quelconque d'arrangements spéciaux à conclure avant que la responsabilité passe au Conseil de Sécurité.

III.- Dans sa séance du 2 juin le Comité III/3 a examiné le rapport du sous-Comité. Après diverses interventions, en particulier du délégué de l'Australie, qui toutes critiquaient le procédé recommandé par le sous-Comité, il a été procédé au vote du paragraphe 1 du Chapitre XII, et ce paragraphe a été repoussé par 21 voix contre 9.

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B - Il indique que les trois points de ces explications ne correspondent à aucun texte précis dans le chapitre XII :

- le point a fait allusion au règlement pacifique des différends dont il n'est pas fait mention dans le paragraphe 1 du chapitre XII;

- rien dans le paragraphe 1 du chapitre XII ne permet de conclure dans le sens donné par le point b de l'explication, puisqu'il n'y est à aucun moment fait allusion à un nombre quelconque d'arrangements spéciaux à conclure avant que la responsabilité passe au Conseil de Sécurité.

- rien non plus dans le paragraphe 1 du chapitre XII ne vient à l'appui de l'affirmation, dans le point c des explications, du caractère temporaire de la responsabilité des 4 Puissances.

G - D'une façon générale, le délégué de l'Australie affirme qu'il ne peut admettre qu'une Charte, document juridique, soit suivie d'annexes, surtout si celles-ci contredisent le sens du texte lui-même.

IV - Sur la proposition du délégué du Royaume-Uni, le Comité a décidé de faire rapport au Steering Committee des explications qui lui avaient été présentées par le sous-Comité de rédaction, ainsi que des critiques qui leur ont été apportées par le délégué de l'Australie. Il est spécifié que le rejet des dispositions transitoires, prononcé par le Comité, ne vise que le texte du chapitre XII dans sa forme actuelle.

2 juin 1946

RAPPORT AUSTERRING COMMITTEE DU COMITE III/3 (mesures
coercitives)
relativement au Chapitre XII (dispositions transitoires)

I.- Dans sa séance du 30 mai 1946, le Comité III/3 a examiné le texte du Chapitre XII (dispositions transitoires) du texte de Dumbarton Oaks.

A - Un amendement proposant l'adjonction des mots "et la France" après "les signataires de la déclaration de Moscou" au paragraphe 1 du Ch. XII a été adopté par acclamations.

B - A la suite de demandes de précisions formulées par plusieurs Puissances sur la forme donnée dans le texte de D.O. à l'ensemble des dispositions transitoires, le Comité a décidé par 17 voix à 16 d'ajourner le vote des deux articles du Chapitre XII, et de charger un sous-Comité de rédaction d'étudier la possibilité d'éclaircir et de préciser ce texte.

II.- Le sous-Comité de rédaction s'est réuni le 31 mai et le 1er juin; il n'a pu se mettre d'accord sur un texte alternatif à soumettre au Comité, qui respecterait les dispositions de D.O. quant au fond. Après un long débat il a décidé par 5 voix à 0 et 4 abstentions de recommander au Comité III/3 l'adoption du texte de D.O., ainsi que l'insertion dans son rapport des explications données au cours de la discussion, quant à la portée du chapitre XII.

Les explications ainsi soulevées au Comité III/2 sont les suivantes :

a. Le Conseil de Sécurité sera chargé pendant la période transitoire du règlement pacifique des différends mentionnés au chapitre VIII, section A.

b. Bien qu'il soit possible d'interpréter le paragraphe 1 comme signifiant que tous les arrangements spéciaux devraient être entrés en vigueur au moment où le Conseil assumera la responsabilité du règlement des différends, l'intention des auteurs du projet est que les quatre Puissances (actuellement les cinq Puissances) n'agissent au nom de l'Organisation que jusqu'au moment où le Conseil sera en mesure d'assumer cette responsabilité. Cela ne signifie pas que tous les accords doivent être entrés en vigueur avant ce moment.

c. La responsabilité des quatre Puissances en matière d'action coercitive prévue au Chapitre VIII, Section B, est temporaire et cessera au moment où le Conseil pourra l'assumer.

d. Pour l'interprétation des paragraphes 1 et 2 du Chapitre XII, les explications suivantes sont données :

La décision de transférer au Conseil de Sécurité la responsabilité du maintien de la paix assumée par les signataires de la déclaration de Mexico et la France relève de la responsabilité des Puissances signataires de la France.

Les explications ainsi soumises au Comité III/3 sont les suivantes :

a. Le Conseil de Sécurité sera chargé pendant la période transitoire du règlement pacifique des différends mentionnés au chapitre VIII, section A.

b. Bien qu'il soit possible d'interpréter le paragraphe 1 comme signifiant que tous les arrangements spéciaux devraient être entrés en vigueur au moment où le Conseil assumera la responsabilité du règlement des différends, l'intention des auteurs du projet est que les quatre Puissances (actuellement les Cinq Puissances) n'agissent au nom de l'Organisation que jusqu'au moment où le Conseil sera en mesure d'assumer cette responsabilité. Cela ne signifie pas que tous les accords doivent être entrés en vigueur avant ce moment.

c. La responsabilité des quatre Puissances en matière d'action coercitive prévue au Chapitre VIII, Section B, est temporaire et cessera au moment où le Conseil pourra l'assumer.

d. Pour l'interprétation des paragraphes 1 et 2 du Chapitre XII, les explications suivantes sont données :

La décision de transférer au Conseil de Sécurité la responsabilité du maintien de la paix assumée par les signataires de la déclaration de Moscou et la France relève de la responsabilité des Puissances signataires de la France.

III.- Dans sa séance du 2 juin le Comité III/3 a examiné le rapport du sous-Comité. Après diverses interventions, en particulier du délégué de l'Australie, qui toutes critiquaient le procédé recommandé par le sous-Comité, il a été procédé au vote du paragraphe 1 du Chapitre XII, et ce paragraphe a été repoussé par 21 voix contre 9.

Dans ces conditions le Président a renoncé à mettre aux voix le paragraphe 2.

Les critiques énoncées par le délégué de l'Australie contre le projet d'explications soumis par le Comité étaient les suivantes :

A - La présentation de ces explications faite par le Sous-Comité est insuffisante. Elle se termine en effet par les mots: "les explications suivantes sont données" sans en indiquer l'auteur et sans exposer les critiques qui ont pu leur être apportées.

B - Il indique que les trois points de ces explications ne correspondent à aucun texte précis dans le chapitre XII :

- le point a fait allusion au règlement pacifique des différends dont il n'est pas fait mention dans le paragraphe 1 du chapitre XII;

- rien dans le paragraphel du chapitre XII ne permet de conclure dans le sens donné par le point b de l'explication, puisqu'il n'y est à aucun moment fait allusion à un nombre quelconque d'arrangements spéciaux à conclure avant que la responsabilité passe au Conseil de Sécurité.

- rien non plus dans le paragraphe 1 du chapitre XII ne vient à l'appui de l'affirmation, dans le point c des explications, du caractère temporaire de la responsabilité des 4 Puissances.

C - D'une façon générale, le délégué de l'Australie affirme qu'il ne peut admettre qu'une Charte, document juridique, soit suivie d'annexes, surtout si celles-ci contredisent le sens du texte lui-même.

IV - Sur la proposition du délégué du Royaume-Uni, le Comité a décidé de faire rapport au Steering Committee des explications qui lui avaient été présentées par le sous-Comité de rédaction, ainsi que des critiques qui leur ont été apportées par le délégué de l'Australie. Il est spécifié que le rejet des dispositions transitoires, prononcé par le Comité, ne vise que le texte du chapitre XII dans sa forme actuelle.

2 juin 1948

**RAPPORT AUSTEERING COMMITTEE DU COMITE III/3 (mesures
coercitives)
relativement au Chapitre XII (dispositions transitoires)**

I.- Dans sa séance du 30 mai 1948, le Comité III/3 a examiné le texte du Chapitre XII (dispositions transitoires) du texte de Dumbarton Oaks.

A - Un amendement proposant l'adjonction des mots "et la France" après "les signataires de la déclaration de Moscou" au paragraphe 1 du Ch. XII a été adopté par acclamations.

B - A la suite de demandes de précisions formulées par plusieurs Puissances sur la forme donnée dans le texte de D.O. à l'ensemble des dispositions transitoires, le Comité a décidé par 17 voix à 15 d'ajourner le vote des deux articles du Chapitre XII, et de charger un sous-Comité de rédaction d'étudier la possibilité d'éclaircir et de préciser ce texte.

II.- Le sous-Comité de rédaction s'est réuni le 31 mai et le 1er juin; il n'a pu se mettre d'accord sur un texte alternatif à soumettre au Comité, qui respecterait les dispositions de D.O. quant au fond. Après un long débat il a décidé par 5 voix à 0 et 4 abstentions de recommander au Comité III/3 l'adoption du texte de D.O., ainsi que l'insertion dans son rapport des explications données au cours de la discussion, quant à la portée du chapitre XII.

Les explications ainsi soumises au Comité III/3 sont les suivantes :

a. Le Conseil de Sécurité sera chargé pendant la période transitoire du règlement pacifique des différends mentionnés au chapitre VIII, section A.

b. Bien qu'il soit possible d'interpréter le paragraphe 1 comme signifiant que tous les arrangements spéciaux devraient être entrés en vigueur au moment où le Conseil assumera la responsabilité du règlement des différends, l'intention des auteurs du projet est que les Quatre Puissances (actuellement les Cinq Puissances) n'agissent au nom de l'Organisation que jusqu'au moment où le Conseil sera en mesure d'assumer cette responsabilité. Cela ne signifie pas que tous les accords doivent être entrés en vigueur avant ce moment.

c. La responsabilité des quatre Puissances en matière d'action coercitive prévue au Chapitre VIII, Section B, est temporaire et cessera au moment où le Conseil pourra l'assumer.

d. Pour l'interprétation des paragraphes 1 et 2 du Chapitre XII, les explications suivantes sont données :

La décision de transférer au Conseil de Sécurité la responsabilité du maintien de la paix assumée par les signataires de la déclaration de Moscou et la France relève de la responsabilité des Puissances signataires ¹ de la France.

III.- Dans sa séance du 2 juin le Comité III/3 a examiné le rapport du sous-Comité. Après diverses interventions, en particulier du délégué de l'Australie, qui toutes critiquaient le procédé recommandé par le sous-Comité, il a été procédé au vote du paragraphe 1 du Chapitre XII, et ce paragraphe a été repoussé par 21 voix contre 9.

Dans ces conditions le Président a renoncé à mettre aux voix le paragraphe 2.

Les critiques énoncées par le délégué de l'Australie contre le projet d'explications soumis par le Comité étaient les suivantes :

A - La présentation de ces explications faite par le Sous-Comité est insuffisante. Elle se termine en effet par les mots: "les explications suivantes sont données" sans en indiquer l'auteur et sans exposer les critiques qui ont pu leur être apportées.

B - Il indique que les trois points de ces explications ne correspondent à aucun texte précis dans le chapitre XII :

- le point a fait allusion au règlement pacifique des différends dont il n'est pas fait mention dans le paragraphe 1 du chapitre XII;

- rien dans le paragraphel du chapitre XII ne permet de conclure dans le sens donné par le point b de l'explication, puisqu'il n'y est à aucun moment fait allusion à un nombre quelconque d'arrangements spéciaux à conclure avant que la responsabilité passe au Conseil de Sécurité.

- rien non plus dans le paragraphe 1 du chapitre XII ne vient à l'appui de l'affirmation, dans le point c des explications, du caractère temporaire de la responsabilité des 4 Puissances.

C - D'une façon générale, le délégué de l'Australie affirme qu'il ne peut admettre qu'une Charte, document juridique, soit suivie d'annexes, surtout si celles-ci contredisent le sens du texte lui-même.

IV - Sur la proposition du délégué du Royaume-Uni, le Comité a décidé de faire rapport au Steering Committee des explications qui lui avaient été présentées par le sous-Comité de rédaction, ainsi que des critiques qui leur ont été apportées par le délégué de l'Australie. Il est spécifié que le rejet des dispositions transitoires, prononcé par le Comité, ne vise que le texte du chapitre XII dans sa forme actuelle.

2 juin 1946

**RAPPORT AMSTERDAM COMMITTEE DU COMITE III/3 (mesures
coercitives)
relativement au Chapitre XII (dispositions transitoires)**

I.- Dans sa séance du 30 mai 1946, le Comité III/3 a examiné le texte du Chapitre XII (dispositions transitoires) du texte de Dumbarton Oaks.

A - Un amendement proposant l'adjonction des mots "et la France" après "les signataires de la déclaration de Moscou" au paragraphe 1 du Ch. XII a été adopté par acclamations.

B - A la suite de demandes de précisions formulées par plusieurs Polesnances sur la forme donnée dans le texte de D.O. à l'ensemble des dispositions transitoires, le Comité a décidé par 17 voix à 15 d'ajourner le vote des deux articles du Chapitre XII, et de charger un sous-Comité de rédaction d'étudier la possibilité d'éclaircir et de préciser ce texte.

II.- Le sous-Comité de rédaction s'est réuni le 31 mai et le 1er juin; il n'a pu se mettre d'accord sur un texte alternatif à soumettre au Comité, qui respecterait les dispositions de D.O. quant au fond. Après un long débat il a décidé par 5 voix à 0 et 4 abstentions de recommander au Comité III/3 l'adoption du texte de D.O., ainsi que l'insertion dans son rapport des explications données au cours de la discussion, quant à la portée du chapitre XII.

Les explications ainsi soumises au Comité III/3 sont les suivantes :

a. Le Conseil de Sécurité sera chargé pendant la période transitoire du règlement pacifique des différends mentionnés au chapitre VIII, section A.

b. Bien qu'il soit possible d'interpréter le paragraphe 1 comme signifiant que tous les arrangements spéciaux devraient être entrés en vigueur au moment où le Conseil assumera la responsabilité du règlement des différends, l'intention des auteurs du projet est que les quatre Puissances (actuellement les Cinq Puissances) n'agissent au nom de l'Organisation que jusqu'au moment où le Conseil sera en mesure d'assumer cette responsabilité. Cela ne signifie pas que tous les accords doivent être entrés en vigueur avant ce moment.

c. La responsabilité des quatre Puissances en matière d'action coercitive prévue au Chapitre VIII, Section B, est temporaire et cessera au moment où le Conseil pourra l'assumer.

d. Pour l'interprétation des paragraphes 1 et 2 du Chapitre XII, les explications suivantes sont données :

La décision de transférer au Conseil de Sécurité la responsabilité du maintien de la paix assumée par les signataires de la déclaration de Moscou et la France relève de la responsabilité des Puissances signataires¹ de la France.