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54  
May 24, 1945.

*John*  
*Mr. Gorge*

TO: Executive Committee (via Commission III)

SUBJECT: Addition of new Section D to Chapter VIII.

1. This is to inform you that Committee 4, Commission III, has this date approved the text, reproduced below, of a new paragraph proposed by the Delegation of the United States in consultation with the other sponsoring governments and France.

2. By a vote of 29 to 8, the Committee recommends to the Coordination Committee that this new paragraph be inserted in the Dumbarton Oaks Proposals as a new Section D to Chapter VIII. However, the Delegate of the Soviet Union has requested that the attached statement (Annex A), made by him before the Committee in explanation of his opposition to the decision, be brought to the attention of the Coordination Committee.

TEXT OF THE NEW SECTION

Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a member state, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

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Secretary,  
Committee 4  
Commission III

Approved: \_\_\_\_\_

Grayson Kirk  
Executive Officer  
Commission III



ANNEX A.

The Delegate from the Soviet Union at the meeting of the Subcommittee May 23 opposed the idea that the new paragraph, already accepted, and originally presented to the Subcommittee as a new paragraph 12, Section B, Chapter VIII, be made a new separate section of the same Chapter VIII.

The exclusion of this paragraph from Section B would be illogical and even artificial. Indeed, paragraph 12 deals with the right of a member of the Organization to self-defense in case of an act of aggression, until the Security Council takes measures for the maintenance of international peace. It is also stated in this paragraph that these measures of self-defense do not in any way affect the power and duty of the Security Council to take at any time such measures as it may deem necessary for the maintenance or restoration of international peace.

It follows then, that this paragraph deals with the commencement of military operations and, accordingly, with the powers and duties of the Security Council.

Section B, furthermore, deals with the powers and duties of the Security Council from the time of the determination by it of the threat to the peace up to the time it takes measures against the aggressor.

It may be argued that the beginning of paragraph 12 deals with the right of a member of the Organization to self-defense. However, it must be kept in mind that the paragraph at the same time deals with the duties of members of the Organization. One of these duties is to inform the Security Council immediately concerning the measures of self-defense taken by the member, and of his compliance with the obligations under the Charter.

Paragraphs 5, 6, 7, and 10 of Section B also deal with the same duties of members of the Organization. It seems only logical and fully understandable that the rights and duties of members of the Organization are set forth in the very Section B which deals with threats to the peace.

For the reasons above stated the Soviet Delegate therefore considered that the adopted paragraph should appropriately be placed as paragraph 12, Section B, Chapter VIII.