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committee 2 - enforcement

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MEMORANDUM ON THE GREEK PROPOSAL
(An 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/1 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.

ATTENDANCE RECORD FOR SEVENTEENTH MEETING OF COMMITTEE III/3

Veterans Building, Room 223, June 2, 1945, 3:30 p.m.

Argentina	General Juan Carlos Bassi
Australia	J. Lavarack
Belgium	F. van Langenhove
Bolivia	C. Salamanca
Brazil	Gen. E. L. de Carvalho
Byelorussian S.S.R.	U. Pertsev
Canada	H. H. Wong
Chile	German Vergara
China	V. K. Wellington Koo or Victor Koo
Colombia	Alberto González-Fernández
Czechoslovakia	V. Vochoť
Egypt	Mamdouh Bey Riaz
Ethiopia	A. Aklilou
France	DeJean
Greece	General Georgoulis; John Politis
Honduras	Virgilio R. Galves
India	K. P. S. Menon
Iran	Hassollah Entessan
Iraq	D. Al-Haidari
Lebanon	Wadih Haim
Mexico	E. Castillo Nájera
Netherlands	Major Gen. A. G. van Tricht
New Zealand	C. A. Berendsen
Nicaragua	Colonel Guillermo Rivas Cuadra
Norway	Arnold Raestad
Panama	Mario de Diego
Paraguay	Celso R. Velásquez
Philippines	Pedro López
Syria	N. Kahal
Turkey	A. Zeki Polar
Union of South Africa	H. T. Andrews
Union of Soviet Socialist Republics	Rear Admiral K. K. Rodionov
United Kingdom	?
U. S. A.	Tom Connally
Venezuela	Manuel Pérez Guerrero
Yugoslavia	Stojan Gavrilovic

RESTRICTED

PRECIS OF SIXTEENTH MEETING OF COMMITTEE III/3

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

With reference to Chapter XII, an amendment to include France with the four signatories of the Moscow Declaration as the parties responsible for joint interim action on behalf of the organisation, was passed by acclamation. An amendment to the effect that interim provisional measures should not constitute precedents, was withdrawn with the promise that it would be stated in principle in the Rapporteur's report to Commission III. An amendment to embody Chapter XII in a separate Protocol was defeated. It was agreed that four other amendments to Chapter XII would be referred to other Committees for action. The two paragraphs of Chapter XII were referred to a Subcommittee for clarification after considerable discussion.

SUMMARY REPORT OF SIXTEENTH MEETING OF COMMITTEE III/3
Veterans Building, Room 223, May 30, 1945, 8:30 P.M.

The Chairman opened the meeting at 8:35 p.m.

1. Discussion: Proposed Amendments to Chapter XII,
Transitional Arrangements.

a. A French amendment, to add the words " and France" after the words "States, parties to that Declaration" in paragraph 1, was seconded by the U.S.A. Delegate. (Doc. 2, G/7, (c)(2), p. 1)

Decision: The French amendment was approved by acclamation.

b. A Chilean amendment to add three new paragraphs was read. (Doc. 2, G/7, (1), p. 10)

Decision: It was agreed that paragraphs 4 and 5 of the amendment should be referred to Committee I/2.

Decision: It was agreed that paragraph 3 of the amendment would be withdrawn provided that it were recorded as follows in the Rapporteur's report to Commission III:

In cases in which, in accordance with paragraphs 1 and 2 above, or when required by circumstances, provisional measures are taken, they shall not constitute a precedent to impair any of the rights of the States members of the Organization.

c. An Iranian amendment to add two new paragraphs was considered. (Doc. 2, G/14, (m) p. 3)

Decision: It was agreed that this amendment would be withdrawn from Committee III/3 in view of the fact that Committee IV/2 had approved the first paragraph on treaties, and was studying the second paragraph on international law.

d. A Mexican amendment, that Chapter XII should constitute a Protocol separate from the Charter, was considered. (Doc. 2, 6/7, (1) p. 14) The Delegate of Mexico stated that his proposal reflected no national interest, but merely a desire to make the Charter a better document. He felt that the substance of Chapter XII, the liquidation of the war and joint interim action, had no place in a Charter which was to establish a new Organization. The Delegate of France opposed the amendment on the grounds that such transitional arrangements were the first step towards peace and therefore had a place in this new realistic Charter. The U.S.S.R. Delegate stated that the inclusion of Chapter XII in the Charter was important for all the United Nations and especially Europe as an answer to the question of responsibility during the interim period until the various security measures came into force.

Decision: The Mexican amendment was defeated by a vote of 20 to 2.

e. A Brazilian amendment, to add four paragraphs concerning the creation of an International Health Organization, was considered. (Doc. 2, 6/7 (e)(4), p. 1)

Decision: The Brazilian amendment was withdrawn in view of the fact that a joint declaration by Brazil and China on the subject of an International Health Organization had been unanimously approved by Committee XI/3.

2. Discussion: Clarification of Chapter XII.

The Delegate of Canada emphasized the fact that he felt Chapter XII to be extremely important because it provided the necessary steps to maintain peace and security during the interim period before the Security Council could assume full responsibility. He stated that no one could doubt the need for collective action on the part of the Four Powers during this interim. He drew attention to the fact that paragraph 1 would vest in the Four Powers temporary authority for what might be a very long period, which would terminate only when the special military agreements (VIII, B, 5) had come into force. Because the phrase "joint action on behalf of the Organization" covered a wide range of action, he asked that the following questions be answered in order to clarify paragraph 1:

- a. Would the Security Council during this period be responsible for the pacific settlement of disputes under Chapter VIII, A?
- b. Does paragraph 1 mean that all the special agreements would have to come into force before the Security Council took full responsibility?
- c. What would be the role of the Security Council during the period between this establishment and the coming into force of the special agreements?
- d. ~~Is it appropriate to mention the Moscow Declaration in the Charter?~~

e. Should this paragraph be included in a separate Protocol rather than in the permanent Charter?

In respect to the second paragraph of Chapter XII, he stated that no one could desire to give responsibility to the new Organization for such duties as the military occupation of Germany and Japan. Yet, he said, the language of the paragraph was so broadly drafted as to enable any action arising from the surrender terms and the peace treaties against any enemy state, to be removed from the scope of the Organization for an indefinite period. He felt, therefore, that the language could be considerably improved.

In response to the questions on paragraph 1 the U.K. Delegate gave the following provisional answers:

- a. The Security Council would be responsible during the interim period for the pacific settlement of disputes under Chapter VIII, A.
- b. While admitting that it was possible to interpret paragraph 1 to mean that all the special agreements would have to come into force before the Council took responsibility, he stated it was the intention of the drafters that the Four Powers should act on behalf of the Organization only until such time as the Council was able to undertake its responsibilities. This did not mean

that all the agreements would have to come into force before the Council could assume responsibility. He quoted the third paragraph of the Moscow Declaration to the effect that the Governments would "take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy". (Declaration of Four Nations on General Security, Moscow, 30 October, 1943, par. 3.) This was clearly intended, he said, to prevent any renewal of aggression by the enemy.

c. The responsibility of the Four Powers for enforcement action under Chapter VIII, B, was temporary, to endure only until the Council could assume that responsibility.

d and e. It was necessary to have the Moscow Declaration mentioned in the Charter; for if the Security Council were to be divested of its responsibilities for a time, it should be absolved from such responsibility by a reference in the Charter. The Moscow Declaration gave authority for such action.

The U.S.A. Delegate stated that the "Pending" phrase in paragraph 1 presupposed the coming into force of the Council and the Organisation. He admitted that the language

of paragraph 1 might need some clarification, although it appeared to him clear and unmistakable. He offered the following answers to the Canadian questions:

- a. The Council would of course be responsible during the interim period for the pacific settlement of disputes. This responsibility, he said, in no wise hinged upon the Council's ability to take military action.
- b. It was not necessary for all the special agreements to come into force before the Council took full responsibility. Some of these agreements might never come into force.
- c. The role of the Council during the interim period would include all its functions listed in the Charter insofar as the Council could perform those functions. Use would be made of forces supplied under special agreement only insofar as they were made available.
- d. He saw no objection to including reference to the Moscow Declaration. The point of paragraph 1 was that the Four Powers should consult in order that there should be no

recurrence of military aggression by present enemies.

- e. He saw no occasion for the encumbrance of a separate Protocol for Chapter XII, but felt that the Charter itself should contain what was intended.
- f. In respect to the temporary responsibility of the Four Powers for enforcement action, he explained that in the absence of forces from the Organization, the Four Powers themselves would have to furnish the forces needed to take action.

In respect to paragraph 2 of Chapter XII, he felt that there was no incongruity here with the fact that the Organization was a prospective one, for the settlement of future disputes. He declared that the Organization had no responsibility in respect to surrender terms or peace settlements, and that no steps should be taken in the Charter to hinder action against the enemy on the part of the victors in this war.

The Delegate of Canada, in expressing his thanks for the explanations, remarked that they were in accord with his interpretation of the text. He submitted, however, that the language of paragraph 1 was open to a different construction; and he was pleased that the U.S.A. Delegate had suggested the possibility of language changes. He expressed some concern

over paragraph 2, the language of which he felt could remove from the Organization any responsibility with respect to any enemy state for a long time. Consequently, he suggested that the Committee study this language carefully.

The U.S.A. Delegate, seconded by the Delegates of China, the U.K. and the U.S.S.R., moved that the texts of paragraph 1 and 2, Chapter XII, be voted and forwarded to the Coordination Committee with the Australian and Canadian comments.

Rising to a point of order, the Australian Delegate, seconded by the Delegate of Canada, suggested an amendment to the U.S.A. motion, that Chapter XII should be referred to a Subcommittee first for the preparation of a text to be forwarded to the Coordination Committee.

There ensued considerable discussion on procedural questions, as to whether the text was clear enough to be forwarded directly to the Coordination Committee, whether it was the function of the Coordination Committee or the Technical Committee to make drafting changes, and whether time might be saved by referring the Chapter directly to the Coordination Committee.

Decision: The U.S.A. motion, that Chapter XII be approved and forwarded to the Coordination Committee together with the Australian and Canadian comments, was defeated by a vote of 15 ayes to 17 noes.

Decision: The Australian motion, that a Subcommittee be appointed to prepare a redraft of the text of Chapter XII as clarified by

the discussion at this meeting, for sub-
mission at the next Committee meeting,
was carried by a vote of 10 to 1.

3. Announcements

The Chairman announced that on May 31 at 10:30 a.m. there would be a joint meeting of Subcommittees of Committees III/1 and III/3 to discuss the Canadian amendment for a new paragraph to be inserted between paragraphs 7 and 8, Section B, Chapter VIII, and amendments to Chapter VI on related subjects.

The Chairman also announced that the Subcommittee of Committee III/3, with Mr. Paul-Boncour as Chairman, would undertake the redrafting of Chapter XII.

The meeting adjourned at 11 p.m.

Statement for the Press
and for the Journal re
Sixteenth Meeting of
Committee III/3
May 30, 1945, 8:30 p.m.

At its Sixteenth Meeting, Committee III/3 (Enforcement Arrangements) considered the various amendments proposed to Chapter XII (Transitional Arrangements) of the Dumbarton Oaks Proposals. There was approved by acclamation an amendment to the effect that France should be included with the other four major powers in the consultations and joint action to be taken to maintain peace during the interim period until the special agreements for the provision of forces to the Security Council should come into effect.

Another amendment to provide that any provisional measures taken under Chapter XII should not constitute a precedent to impair any rights of the member states was withdrawn with the understanding that its essence would be contained in the final report of the Rapporteur submitted to Commission III.

Four additional amendments, originally proposed to Chapter XII, dealing with various problems which fall exclusively within the competence of other Committees were laid aside at the suggestion of the Chairman with the consent of the governments sponsoring them.

A proposal to remove from the Charter and place in a separate Protocol the provisions dealing with transitional arrangements was defeated by twenty votes to two.

There was considerable discussion as to the precise meaning and clarity of the text of Chapter XII and the view was expressed in several quarters that the extent and duration of the powers of the sponsoring countries and France for the maintenance of peace during the interim period and for the prevention of renewed aggression by enemy states in the present war should be clarified in the text.

A motion to proceed to an immediate vote on the text of the two paragraphs of Chapter XII was defeated by a vote of 17 to 15; and a further motion to the effect that a drafting subcommittee should seek to prepare a clarified text was adopted by a vote of 18 to 1.

Provisional Private Agenda
First Meeting, III/3

Time: May 4, 1945 at 3 p.m.
Place: Room 223, Veterans
Building

Commission III Security Council
Committee 3 Enforcement Arrangements

(1) Opening Statement by Chairman

Statement that Committee is being convened in accordance with decision taken at meeting of Officers of the Commission and its committees held yesterday. Reference to document on desk of Delegates summarizing proceedings of that meeting. (Doc. 76)

Statement of gratitude for honor done Ecuador in its Election to the Chairmanship of Committee 3.

Especially heavy responsibility resting upon this Committee because of the nature of the topic it has to consider.

Importance of work evidenced by group of distinguished Delegates gathered here.

Necessity for expediting work of the committee stressed by President of Commission III, Trygve Lie (Minister of Foreign Affairs from Norway). Chairman adds own plea for keeping work of Committee moving forward with all possible speed.

(2) Organization of Committee

Chairman introduces Rapporteur: Joseph Paul-Boncour, former President of the Council and Delegate of France.

Chairman introduces Secretary of Committee 3: William T. R. Fox.

Chairman calls upon Secretary to introduce the Associate and Assistant Secretaries.

(3) Rules of Procedure

Chairman asks Secretary to read appropriate statement. Indicates that traditional rules of procedure of international conferences will be followed except where there are specific rules to the contrary.

(4) Terms of Reference for Committee 23.

Chairman indicates terms of reference for Committee 3, as follows: To consider, with a view to agreement upon a text for inclusion in the Charter of the United Nations, Chapter VIII, Section B and Chapter XII of the Dumbarton Oaks Proposals, dealing respectively with enforcement arrangements and arrangements for the transition period, together with relevant comments and observations on the subject matters of these sections made in the official comments and observations of governments participating in the present Conference.

(5) Documentation

Chairman calls upon Secretary for a statement on documentation to be used as a basis for Committee discussion.

(6) Time of Meeting

Chairman proposes day of next meeting. Indicates that hour will be determined after discovering what other meetings are scheduled for that day. Special necessity to avoid conflict with Committee 4 of Third Commission on Regional Arrangements.

(7) Chairman makes brief statement regarding procedure to be followed in initiating substantive discussion. Proposes that rapporteur make opening statement to be followed by brief observations by Delegates whose governments have made comments and suggestions which bear directly upon the subject matter of Committee 23. These statements to be made in alphabetical order of countries whose Delegates wish to speak. Finally, the Delegates from other countries who wish to make observations will speak in alphabetical order by countries.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Mrs. B. G. H. *va*
III/3

**Provisional Private Agenda for Second Meeting
of Committee 3 of Commission III**

- (1) **Statement by Rapporteur: Preliminary analysis
of official comments and proposals**

Before introducing Rapporteur, Chairman reminds
Delegates of procedure agreed upon at first
meeting of Committee 3.

Chairman expresses hope that observations by
Delegates wishing to make general statements
following Rapporteur's statement will be kept
brief in order that paragraph-by-paragraph
discussion of the Dumbarton Oaks Proposals
may begin at the next meeting of the Committee.
Chairman assures Delegates that there will be
ample opportunity to speak later on.

Delegates wishing to speak may send notification
to Secretary via an usher and will then be rec-
ognized in the order previously agreed upon.

Introduction of Rapporteur

- (2) **Observations by Delegates from Governments Making
Official Comments or Proposals Relevant to the
Work of Committee III/3**
- (3) **Observations by other Delegates (to be recognized
in the order in which they ask for the floor)**
- (4) **Future meetings of Committee III/3**

**Announcement regarding the schedule of future
meetings.**

**Announcement on the order of business at the
third meeting of the Committee**

Provisional Private Agenda for the Seventh Session
of Committee III/3, May 15, 3:30 p.m.

1. Opening of the session by the Chairman.
 2. Continuation of discussion of point I. A. in the outline--
the role of the General Assembly in the decisions
of the Council, or alternatively, representation of
states not members of the Council in its
deliberations.
- ~~2x~~ (a) The debate of a general character will terminate
after ~~x~~ recognizing Delegates representing the
following countries, whose names have already
been listed for recognition;

Philippine Commonwealth
Union of South Africa
Belgium
Soviet Union

- (b) Action on the general motion of Canada and New Zealand.

- alternatives (1) The motions will be withdrawn; or
- (2) The motion will be put to a vote. First, ~~New Zealand~~
~~Canadian~~ amendment;
second, New Zealand motion

alternatives

Whichever procedure is followed, the Committee will
then begin discussion of specific amendments in the
order indicated in the "Logical Arrangement."

The Chairman will speak of his obligation as Chairman
to keep the debate moving forward and of his authority
to limit the duration of speeches. He announces that
remarks on concrete motions will be limited to _____
minutes.

3. Beginning of debate in order prescribed in "Logical Arrangement."

~~PROVISIONAL~~
~~RESTRICTED~~

PRECIS OF SECOND MEETING
OF COMMITTEE III/3

Veterans Building - 223

May 7, 1945, 3:15 p.m.

The Rapporteur, Mr. Paul-Boncour (France) summarized the key points of the Dumbarton Oaks Proposals assigned to Committee 3 of Commission III: Section B of Chapter VIII and Chapter XII. He followed this with an analysis of amendments that had been submitted.

The Committee agreed to commence a paragraph-by-paragraph consideration of its assignment on Wednesday, May 9, with daily meetings thereafter.

B. Several Powers having requested clarification regarding the form given to the provisions for transitional arrangements as a whole, in the D.O. Proposals, the Committee decided, by a vote of 17 to 15 to postpone voting on the two articles of Chapter XII and to refer this text to a drafting Sub-Committee for possible clarification.

June 2, 1945

REPORT TO THE STEERING COMMITTEE OF COMMITTEE III/3 (enforcement
~~transitional arrangements~~ measures)

relative to Chapter XII (transitional arrangements)

I.- In the session of May 30, 1945, Committee III/3 examined the text of Chapter XII (transitional arrangements) of the ~~text of~~ Dumbarton Oaks. *proposals.*

A - An amendment proposing the addition of the words "and France" after "the signatories to the declaration of Moscow" ⁱⁿ ~~to~~ paragraph 1 of Ch. XII was adopted by acclamation.

B. *made* B - In accordance with the ^{request for precision} ~~requirements~~ of the provisions ^{regarding} ~~formulated~~ by the several Powers ⁱⁿ the form given in the text of Dumbarton Oaks, ^{the proposals on} ~~to the composition of~~ transitional arrangements ^{as a whole,} the Committee decided by a vote of 17 to 15 to postpone the vote on ^{the paragraphs} ~~two articles~~ of Ch. XII, and to instruct the *drafting* sub-Committee ~~on editing~~ to study the possibility of clarifying and specifying the text.

drafting II. The ~~Sub-Committee on editing~~ met May 31 and June 1; it was not able to agree on ^{an} ~~the~~ alternative text ^{be} to submit to the Committee, which would conform to ^{the substance of} the provisions of *the* Dumbarton Oaks ^{proposals} ~~as drafted~~.

After a long debate it was 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, as well as the ^{inclusion} ~~insertion~~ in *it* the report of the explanations given in the course of the discussion, ^{on} ~~within~~ the scope of chapter XII.

At the meeting of June 2nd Committee III/3 examined the Sub-Committee's report. Following various interventions, in particular from the delegate of Australia, all of which criticized the procedure recommended by the sub-Committee, XII. a vote was taken on paragraph 1 of chapter 12. This paragraph was rejected by 21 votes to 9.

Under these conditions the Chairman refrained from taking a vote on paragraph 2.

The criticisms expressed by the delegate from Australia ^{on} ~~of~~ the draft submitted by the Committee were as follows:

A - The presentation of the explanations given by the Sub-Committee ^{is} ~~are~~ insufficient, ^{since it ends} ~~They concluded in fact with~~ these words: "the following explanations ^{are} ~~will be given~~", but ^{does not} ~~without~~ mentioning the author and ^{of the various} ~~without stating~~ criticisms that may have been expressed.

B - ^{He} ~~It~~ indicates that three ^{the} ~~facts~~ ^{points} ~~in this~~ explanation do not correspond to any precise text in Chapter XII;

- Point A alludes to the peaceful settlement of disputes which is not mentioned in paragraph 1 of Chapter XII;

- There is nothing in paragraph 1 of ~~Chapter XII~~ Chapter XII which points to ^{the} ~~a~~ conclusion given in point B of the explanation, for at no time is any mention made of any ^{particular} ~~special~~ number of agreements to be concluded before the Security Council ^{assumes} ~~takes~~ ~~over the~~ responsibility.

- Moreover nothing in paragraph 1 of Chapter XII supports the affirmation of the temporary character of the responsibility of the 4 powers mentioned in point C of the explanations.

C - In general, the Delegate from Australia ~~affirms~~ *insists* ~~that~~ *accept that* he can not ~~admit of more than one~~ *a* Charter, a juridical document, ~~even if it is followed with annexes, and~~ *should be* *by* especially if the latter contradicts the sense of the text itself.

IV On the suggestion of the Delegate of the United Kingdom, The Committee ~~has~~ *refer* decided to ~~report~~ to the Steering Committee the explanations which have been presented to it by the Drafting Sub-Committee, ~~in the same manner as xxx~~ *as well* *the* *criticisms* *voiced* ~~findings brought to it~~ by the Delegate of Australia. It is specified that the ~~rejection~~ *Committee's* of transitional arrangements, ~~is motivated~~ *is motivated* ~~pronounce by the Committee, considers only~~ *by* the text of Chapter XII in its present form.

a. The Security Council ~~would~~ be responsible during the interim period for the pacific settlement of disputes under Chapter VIII, Section A. →

b. While it ^{may be} ~~was~~ possible to interpret paragraph 1 to mean that all the special agreements ~~would~~ have to come into force before the Council ~~took~~ ^{assumes} responsibility, it ~~was~~ the intention of the drafters that the Four Powers [now Five Powers] ^{should} act on behalf of the Organization ^{is enabled} only until the Council ~~was able~~ to undertake its responsibilities. This ~~did not~~ mean that all the agreements would have to come into force before the Council could assume responsibility. ^{does}

c. The responsibility of the Four Powers for enforcement action under Chapter VIII, Section B, ^{is} ~~was~~ temporary, to endure only until the Council ^{can} ~~could~~ assume that responsibility.

The explanations thus submitted to Committee III/3 are the following:

a. The Security Council shall be responsible during the transition period ^{FOR} with the peaceful settlement of the disputes mentioned in Chapter VIII, section A.

b. ^{ALTHOUGH IT} ~~Bien qu'il~~ may be possible to interpret paragraph 1 as signifying that all ~~special~~ special arrangements should be put into effect at the time the Council shall assume responsibility for the adjustment of disputes, the intention of the authors of the ~~a~~ proposal is that the Four Powers (now the Five Powers) ~~not~~ act in the name of the Organization only at the moment when the Council shall be en mesure ^{PREPARED} to assume this responsibility. This ^{does} ~~shall~~ not signify that all agreements must be put into effect before such time.

c. The responsibility of the Four Powers in the matter of enforcement action provided for in Chapter VIII, Section B, is temporary and shall cease at the moment when the Council is able to assume it.

d. ^{With respect to} ~~In~~ the interpretation of paragraphs 1 and 2 of Chapter XII, the following explanations are given:

The decision to transfer to the Security Council the responsibility for ^{the maintenance of} ~~maintaining~~ peace assumed by the signatories to the declaration of Moscow, and France, ^{is solely the responsibility of} ~~relieves~~ the signatory Powers and France ~~of the responsibility.~~

Dr. Lewis
SAC
2009

June 2, 1945

REPORT TO THE STEERING COMMITTEE OF COMMITTEE III/3
(enforcement measures)

Relative to Chapter XII (transitional arrangements)

I. In the session of May 30, 1945, Committee III/3 examined the text of Chapter XII (transitional arrangements) of the Dumbarton Oaks Proposals.

A - An amendment proposing the addition of the words "and France" after "the signatories to the declaration of Moscow" in paragraph 1 of Ch. XII was adopted by acclamation.

B - Several Powers having requested clarification regarding the form given to the provisions for transitional arrangements as a whole, in the Dumbarton Oaks Proposals, the Committee decided, by a vote of 17 to 15, to postpone voting on the two articles of Chapter XII and to refer this text to a drafting sub-committee for possible clarification.

II. The drafting sub-committee met May 31 and June 1; it was not able to agree on an alternative text to be submitted to the Committee, which would conform to the substance of the provisions of the Dumbarton Oaks Proposals.

After a long debate it was 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, as well as the inclusion in its report of the explanations on the scope of Chapter XII given in the course of the discussion.

The explanations thus submitted to Committee III/3 are the following:

a. The Security Council shall be responsible during the interim period for the pacific settlement of disputes under Chapter VIII, Section A.

b. While it may be possible to interpret paragraph 1 to mean that all the special agreements should have to come into force before the Council assumes responsibility, it is the intention of the drafters that the Four Powers /now Five Powers/ should act on behalf of the Organization only until the Council is enabled to undertake its responsibilities. This does not mean that all the agreements would have to come into force before the Council could assume responsibility.

c. The responsibility of the Four Powers for enforcement action under Chapter VIII, Section B, is temporary, to endure only until the Council can assume that responsibility.

d. With respect to the interpretation of paragraphs 1 and 2 of Chapter XII, the following explanations are given:

The decision to transfer to the Security Council the responsibility for the maintenance of peace assumed by the signatories to the declaration of Moscow, and France, is solely the responsibility of the signatory Powers and France.

At the meeting of June 2nd Committee III/3 examined the Sub-Committee's report. Following various interventions, in particular from the delegate of Australia, all of which criticized

the procedure recommended by the sub-committee, a vote was taken on paragraph 1 of Chapter XII. This paragraph was rejected by 21 votes to 9.

Under these conditions the Chairman refrained from taking a vote on paragraph 2.

The criticisms expressed by the delegate from Australia on the draft submitted by the Committee were as follows:

A - The presentation of the explanations given by the Sub-Committee is insufficient, since it ends with the words: "the following explanations are given", but does not mention their author and does not state the various criticisms that may have been expressed.

B - He indicates that the three points in these explanations do not correspond to any precise text in Chapter XII;

- Point A alludes to the peaceful settlement of disputes which is not mentioned in paragraph 1 of Chapter XII;

- There is nothing in paragraph 1 of Chapter XII which points to the conclusion given in point B of the explanation, for at no time is any mention made of any particular number of agreements to be concluded before the Security Council assumes responsibility.

- Moreover nothing in paragraph 1 of Chapter XII supports the affirmation of the temporary character of the responsibility of the 4 powers mentioned in point c of the explanations.

C - In general, the Delegate from Australia insists he can not accept that a Charter, a juridical document, should be followed by annexes, especially if the latter contradict the sense of the text itself.

IV. On the suggestion of the Delegate of the United Kingdom, the Committee decided to refer to the Steering Committee the explanations which have been presented to it by the Drafting Sub-Committee, as well as the criticisms voiced by the Delegate of Australia. It is specified that the Committee's rejection of transitional arrangements, is motivated only by the text of Chapter XII in its present form.

9 SECTION B. DETERMINATION OF THREATS TO THE
10 PEACE OR ACTS OF AGGRESSION AND ACTION WITH
11 RESPECT THERETO. 1. Should the Security Council deem
12 that a failure to settle a dispute in accordance with proce-
13 dures indicated in paragraph 3 of Section A, or in accordance
14 with its recommendations made under paragraph 5 of Sec-
15 tion A, constitutes a threat to the maintenance of inter-
16 national peace and security, it should take any measures
17 necessary for the maintenance of international peace and
18 security in accordance with the purposes and principles of
19 the Organization.

20 2. In general the Security Council should determine the
21 existence of any threat to the peace, breach of the peace or
22 act of aggression and should make recommendations or

1 decide upon the measures to be taken to maintain or restore
2 peace and security.

3 3. The Security Council should be empowered to de-
4 termine what diplomatic, economic, or other measures not
5 involving the use of armed force should be employed to give
6 effect to its decisions, and to call upon members of the
7 Organization to apply such measures. Such measures may
8 include complete or partial interruption of rail, sea, air,
9 postal, telegraphic, radio and other means of communication
10 and the severance of diplomatic and economic relations.

11 4. Should the Security Council consider such measures
12 to be inadequate, it should be empowered to take such action
13 by air, naval or land forces as may be necessary to main-
14 tain or restore international peace and security. Such ac-
15 tion may include demonstrations, blockade and other
16 operations by air, sea or land forces of members of the
17 Organization.

18 5. In order that all members of the Organization should
19 contribute to the maintenance of international peace and
20 security, they should undertake to make available to the
21 Security Council, on its call and in accordance with a special
22 agreement or agreements concluded among themselves,
23 armed forces, facilities and assistance necessary for the pur-

1 pose of maintaining international peace and security. Such
2 agreement or agreements should govern the numbers and
3 types of forces and the nature of the facilities and assistance
4 to be provided. The special agreement or agreements
5 should be negotiated as soon as possible and should in each
6 case be subject to approval by the Security Council and to
7 ratification by the signatory states in accordance with their
8 constitutional processes.

9 6. In order to enable urgent military measures to be
10 taken by the Organization there should be held immediately
11 available by the members of the Organization national air
12 force contingents for combined international enforcement
13 action. The strength and degree of readiness of these con-
14 tingents and plans for their combined action should be deter-
15 mined by the Security Council with the assistance of the Mil-
16 itary Staff Committee within the limits laid down in the
17 special agreement or agreements referred to in paragraph 5
18 above.

19 7. The action required to carry out the decisions of the
20 Security Council for the maintenance of international peace
21 and security should be taken by all the members of the Organ-
22 ization in cooperation or by some of them as the Security
23 Council may determine. This undertaking should be carried

1 out by the members of the Organization by their own action
2 and through action of the appropriate specialized organiza-
3 tions and agencies of which they are members.

4 8. Plans for the application of armed force should be
5 made by the Security Council with the assistance of the Mili-
6 tary Staff Committee referred to in paragraph 9 below.

7 9. There should be established a Military Staff Commit-
8 tee the functions of which should be to advise and assist the
9 Security Council on all questions relating to the Security
10 Council's military requirements for the maintenance of inter-
11 national peace and security, to the employment and command
12 of forces placed at its disposal, to the regulations of armament,
13 and to possible disarmament. It should be responsible under
14 the Security Council for the strategic direction of any armed
15 forces placed at the disposal of the Security Council. The
16 Committee should be composed of the Chiefs of Staff of the
17 permanent members of the Security Council or their repre-
18 sentatives. Any member of the Organization not perma-
19 nently represented on the Committee should be invited by
20 the Committee to be associated with it when the efficient dis-
21 charge of the Committee's responsibilities requires that such a
22 state should participate in its work. Questions of command
23 of forces should be worked out subsequently.

1 10. The members of the Organization should join in
2 affording mutual assistance in carrying out the measures
3 decided upon by the Security Council.

4 11. Any state, whether a member of the Organiza-
5 tion or not, which finds itself confronted with special eco-
6 nomic problems arising from the carrying out of measures
7 which have been decided upon by the Security Council
8 should have the right to consult the Security Council in
9 regard to a solution of those problems.

7 Chapter XII. Transitional Arrangements

8 1. Pending the coming into force of the special agree-
9 ment or agreements referred to in Chapter VIII, Section B,
10 paragraph 5, and in accordance with the provisions of para-
11 graph 5 of the Four-Nation Declaration, signed at Moscow,
12 October 30, 1943, the states parties to that Declaration
13 should consult with one another and as occasion arises with
14 other members of the Organization with a view to such joint
15 action on behalf of the Organization as may be necessary for
16 the purpose of maintaining international peace and security.
17 2. No provision of the Charter should preclude action
18 taken or authorized in relation to enemy states as a result of
19 the present war by the Governments having responsibility for
20 such action.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

May 10, 1945
NO. 65

FOR THE PRESS

COMMISSION III: SECURITY COUNCIL

COMMITTEE 3: ENFORCEMENT ARRANGEMENTS

Chairman: Mr. CAMILO PONCE ENRIQUEZ,
MINISTER FOR FOREIGN AFFAIRS
OF ECUADOR.

Today's session of the Committee (its fourth) met at 2:45 P.M. and was given over to a consideration of the essential problem as to whether the General Assembly should be given the right to review decisions of the Security Council respecting the use of force, or alternatively, whether other countries, not members of the Council, should be represented thereon when such questions are before the Council which concern them.

The discussion will continue at the next meeting of the Committee which will be held tomorrow morning at 10:30 A.M.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

NO. 68

COMMISSION III, SECURITY COUNCIL, COMMITTEE 3, ENFORCEMENT ARRANGEMENTS. CHAIRMAN: MR. CAMILO PONCE ENRIQUEZ, MINISTER FOR FOREIGN AFFAIRS OF ECUADOR.

At its fifth meeting, held on May 11 at 10:30 A. M., the Committee on Enforcement Arrangements (III/3) continued to hear explanations of various national points of view on the participation in and responsibilities of non-members of the Security Council.

A representative subcommittee was formed to formulate a text on this subject to be submitted for the consideration of the Committee.

The full Committee will meet again on Monday, May 14.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

May 14, 1945
No. 82

COMMISSION III
COMMITTEE 3

Security Council - Enforcement Arrangements

At the sixth meeting of Committee III/3 (Enforcement Arrangements) today the Subcommittee appointed at the previous meeting presented the report of its deliberations, grouping all the amendments proposed to Chapter VIII, Section B and Chapter XII under major substantive headings to facilitate their consideration in the Committee.

Debate continued on the question as to whether the General Assembly should have a voice in the decisions of the Security Council regarding the use of armed force or, alternatively, whether other states, not members of the Security Council, should be invited to sit on the Council when a decision on the use of force directly affecting them is being taken.

It may be said that by means of this discussion the basic issues involved are being clarified and it is expected that a decision in principle on this important problem will be reached shortly.

III / 3

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 15, 1945

NO. 90

COMMISSION III: SECURITY COUNCIL : COMMITTEE 3: ENFORCEMENT
Chairman: Mr. Camilo Ponce Enriquez, Ecuador. ARRANGEMENTS

Several specific amendments to Chapter VIII, Section B presented by various delegations in order to give the General Assembly concurrent or reviewing authority over decisions of the Security Council regarding the application of economic or military sanctions were discussed and put to a vote.

None of these suggested amendments was approved.

A further specific amendment to the effect that non-members of the Security Council should be invited to sit as members when the Council is discussing the use of the forces these countries have agreed to make available under special agreements was discussed and referred to the Drafting Sub-Committee for further consideration.

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UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 17, 1945
NO. 104

COMMISSION III: SECURITY COUNCIL
COMMITTEE 3: ENFORCEMENT ARRANGEMENTS

Chairman: Mr. Camilo Ponce Enriquez
(Ecuador)

At its eighth meeting, held at 8:30 p. m. on May 16, Committee III/3 considered a series of proposed amendments to Chapter VIII, Section B, which would specify in greater detail the powers and duties of the Security Council in making recommendations or deciding upon the measures to be taken to maintain or restore peace and security.

A proposed additional paragraph to the effect that at all events the Council should lend assistance to any party to a dispute who has agreed to submit to judicial settlement failed of approval by the Committee.

After discussion concerning an amendment proposed by the four sponsoring powers with respect to the nature of the measures to be taken by the Security Council, the question was referred to a small Subcommittee composed of representatives of Belgium, Greece and the United Kingdom in order to prepare a definite, clarified text for submission to the full Committee.

The next meeting of the full Committee is scheduled to take place on Friday, May 18, 1945, at 10:30 a. m.

UNITED NATIONS CONFERENCE
ON
INTERNATIONAL ORGANIZATION

FOR THE PRESS

May 22, 1945
NO. 134

COMMISSION III: Security Council
Committee 3: Enforcement Arrangements
8:30 P.M., May 21, 1945
Camilo Ponce Enriquez (Ecuador), Chairman

At the tenth meeting of Committee III/3, debate continued on the question of including a definition of aggression or a list of aggressive acts in the Charter.

A motion that the Charter should contain a more explicit reference to acts of aggression, and particularly to those upon the concurrence of which the Council should act immediately, failed of approval by the Committee.

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UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 23, 1945
No. 142

COMMISSION III: Security Council

COMMITTEE 3: Enforcement Arrangements

CHAIRMAN: Camilo Ponce Enriquez (Ecuador)

At the eleventh meeting of Committee III/3 (Enforcement Arrangements) the special Subcommittee composed of Messrs. Rolin of Belgium, Sir Alexander Cadogan of the United Kingdom and John Politis of Greece presented its report in the form of a revised text of paragraphs 1 and 2 of Section B, Chapter VIII together with amendments proposed by the four sponsoring powers.

These paragraphs and the proposed amendments relate to the measures or recommendations, provisional or otherwise, which the Security Council might take whenever a situation presents itself which may constitute a threat to the peace, and the measures which the Council should take in case of a breach of the peace or act of aggression.

After discussion it was decided to defer final vote on this text until the meeting of the Committee to be held on Friday, May 25.

An amendment proposed by one of the countries to specify that the Council might in certain cases take over on behalf of the Organization the administration of certain territory was withdrawn.

A proposed amendment to Section B concerning inconsistent obligations was likewise withdrawn in view of the fact that a more inclusive paragraph concerning this matter is under consideration before another Committee.

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UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION
FOR THE PRESS

MAY 24, 1945

No 150

COMMISSION III: Security Council
COMMITTEE 3: Enforcement Arrangements

CHAIRMAN: Camilo Ponce Enriquez (Ecuador)

At its twelfth meeting, held May 24th at 3:30 P.M., Committee III/3 began a consideration of the general problem of military sanctions and the composition of national contingents and of the Military Staff Committee.

At the request of one of the delegates of the sponsoring powers, vote was postponed on the French and Australian amendments to section VIII-B-6 which would make possible the placing at the disposition of the Council of mixed armed contingents, instead of merely air contingents, as the original Dumbarton Oaks Proposals provide.

An additional sentence to paragraph VIII-B-9, proposed by the Four Sponsoring Powers, to empower the Military Staff Committee, with the authorization of the Security Council, to establish regional subcommittees was approved unanimously by the Committee.

The next meeting of the Committee is scheduled for tomorrow, Friday, at 6 p.m.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 25, 1945
No. 159

COMMISSION III - SECURITY COUNCIL
Committee 3 - ENFORCEMENT ARRANGEMENTS

At its thirteenth meeting, Committee III/3 (Enforcement Arrangements) approved an amendment to paragraph 9 of Section VIII-B as previously amended by the Committee to provide for consultation with regional agencies in the formation of regional subcommittees of the Military Staff Committee.

The original text of paragraph VIII-B-9 is now amended by the addition of the following sentence: "The Military Staff Committee, with the authorization of the Security Council, after consultation with the regional agencies, may establish regional subcommittees of the Military Staff Committee."

Another amendment to accomplish a similar purpose was thereupon withdrawn.

A revised text of paragraphs 1 and 2 of Chapter VIII-B, prepared by a subcommittee, was then presented for discussion and was withdrawn by the subcommittee in favor of a substitute text offered by one of the Sponsoring Powers. This new text will be further considered at the next meeting of Committee to be held at 10:30 a.m. tomorrow and it is expected that a vote will be taken.

* * *

COMMISSION III Security Council

Committee 1 Structure and Procedures

SUMMARY REPORT OF FOURTEENTH MEETING OF COMMITTEE III/1

Veterans Building, Room 223, May 25, 1945, 10:40 a.m.

The fourteenth meeting of the Committee was opened by the Chairman at 10:40 a.m.

The Chairman summarized the action of the Committee at the thirteenth meeting. He pointed out that the Canadian amendment to add a sentence to paragraph 1 of Section B, providing that the Council should submit annual and, when necessary, special reports to the General Assembly, had been passed; and that the paragraph as amended, and also paragraphs 2 and 3 of the original text, had been approved. He reminded the Committee that the Mexican Delegate reserved the right to bring his amendment to paragraph 1 up for discussion at a later time. The Liberian and Mexican Delegates called attention to two errors in the Summary Report of the Thirteenth Meeting. The Chairman took note of these and requested that corrigenda be issued.

1. Paragraph 4, Section B, Chapter VI

The Chairman announced that the Belgian amendment to paragraph 4, moved at the previous meeting, had been approved for presentation to the Committee by the Executive Committee. He then recognized the Belgian Delegate.

The Delegate of Belgium remarked that his amendment to add in paragraph 4, after the words "Security Council", the words "taken under Chapter VIII" was intended only to clarify the text. He had no intention of introducing a substantive modification of the text. With reference to the statement at the previous meeting by the Representative of the United Kingdom, the Delegate of Belgium was fully aware that the Council had other duties in addition to those stipulated in Chapter VIII. Since paragraph 3 referred clearly to specific powers laid down in Chapter

VIII, it might be assumed that paragraph 4 referred to these same powers. Should this not be the case, the non-members of the Organization and the non-permanent members of the Council would be giving the Security Council a blank check. Therefore, it seemed desirable that paragraph 4 should clearly state, beyond the possibility of doubt, that the obligations to accept the decisions of the Security Council referred solely to its powers under Chapter VIII.

The Representative of the United Kingdom reiterated the view that it might be dangerous so to limit the Security Council. He suggested that the phrase, "in accordance with the provisions of the Charter," sufficiently met the point raised by the Belgian Delegate. He pointed out that paragraph 1 of Chapter XII concerning transitional arrangements provided that the states parties to the Moscow Declaration should consult with one another and, as occasion arose, with other members of the Organization, with a view to such joint action on behalf of the Organization as might be necessary for the purpose of maintaining international peace and security. This implied action by the Security Council even though it was not specifically mentioned. If the application of paragraph 4 were to be limited, perhaps both Chapter XII and Chapter VIII ought to be specified. He had no objection to the Belgian amendment provided it was certain that no decisions relating to other parts of the Charter would thereby be excluded.

The Delegate of the Union of Soviet Socialist Republics stated that the Security Council was to be a permanently acting body of the International Organization according to paragraph 1 of Section B, but that if the Belgian amendment were accepted the Council would be restricted to the functions and powers under Chapter VIII. Paragraph 4 did not give unlimited powers to the Security Council. Therefore, there could be no fear that the Council would take action incompatible with the purposes of the Organization. For that reason the Belgian amendment was unnecessary and unacceptable.

The Belgian Delegate concluded that the choice before the Committee lay between his amendment, which would obligate members merely to obey Council decisions taken under Chapter VIII, or the Dumbarton Oaks text, which would obligate members to carry out all decisions of the Council. The Representative of the United Kingdom indicated that he could not accept this interpretation because he asserted that the limiting phrase "in accordance with the provisions

of the Charter" referred to all decisions of the Council.

The Representative of Canada stated that since paragraph 4 immediately followed paragraph 3, in which it was stated that the specific powers conferred on the Security Council were laid down in Chapter VIII, paragraph 4 should be interpreted also as referring exclusively to Chapter VIII. He proposed, therefore, that the following clause be added to paragraph 4: "and to carry them out in accordance with the specific obligations they have assumed under the Charter." The Australian Representative suggested that the language of paragraph 4 was unsatisfactory. It was not clear whether the phrase, "in accordance with the provisions of the Charter," referred only to the obligation to carry out the Council's decisions or referred to the decisions as well.

The Chairman ruled that the Canadian and Australian suggestions should be submitted to the Coordination Committee as a drafting problem. He then closed the discussion on the Belgian amendment and put it to a vote.

Decision: The Belgian amendment, to insert after the words, "Security Council," in paragraph 4, Section B, Chapter VI, the words "taken under Chapter VIII", was rejected because, while it received a favorable vote of 14 to 13, it lacked the necessary two-thirds majority.

Decision: Paragraph 4, Section B, Chapter VI, of the Dumbarton Oaks Proposals, was approved by a vote of 24 to 0.

2. Paragraph 5, Section B, Chapter VI

The Delegate of Uruguay, in explaining his amendment to add, after "regulation of armaments", the clause "the production of which shall be reserved exclusively to governments", asserted that the objective was to remove the possibility of endangering the peace through the private manufacture of armaments. (See Doc. 2, G/7 (a) (1), p. 14.) Since the Uruguayan amendment was not seconded, it was not put to a vote.

Decision: Paragraph 5, Section B, Chapter VI, of the Dumbarton Oaks Proposals, was approved by a vote of 29 to 0.

3. Proposed additional paragraphs, Section B, Chapter VI

Since the amendments of Chile and Ecuador had been withdrawn, the Chairman invited discussion of the Norwegian amendment to empower the Security Council to enforce, by appropriate means, the execution of any final decision in a dispute between states, delivered either by the Permanent Court of International Justice or by any other tribunal whose jurisdiction in the matter had been recognized by the states parties to the dispute. (See Doc. 2, G/7 (n) (1), pp. 4-5.)

In discussing his amendment, the Norwegian Delegate raised two points: He believed it useful because in the future there would be an increasing number of such decisions, and, therefore, it would be increasingly important to have the assurance that they would be carried out. In the second place, although it could not be argued that every failure to carry out a Court decision would threaten the peace, it was important in the development of international relations to prevent an accumulation of individual instances of non-execution. Moreover, the time had come when no power, great or small, should reserve to itself the right to execute judgments of an international tribunal. To allow it to do so would leave a dangerous gap in the peace structure. He concluded by pointing out that the Norwegian amendment did not require the Council to enforce Court decisions but only empowered it to do so; this power should be expressly stated as a reminder that the world might look to the Security Council, if necessary, for the execution of Court judgments.

The Delegate of Turkey seconded the Norwegian amendment.

The Representative of the United States pointed out that the Norwegian amendment in effect proposed an enlargement of the Council's powers which had already been criticized as being too wide. The whole theory underlying the Dumbarton Oaks Proposals had been that the Security Council should have those powers necessary for meeting threats to the peace or suppressing them. It seemed unwise, therefore, to give additional powers to the Council and the United States could not support the Norwegian amendment.

The Australian Representative informed the Committee that Australia had proposed an amendment to Chapter VII providing that all members of the United Nations Organization should undertake to comply with all the decisions

of the International Court of Justice. Although this did not go as far as the Norwegian amendment, it would serve the same purpose by mobilizing public opinion against any state which, having agreed to comply with Court decisions, thereafter refused to do so. The Norwegian Delegate believed, however, that this provision did not go far enough and reminded the Committee that it was not the width of power granted to the Council which aroused criticism but its arbitrary character which caused alarm.

The Delegate of El Salvador felt that it was not wise to increase the power of the Council explicitly as proposed by the Norwegian amendment, because it would be better to let the Security Council first use persuasive means to bring about observance of Court judgments. Then, if non-compliance with a Court decision made hostilities imminent, the Security Council would have the power to intervene under the provisions of Chapter VIII.

The Representative of China, seconded by the Representative of France, moved that the amendment be referred to Committee III/3. Several delegations, however, believed that a vote should be taken upon the Norwegian amendment by this Committee.

Decision: The motion to refer the Norwegian amendment to Committee III/3 was rejected by a vote of 15 to 7.

Decision: The Norwegian amendment, to add a paragraph 5 to Section B, Chapter VI, of the Dumbarton Oaks Proposals, was rejected by a vote of 13 to 8.

Decision: It was agreed that the Norwegian amendment, to add a paragraph 7 to Section B, Chapter VI, providing that the Security Council should perform such functions in relation to the election of judges of the Permanent Court of International Justice as might be conferred upon it (Doc. 2, G/7 (n) (1), pp. 4-5), should be left to Committee IV/1 where a similar provision would be voted upon shortly.

7. Subcommittee III/1/B

The Delegate of the United States, explaining briefly that a questionnaire resulting from action taken in

Subcommittee III/1/B was now under consideration by the four sponsoring governments, expressed the hope that a report would soon be forthcoming. At the request of Canada, it was agreed that all members of Committee III/1 should receive copies of the questionnaire. It was further agreed that the Committee would not meet tomorrow (Saturday) since Subcommittee B was not yet ready to report.

The meeting was adjourned at 1 p.m.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 26, 1945
No. 162

COMMISSION III: Security Council
COMMITTEE 3: Enforcement Arrangements

CHAIRMAN: Camilo Ponce Enriquez (Ecuador)

At the 14th meeting of Committee III/3 (Enforcement Arrangements), the revision of paragraphs 1 and 2 of Chapter VIII, Section B, as proposed by the Delegate of China and seconded by the Delegate of the United States, was approved by the Committee. This revision likewise includes an amendment proposed by the Sponsoring Powers to enable the Council to call upon the parties to take provisional measures to prevent an aggravation of a dispute.

Chapter VIII, Section B, paragraphs 1 and 2 now read as follows:

1. The Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures set forth in paragraphs 3 and 4 of this Section to be taken to maintain or restore peace and security.
2. Before making the recommendations or deciding upon the measures for the maintenance or restoration of peace and security in accordance with the provisions of paragraph 1, the Security Council may call upon the parties concerned to comply with such provisional measures as it may deem necessary or desirable in order to prevent an aggravation of the situation. Such provisional measures should be without prejudice to the rights, claims or position of the parties concerned. Failure to comply with such provisional measures should be duly taken account of by the Security Council.

The Committee resumed its discussion of the composition of the Military Staff Committee. In view of the fact that at its previous session, the Committee approved an amendment providing for the creation of regional Subcommittees, two other amendments to enlarge, in one manner or another, the Staff Committee were withdrawn. A third proposed amendment to provide that the Military Staff Committee should be composed of all the members of the Security Council or their representatives failed of approval by the Committee.

The Committee then proceeded to consider an amendment proposed to paragraph 5, Section B, of Chapter VIII, to provide that the special agreements of each country to supply forces to the Security Council should be concluded with the Council and not by the member States among themselves as provided in the original Dumbarton Oaks Proposals.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

PRESS RELEASE

MAY 31, 1945
NO. 184

COMMISSION III: Security Council
COMMITTEE 3: Enforcement Arrangements

CHAIRMAN: Camilo Ponce Enriquez (Ecuador)

At its Sixteenth Meeting, held at 8:30 P.M. on May 30, Committee III/3 (Enforcement Arrangements) considered the various amendments proposed to Chapter XII (Transitional Arrangements) of the Dumbarton Oaks Proposals. There was approved by acclamation an amendment to the effect that France should be included with the other four major powers in the consultations and joint action to be taken to maintain peace during the interim period until the special agreements for the provision of forces to the Security Council should come into effect.

Another amendment to provide that any provisional measures taken under Chapter XII should not constitute a precedent to impair any rights of the member states was withdrawn with the understanding that its essence would be contained in the final report of the Rapporteur submitted to Commission III.

Four additional amendments, originally proposed to Chapter XII, dealing with various problems which fall exclusively within the competence of other Committees were laid aside at the suggestion of the Chairman with the consent of the governments sponsoring them.

A proposal to remove from the Charter and place in a separate Protocol the provisions dealing with transitional arrangements was defeated by twenty votes to two,

There was considerable discussion as to the precise meaning and clarity of the text of Chapter XII and the view was expressed in several quarters that the extent and duration of the powers of the sponsoring countries and France for the maintenance of peace during the interim period and for the prevention of renewed aggression by enemy states in the present war should be clarified in the text.

A motion to proceed to an immediate vote on the text of the two paragraphs of Chapter XII was defeated by a vote of 17 to 15; and a further motion to the effect that a drafting sub-committee should seek to prepare a clarified text was adopted by a vote of 18 to 1.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

June 2, 1945
No. 199

COMMISSION III -- SECURITY COUNCIL
COMMITTEE 3 -- ENFORCEMENT ARRANGEMENTS

CHAIRMAN: MR. CAMILO PONCE ENRIQUEZ (ECUADOR)

June 2, 1945, 3:30 p.m.

At a previous meeting of Committee III/3 an amendment proposed to Chapter VIII, Section B to grant to States not members of the Security Council the right of representation thereon in certain instances, was, after discussion, referred to a Subcommittee.

The following text, as agreed upon by the Subcommittee, was presented to the full Committee at its meeting today and was approved by a vote of 37 to 0. It would be inserted as a new paragraph between paragraphs 5 and 6 of Section B of Chapter VIII:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any member not represented on it to provide armed forces in fulfillment of its obligations under the preceding paragraph, invite such member, if it so request, to send a representative to participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

The Committee then returned to a consideration of the text of Chapter XII.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

JUNE 4, 1945
No. 200

COMMISSION III: Security Council
COMMITTEE 3: Enforcement Arrangements

CHAIRMAN: Camilo Ponce Enriquez (Ecuador)

During the previous meetings of the Committee, the various amendments proposed to Chapter VIII, Section B, were discussed and, except for two or three, approved, rejected, withdrawn or referred to other Committees. The Committee, therefore, proceeded this morning to final consideration of Chapter VIII, Section B, of the Dumbarton Oaks Proposals, paragraph by paragraph, as altered by the amendments previously approved by the Committee.

Paragraphs 1 and 2 and a new paragraph to be inserted after paragraph 5 were adopted at a previous meeting of the Committee.

Paragraphs 3 and 4 were unanimously approved today in their original form.

Paragraph 5 was redrafted in order to take account of several amendments offered by Australia and France to this and other paragraphs. One change in the original text authorized the Security Council to take the initiative in working out the special agreements to provide armed forces and to provide that these agreements should be concluded between the Council and the member states, or groups of member states, and not merely among the states themselves. Another change provides that the "right of passage" should be accorded as a result of special agreements concluded under this paragraph. Another change, designed to make more precise the content of the special agreements, makes reference to "right of passage" and to the ~~degree of readiness~~ and general location of the armed forces to be made available to the Council. The Committee unanimously approved the revised paragraph. Its text follows:

"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, armed forces, 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 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."

Paragraph 6 was adopted unanimously in its original form. Amendments proposed by Australia and France to the effect that mixed contingents as well as air force contingents should be made available for urgent use were withdrawn with the understanding that the revision of paragraph 5 as approved would in practice adequately cover the situation.

Paragraphs 6, 7, 8, 10 and 11 were also unanimously approved by the Committee in the form in which they appear in the original Dumbarton Oaks Proposals.

Paragraph 9 was approved, likewise unanimously, with the addition of the following new sentence which had been previously adopted by the Committee:

"The Military Staff Committee, with the authorization of the Security Council, after consultation with the regional agencies, may establish regional subcommittees of the Military Staff Committee."

With the approval of the amended text, as above indicated, the Committee has completed its work on all of Section B, Chapter VIII, for presentation to the Coordination Committee.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

JUNE 9, 1945
NO. 221

COMMISSION III - SECURITY COUNCIL
COMMITTEE 3 - ENFORCEMENT ARRANGEMENTS

CHAIRMAN - Mr. Camilo Ponce Enriquez (Ecuador)
RAPPORTEUR - Mr. Joseph Paul-Boncour (France)

June 8, 1945, 8:30 p. m.

The Committee considered at length the draft report prepared by the Rapporteur, summarizing the work of the Committee with respect to Chapter VIII, Section B.

With certain minor modifications and additions, the report was unanimously approved by the Committee.

It will be presented to Commission III early next week.

At the conclusion of the Meeting the Chairman expressed the gratitude of the Committee to the Rapporteur for his outstanding contribution to its work. The Delegate from Bolivia similarly expressed the Committee's warm appreciation to the Chairman for the excellent and efficient manner in which he guided the work of the Committee.

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UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

JUNE 18, 1945
No. 297

~~COMMISSION III:~~ Security Council
~~COMMITTEE 3:~~ Enforcement Arrangements

Chairman: Camilo Ponce Enriquez (Ecuador)
Meeting June 18, 1945 8:30 pm.

Since the Steering Committee had not yet acted on Chapter XII (Transitional Arrangements) which had been previously referred to it by Committee III/3 and since informal consultations concerning the problem had been taking place in the meantime, the Committee at its twentieth meeting decided to reopen discussion of the Chapter.

The following revised text of paragraph 1, as proposed by the delegate of Great Britain, was adopted by the Committee by a vote of 29-0:

"Pending the coming into force of such special 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 the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, 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."

An amendment proposed by the delegation of Greece to prevent recourse by present enemy states to the Security Council or the General Assembly was also discussed; but vote was postponed until a further meeting of the Committee.

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COMMISSION III - SECURITY COUNCIL
COMMITTEE 3 - - ENFORCEMENT ARRANGEMENTS

At its 21st meeting, held this morning, Committee III/3 continued its discussion of the amendment proposed by the Delegation of Greece to prevent recourse to the Security Council or the General Assembly by enemy states.

Although the proposal for the inclusion of the amendment in the text of the Charter failed of adoption (5-17), the Committee approved (34-0) the inclusion in the Report of the Rapporteur a statement to the effect that it is understood that enemy States in this war shall not have the right of recourse to the Security Council or the General Assembly until such time as the Security Council shall decide that they should be given that right.

After discussion, the original text of Chapter XII, paragraph 2 was approved by the Committee by a vote of 22-2.

At the 22nd meeting, held this afternoon, the Rapporteur, Mr. Paul-Boncour, presented a draft of his Report to be made to the Commission concerning Chapter XII. After discussion, the Report was approved unanimously in principle, with the understanding that opportunity will be given for further study once the text is distributed.

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PUBLIC MEETING OF COMMISSION III

Opera House, Wednesday, June 20, 9:15 A. M.

Commission III, Security Council, will hold a public meeting on Wednesday, June 20, at 9:15 A.M., in the Opera House. The meeting will hear the report of the Rapporteur of Committee I, on Structure and Procedures of the Security Council. The meeting will also deal with unfinished business in Committee 3, which reported the major part of its work to the Commission on June 12.

The President of Commission III is Mr. Wilhelm Munthe Morgenstierne, Norwegian Ambassador to the United States, and Chairman of the Delegation of Norway. The Chairman of Committee III/1 is Mr. John Sofianopoulos, Minister for Foreign Affairs and Chairman of the Delegation of Greece. The Rapporteur is Dr. Hector David Castro, Chairman of the Delegation of El Salvador.

The Chairman of Committee III/3 is Mr. Camilo Ponce Enriquez, Minister for Foreign Affairs, and Chairman of the Delegation of Ecuador; its Rapporteur is M. Joseph Paul-Boncour, member of the Delegation of France. This Committee deals with Enforcement Arrangements.

NOTE: All tickets for the general public have been distributed for forthcoming Commission and Plenary Sessions. Tickets marked "L" are good for the above Commission Meeting.

(Tickets marked "H", as previously announced, will be honored at the next meeting of Commission II.)

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