

UNESCO - Commissions + Technical Committees - Commission 3/Committee 1 - 13<sup>th</sup> Meeting

15 May 1946  
30 May 1946

Clear

UN ARCHIVES

SERIES	<u>1018</u>
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ADVANCE PROGRESS REPORT

13th Meeting of the Committee, May 23, 1945

I. The Committee approved the following:

Dumbarton Oaks Proposals, Section B, Chapter VI.

(1) A Canadian amendment originally presented to Section D was brought before this Committee and approved (36-0) as follows:

"The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

(2) Paragraph 1, B, VI, ~~as amended~~. Voted 40 to 0.

(3) Text of paragraph 2, B, VI. Voted 30 to 0.

II. The Committee rejected the following:

(1) A Norwegian amendment to paragraph 2, to require also that the Council act in accordance with provisions of the Charter and to consider that no solution should be imposed upon a state of a nature to impair its confidence in its future security or welfare. Voted 1 for to 10 against.

(2) Several amendments were withdrawn--that of Norway to the title of Section B; the Chilean and Mexican amendments to paragraph 1 because they were being considered in another committee.

(3) The Committee still has under consideration paragraph 4, B, VI, to which a Belgian amendment not previously included in the documentation was proposed as a method of meeting the essential objectives of a Liberian and Mexican amendment. The Belgian amendment was to add the words "taken under Chapter VIII" immediately after the word "decisions" in the paragraph. This is still under consideration.

III. Procedural Matters:

(1) The length of speeches were noticeably briefer than in previous meetings, though one of two delegates spoke at some length.

(2) A point of order was raised concerning the Belgian motion that since it had not been submitted under the rules of the Conference it should not be considered by the Committee. The question was raised whether or not the Committee should go ahead and vote upon the Dumbarton Oaks text of paragraph 4, but the answer was postponed by a motion to adjourn which was carried 20 to 3.

(3) There is some doubt as to the fate of the Mexican amendment to paragraph 1 as to whether or not it is to come before the Committee again or is to be settled outside this Committee.

IV. Other Matters of Interest: None.



UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 23, 1945

COMMISSION III: SECURITY COUNCIL  
COMMITTEE 1: STRUCTURE AND PROCEDURES

The Committee met at 8:45 p.m. on May 23, 1945, in the Veterans Building. Mr. John Sofianopoulos, Minister of Foreign Affairs and Chairman of the Delegation ~~xxxxxx~~ of Greece, presided.

The Committee took under consideration Section B, Chapter VI of the Dumbarton Oaks Proposals, on "The Principal Functions and Powers" of the Security Council. A Norwegian amendment to delete the word "principal" from the title of the section was referred to the Committee of Coordination as a drafting matter. A final sentence, proposed by Canada, was added to paragraph 1 by unanimous decision. The sentence reads as follows: "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration". Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, with this amendment, was adopted by a vote of 21 to 0.

In the discussion of paragraph 2, an effort was made to introduce into this paragraph more specific rules of conduct than those implied in the requirement that the Council "act in accordance with the purposes and principles of the Organization." The proposed amendment was defeated, it having been pointed out by various delegates that the principles and purposes of the Dumbarton Oaks Proposals as already amended were broad enough to cover the contingencies in question. The original Dumbarton Oaks text of paragraph 2 was then approved by a vote of 26 to 0.

Paragraph 3, stating that specific powers conferred on the Security Council are laid down in Chapter VIII, was also approved by 30 to 0, no amendments having been offered.

While some proposed amendments to paragraph 4 concerning the obligation of members to accept the decisions of the Council were withdrawn, others were still under discussion when the meeting was adjourned. No action, therefore, was taken on this paragraph.

Precis.

13<sup>th</sup> meeting

May 23, 1945

Committee III/1 approved the text of paragraph 1 of Section B, Chapter VI of the Dumbarton Oaks Proposals, with the addition of the following Canadian amendment: "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration." It also approved paragraphs 2 and 3 of Section B, Chapter VI. Discussion of paragraph 4 is to be continued at the next meeting.



Precis

13<sup>th</sup> meeting

May 23, 1945

Committee III/1 approved the text of paragraph 1 of Section B, Chapter VI of the Dumbarton Oaks Proposals, with the addition of the following Canadian amendment: "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration." It also approved paragraphs 2 and 3 of Section B, Chapter VI. Discussion of paragraph 4 is to be continued at the next meeting.

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

*Not converted*

SUMMARY REPORT OF THIRTEENTH MEETING OF COMMITTEE III/1

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

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

1. Title of Chapter VIII, Section B.

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

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

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

2. Paragraph 1, Section B, Chapter VI.

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

3. Paragraph 2, Section B, Chapter VI.

a. Norwegian Amendment (Doc. 2, 9/7 (n) (1) p. 4; also in Doc. 360, (English), III/1/16, p. 4)

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

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

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



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

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

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



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

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

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

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

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

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

4. Paragraph 3, Section B, Chapter VI.

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



5. Paragraph 4, Section B, Chapter VI.

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

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

b. Belgian Amendment.

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

Several delegates seconded this amendment.

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



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

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

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

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

The meeting was adjourned at 11 p.m.

SUMMARY REPORT OF THIRTEENTH MEETING OF COMMITTEE III/1

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

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

1. Title of Chapter VIII, Section B.

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

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

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

2. Paragraph 1, Section B, Chapter VI.

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

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

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



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

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

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

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

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

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



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

3. Paragraph 2, Section B, Chapter VI.

a. Norwegian Amendment (Doc. 2, 3/7 (n) (1) p. 4; also in Doc. 360, (English), III/1/16, p. 4)

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

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

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



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

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



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

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

Decision: Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, was adopted by a vote of 20 to 0.

4. Paragraph 3, Section B, Chapter VI.

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



5. Paragraph 4, Section B, Chapter VI.

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

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

b. Belgian Amendment.

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

Several delegates seconded this amendment.

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

27/218  
The Chairman agreed that the Belgian amendment would have to be presented through the proper channels and proposed a vote upon the Dumbarton Oaks text of paragraph 4.

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

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

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

The meeting was adjourned at 11 p.m.



UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

MAY 23, 1945

COMMISSION III: SECURITY COUNCIL  
COMMITTEE 1: STRUCTURE AND PROCEDURES

The Committee met at 8:45 p.m. on May 23, 1945, in the Veterans Building. Mr. John Sofianopoulos, Minister of Foreign Affairs and Chairman of the Delegation of Greece, presided.

The Committee took under consideration Section B, Chapter VI of the Dumbarton Oaks Proposals, on "The Principal Functions and Powers" of the Security Council. A Norwegian amendment to delete the word "principal" from the title of the section was referred to the Committee of Coordination as a drafting matter. A final sentence, proposed by Canada, was added to paragraph 1 by unanimous decision. The sentence reads as follows: "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration". Paragraph 1, Section B, Chapter VI of the Dumbarton Oaks Proposals, with this amendment, was adopted by a vote of 21 to 0.

In the discussion of paragraph 2, an effort was made to introduce into this paragraph more specific rules of conduct than those implied in the requirement that the Council "act in accordance with the purposes and principles of the Organization". The proposed amendment was defeated, it having been pointed out by various delegates that the principles and purposes of the Dumbarton Oaks Proposals as already amended were broad enough to cover the contingencies in question. The original Dumbarton Oaks text of paragraph 2 was then approved by a vote of 26 to 0.

Paragraph 3, stating that specific powers conferred on the Security Council are laid down in Chapter VIII, was also approved by 30 to 0, no amendments having been offered.

While some proposed amendments to paragraph 4 concerning the obligation of members to accept the decisions of the Council were withdrawn, others were still under discussion when the meeting was adjourned. No action, therefore, was taken on this paragraph.

AGENDA FOR THIRTEENTH MEETING OF COMMITTEE III/1

May 23, 1945, 8:30 p.m.

1. Statement of business transacted at previous meeting
2. Consideration of Section B, Chapter VI, Dumbarton Oaks Proposals, and of the amendments thereto proposed by the various governments
3. Other business



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