

UNCLO - Working Papers - Commissions & Technical Committees
- Commission II Committee II - rapporteur's report (i)

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corrected speech of Dr. Wellington Koo
at the meeting of 11/3 *Corrected*
of May 16, 1945, Rm 223 8.50 pm

DELEGATE FROM CHINA: Mr. Chairman, the discussions which are now taking place and the views expressed have arisen on the proposed amendment to paragraph two of Section B, Chapter VIII. The question was asked why there should be an amendment reading "Set forth in paragraphs three and four of this section." I am inclined to think that the delegate of the United Kingdom by his explanation has already thrown some light on the purpose of this amendment. I now propose to add a word of further explanation, which may serve the same purpose of clarification.

You will notice that this paragraph starts off with the words "In general 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 three and four of this section, to be taken to maintain or restore peace and security." Here this paragraph does not deal with any dispute. That question is dealt with in the previous section, Section A, and while we did not take it up, you will recall that among the joint amendments proposed by the sponsoring Powers there is one proposing to empower the Security Council to lay down terms of settlement as well as to recommend methods and procedures of settlement. Here in this paragraph we are dealing with any situation which comports the element of a threat to the peace or a breach of the peace or an act of aggression and the words "should make recommendations" here, really mean recommendations of measures which would serve to maintain or restore peace and security according as it is determined that there is a threat to the peace or a breach of the peace or an act of aggression.

Recommendations under this paragraph would be made to the party or parties threatening the peace or resorting to action which constitutes a breach of the

Organization obligate themselves to accept the decisions of the Security Council. If I understood the --

THE DELEGATE OF CANADA: No. Could any obligation be imposed or could the military sanctions be specified in the motion?

DELEGATE OF CHINA: Well, just as I understand it. If you read further on in paragraph five of this same Section B of Chapter VIII, you will see its intent and purpose. It reads: "In order that all members of the United Nations shall contribute to the maintenance of international peace and security, they undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security."

Then later on in the same paragraph it says: "Such agreement should be negotiated as soon as possible and should in each case be subject to approval by the Security Council, and to ratification by the signatory States in accordance with their constitutional processes."

In other words, the application of military sanctions presupposes the conclusion of military agreements beforehand. This would seem to be a logical explanation because at the end of ^{the} Charter we have Chapter XII, which deals with transitional arrangements, and in the first paragraph of that chapter to which a joint amendment has been proposed by the four sponsoring Governments, it says: "Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in ^{accordance} connection with the provisions of ^{paragraph 5-} Chapter ~~V~~ of the Four-Nation Declaration, signed ^{at Moscow, October 30, 1943} etc., the States parties to that declaration should consult with one another and as occasion arises with other members of the Organization with a view to such

joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security."

That is to say we have two periods. In the period starting from the coming into existence of the Organization reinforced by the conclusion of the military agreement or agreements, any decision on the part of the Security Council to apply military sanctions will be carried out in accordance with the military agreement or agreements previously concluded and duly ratified. But before that period we have an interim period, a transitional period, for which the maintenance of peace and security is to be assured in the manner provided in Chapter XII. I hope these few remarks give the answer to the question put by the delegate of Canada, and may also help to clarify the situation as regards the discussions of the committee.

DRAFT.

1/5 → Subject to the exceptions set out in paragraph 2 hereof, the General Assembly should have the right:-

- 2/ Subject
- (a) → to discuss any matter relating to the maintenance of international peace and security, including the principles governing disarmament, and the regulation of armaments, brought before it by any member or members of the organisation or by the Security Council;
 - (b) → to make recommendations to the members of the Organisation or to the Security Council, or both to the members and the Council with regard to any such matter;
 - (c) to call the attention of the Security Council to situations which are likely to endanger peace or security.

(2) → The General Assembly should not ~~discuss or~~ make recommendations on any matter affecting the maintenance of international peace and security which is being dealt with by the Security Council unless the Security Council so requests.

(3) → The Secretary General should, with the consent of the Security Council, notify the General Assembly of any matters which are being dealt with by the Security Council and should also notify the General Assembly immediately the Security Council ceases to deal with such matters. When the Security Council commences or ceases/

ceases to deal with any such matter at a time when the General Assembly is not in session the Secretary General should notify the members of the Organisation.

4) Any matter on which action (by the Security Council) is necessary should be referred to the Security Council by the General Assembly either before or after discussion or recommendation or, if the Assembly so chooses, without discussion or recommendation.

5) The General Assembly may refer any matter or any aspect thereof which is juridical in character to the International Court for its opinion.

Can. II/4
May 11 5:00 pm

DELEGATE FROM CHINA: As you are already aware perhaps, the Chinese delegation has presented a paper called "draft proposals of the Chinese delegation on international territorial trusteeships". Let me say at the outset that this paper is the result not only of the thirteen original proposals which the Chinese Government intended to propose--to submit--but also of the result of the study of the two papers which the Chinese delegation had the opportunity of studying; namely, the American paper and the United Kingdom proposals. So, this is merely from our point of view is -- so far as it is within our power--a compromise acceptance of the proposals in the hope of facilitating agreement in the end. Our real conception--our original intention--was to make proposals which would go beyond what is stated here, because it has always been our concept of the nature of international territorial trusteeship. You will recall that the very first article in the Atlantic Charter, which was embodied in the United Nations Declarations of January 1, 1942, reads that countries--that is to say, the United Nations--no aggrandisement, territorial or other--that is one of the objectives, one of the aspirations not only of our government, but we believe, of also the peoples all over the world. Perhaps after this terrible struggle is over, we should start on a new path which would lead us to another new world, thereby laying a firm foundation for an enduring peace. But, we realize at the same time that in any international gathering with a view to reaching international agreement, we have to take into account certain realities and also the view and opinions of other

participating countries. For this reason we have taken, we might say, the American paper as sort of a basic paper for our purpose, and we introduced such points which we consider to be not only very important, but constituting, from our point of view, a minimum which would be necessary to really make any territorial trusteeship system effective and worthwhile of its name.

Now, with these few remarks I would proceed to some of the points which were introduced in our paper which are not found in the other papers that have been presented to you. You will notice that in one of the paragraphs, for example, paragraph 4, we say that any territory belonging to one of those three categories stated in that paper may be administered either directly by the international organization through an agency of its own, or indirectly by one or more of the United Nations of the states concerned. In other words, we like to introduce--or, rather, the proper, more correct word would be to conserve--because international administration of a territory will not be an innovation. It has been tried in the case of the Tsar Valley, which really proved quite a success, and we would like to say that international administration also included within the scope of territorialship. In any case, we do not wish to exclude the possibility that some territory or some area will be turned over to the international organization to be administered not by any one nation or nations as trust states--as trustee states--but by the organization itself directly.

Then, the next point I would like to call your attention to is the introduction of the word "independence" in paragraph 2

on the basic objectives of the trusteeship system--in paragraph 2 (b)--"and their progress and development toward independence or self-government, as may be appropriate for the particular circumstances of each territory and its people". In other words, we consider self government is a desirable objective, but there may be cases in which the peoples of the territories concerned may aspire to not only self-government but a point beyond-- independence. And, of course, we would realize that there are different territories of different character, as regards size of the area, the number of its population, geographical position and material resources. There may be areas so limited that it could not itself be made an independent unit but, there are on the other hand, possibly territories -- few countries -- which would, after a reasonable period tutelage, be ready to enjoy the full status of an independent country. In fact, among the members of the League of Nations formerly, we were happy to welcome to the League countries which, on the termination of the last war, were made territories--states--but which, after a number of years of guidance and help by the mandatory states, became full fledged independent nations and were admitted into the League of Nations. And even among the members of the delegations of this Conference, we are glad to see some member, or members, who are-- while, who up till now, probably were not able to enjoy the full measure of independence--are practically on the eve of attaining status of an independent state. Therefore, we feel that self-government alone, as a political objective to be obtained, will not be sufficient--will not meet all cases where the aspirations of the peoples of these territories are concerned. And, therefore,

we attach great importance to the introduction of this word "independence" as well as "self-government" as among the objectives of the territorial trusteeship system.

In this connection, we have also introduced in the paper a guarantee of civil liberty and the right of representation in legislative assembly. That is to say, before the people of a territory to be placed under trusteeship system is ready for full independence, that that people should be given--accorded to--civil liberty and the right of representation in the local assembly--legislative, or if there is no legislative assembly, in a deliberative assembly--in some representative body which will be set up in the territory concern, so as to initiate people in the particular of self-government, at least.

The next point I would like to call your attention to is that which deals with the designation of strategic areas. We accept the idea of having strategic areas because we realize that an experience of the war has demonstrated how strategic areas, if they fall into improper hands, might be used to endanger the peace of the world. And, therefore, these strategic areas may be necessary in the interest of international security and peace. But we believe that, at the same time, there should be certain qualifications so as to make this arrangement of designating strategic areas really conducive to the course of international security. And, with that in view, we suggest that these areas should be limited to the minimum necessary for the purposes of local defense and for the purposes of security, and that these areas should be designated also as a part of a general international--general plan of international--security, so that they

would serve the common purpose of security for all the peace-loving nations.

As regards the basic objective, we feel that they should be made applicable to the people of strategic areas as well, subject to the requirements of defense and security because we feel that, after all, the primary purpose of any trusteeship system is to promote the welfare of the people of a territory as well as to serve the purpose of common security for the peace-loving nations.

Then, in this connection, we feel that the system of reporting should also apply to the administering to the strategic areas so that the administering authority of a strategic area should likewise submit a report to the organization--in this case, to the Security Council or to the Trusteeship Council which will be set up later. The important thing is that the welfare of the people of the strategic area, except for the requirements of security and local defense, should be placed on the same footing as the people of the territories outside the strategic areas in order that the primary purpose of the trusteeship system may be carried out as fully as possible.

Then, there is another point--the power of the general assembly and the Trusteeship Council to require a public report as well and to make recommendations as well as to consider reports and institute investigations. We think that an annual report is very desirable, but there may be occasions where incidents may occur--crises may arise--which would in the interest of not only tranquility and peace but in the interest, also,

of promoting good understanding between the people of the territory concerned and the administering authority, that it may be desirable for the general organization--in this case the assembly and the Trusteeship Council--to ask for a report so as to give an opportunity to see what the real situation is and to submit--to make--recommendations with a view to the resolution of any difficulties by the administering authorities. And the right to publish reports should be emphasized because publicity while, in many cases, may be somewhat not always convenient to everybody but it has its purpose to serve, it may act as sort of a useful deterrent, on one hand, and on the other to effect a very useful method of enlightening the public on the workings of the trusteeship system, and thereby to encourage the confidence and the support of the public in the working organization system.

There are only two more points left, and one of these is that we like to see the people of any territory placed under trusteeship system have an opportunity to be represented in the meetings of the Trusteeship Council when matters affecting that particular territory are under consideration. We think that will serve a very useful purpose of promoting mutual understanding and collaboration between the people of the territory and the administering authority.

And the last point which I wish to invite your attention to is that, from our point of view, it seems the trusteeship system is to be instituted under the auspices of the new organization. It is in any question connected with the working of such a system. It is a matter of common interest to the members of this organization and, therefore, any violation of trusteeship

arrangements should be considered as a matter of international concern of either the General Assembly or the Security Council.

These are the points to which we attach importance and which we ventured to introduce in the papers which we have submitted to you. To put the views of the Chinese delegation in a nut shell is that we want to emphasize in the actual working of this system the principle which is found and suggested so wisely in the paper submitted by the United Kingdom to consider that the promotion of the welfare of the people of territories entrusted to a trustee nation under the trusteeship system is a sacred trust. And, therefore, our suggestions are made and animated by a desire to see that this system should not only work in practice but should also be able to achieve the high purpose for which it is to be established by this new organization.

I thank you, Mr. Chairman, for allowing me to take so much of the valuable time of this Committee.

10:30 FRI MAY 4

Room 223

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VICTOR ANDRADE: Fellow delegates, it is my honor to open the works of this committee. Before doing so, I want to express my deep gratitude for the honor that has fallen upon my country ~~/~~ in having the Chairmanship of this important committee. We have the tremendous task before us and I am sure that with the full cooperation of every member of this delegation we are going to fulfil our task and the conference won't have any complaint about us. I want to tell you that as one of the most humble persons in the delegation of my country I will welcome every suggestion in order that the chairman will conduct the deliberations properly and I will certainly be thankful from my heart for any help that is given me because at the end it is going to be for the success of the conference itself.

Before going any further we have some^{few} formalities that we have to go through. First I will have the pleasure to introduce the Rapporteur of this Committee the Delegate of the Dominican Republic, Senor Manuel A. Pena Batlle, Secretary of State for Foreign Affairs. There is a mistake. This ~~is~~ is Tulio Franco y Franco. (This translated into French)

TULIO FRANCO Y FRANCO: (Speaking in French and interpreted into English).

INTERPRETER: Mr. President, it is a great honor for my country to have one of its citizens as a rapporteur of this committee. I know the importance of this work and of my task and I offer you my greatest help for the good success of our labor. I am also sure that all of you will help us in this task.

VICTOR ANDRADE: Now may I introduce the Secretary of our Committee, Mr. Marlin, that will help us with all of the technical work in regard to our Committee. Mr. Marlin.

Now I will ask Mr. Marlin to introduce the other members of the International Secretariat associated with this committee.

MR. MARLIN: The Assistant Secretary of Committee II will be Miss Harvey, the Assistant Secretary Mr. Meltzer, Assistant Secretary, Mr. Taylor. (Translated into French)

VICTOR ANDRADE: After we have been through knowing all the people that are going to help us in our very important task I think we should go into something more substantial now and begin to speak about the provisions and the Dumbarton Oaks proposal that correspond to our committee. At the meeting of the Bureau of Commission II yesterday the terms of reference which had been approved by the conference were discussed in more specific terms. I would^{like}~~xx~~ to call out to our Secretary of the Committee to begin with reading the provisions of the Dumbarton Oaks proposal which are

relevant in the terms of reference.

MR. FRASER: There is some difficulty in the procedure because the amendments from the various delegations/ have not been circulated and we have not the slightest conception of what the other delegates think or of what amendments are proposed and in that case unless every delegate occupies time to discuss matters there will certainly be a large amount of duplication. I was going to suggest that it may be advisable for the Secretariat to take all the amendments that are proposed and try to amalgamate them into certain simple provisions so that we can discuss them. There is no use to discuss amendment after amendment dealing with similar matters/ and it is obvious that all the discussion will be on whether we are going to amend the proposals or not. We have already discussed the general proposals in the Plenary Session and it seems to me that it would be the most business like way for the Secretary or the Assistant Secretary of the Committee to get all the amendments available and extract from them the main problems so that it might be possible in a few sittings for them to report to the Committee. I would suggest something of that kind.
(This speech was translated into French).

MR. VICTOR ANDRADE: I will try to answer the questions raised by the distinguished representative of New Zealand in a short meeting that we had yesterday. It was agreed

peace or to action amounting to aggression, and the measures to be taken by them under such recommendations would be for the purpose of preventing aggression or a breach of the peace or for restoring peace. But it is possible that the situation to be dealt with is so serious, from the point of view of maintenance of peace, that it does not allow or permit of making recommendations as to the measures to be taken by the parties concerned and that the Council may feel obliged at once to adopt measures itself for the purpose of maintaining peace and security. And in this event the proposed addition of the words "set forth in paragraphs 3 and 4 of this Section" will serve to indicate what measures are contemplated. There could be only one group of practical measures, namely, sanctions which are mentioned in paragraphs three and four.

But I wish to make it clear that in this paragraph we are not dealing with any dispute as such or with the power of the Security Council to lay down terms for its settlement, or with any situation comporting ~~comporting~~ only a failure to carry out the terms of the settlement proposed by the Council. Here we ~~are~~ intending to deal with any situation which has the element of a threat to the peace, or a breach of the peace, or an act of aggression. Therefore from that point of view the words suggested to be inserted will serve a very useful purpose of clarifying what kind of measures are really meant to be taken here, that is, the measures contemplated in paragraphs three and four.

A little while ago a question was raised by the delegate of Canada as to whether the measures set forth in paragraphs three and four, which the Security Council is empowered to take, could be imposed on the member States, in view of the fact that in another part of the Charter the members of the

that the Secretary was going to have a special copy of all the proposals of the Dumbarton Oaks and all the amendments and additions and everything in reference to that in just one volume and that thing is going to circulate to every member of this Committee. But since the deadline for presenting these proposals closes tonight not all have been presented yet because maybe the delegations are waiting for the last minute to do so. I think the Secretary is going to have all this work done around Monday so we will really have the whole material to begin with our work all day Tuesday. But anyway we thought we couldn't afford to lose two or three days more without exchanging points of view in order to go as far ahead as we can and bring in matters that could be discussed here, and maybe further discussion could be avoided afterward. That is why we thought it was very good to read the proposals and if there were any comments on them open a small discussion so as to avoid discussions in general things about the proposals themselves of the Dumbarton Oaks Conference.

~~XXXX~~ I will ask the Secretary of our Committee to make a statement about the documents just as guidance for the Committee itself.

Mr. Chairman,
SENATOR VANDENBURG: / The thing I want immediate guidance on is a definition of which sections of the document are in the jurisdiction of Committee II as compared with

Committee I because I have never been able to discriminate between the two. I think that is the starting point.

VICTOR ANDRADE: We will ask our Secretary to give a statement about it.

MR. MARLIN: In the Organization of the Conference which was passed by the Steering Committee and approved by the Plenary Session of the Conference the terms of reference established for Committee 2 of Commission II were as follows: To prepare and recommend, to commission to draft provisions of for charter/ United Nations relating to matters dealing with Chapter V of the Dumbarton Oaks proposal on political and security functions especially section (b) and to the comments and suggestions relative thereto submitted by governments participating in the Conference.

Following upon those general terms of reference the ^{1st} Secretary ~~xxxx~~ in document number 74, Commission II entitled "Terms of Reference for Commission II". The Secretariat suggests that paragraphs of section (b) for consideration by Committee II were as follows: Paragraph one of Chapter V, that is paragraph three and paragraph six. So far as concerns the questions of political cooperation and of adjustments of situations likely to impair the general welfare, final paragraph eight; also paragraph two of the Chinese proposals. At a meeting yesterday of the Bureau of Commission II it was suggested that these terms of ref-

erence be followed by this Committee and I assume, Mr. Chairman, that we ought to proceed along those lines.

Mr. Chairman,

(?)XXXXXXXXXXXXXXXXX As I understand the report, there is divided jurisdiction over paragraph six. Is it possible to indicate what part of paragraph six is not within our jurisdiction?

VICTOR ANDRADE: I will ask the Secretary to give us guidance.

MR. MARLIN: Paragraph six is assigned to this Committee, under the terms of reference, in its entirety with the exception of three words, "economic and social" occurring in line eighteen of Dumbarton Oaks Official Document No. 1.

MR. FRASER: What deals with number five, dealing with the extent of the organization?

VICTOR ANDRADE: It belongs to Committee I.

DELEGATE FROM AUSTRALIA: May I suggest that it would be advisable for the Secretary to read the whole allocation of all of the Committees.

VICTOR ANDRADE: Yes, I think it will help us to make things clearer, if we ask our Secretary to read all the points in regard to our work.

MR. MARLIN: Gentlemen, if you don't mind I will draw upon my memory subject to correction of my colleagues. Committee I of Commission II has been assigned the

~~xxxx~~ responsibility for paragraphs two, four and five of Section (b) of Chapter V of the Dumbarton Oaks proposal. Committee II has been read. Committee III has the responsibility for paragraph six so far as concerns economic and social fields. Paragraph seven of Chapter V and the third paragraph of the Chinese proposals in addition to it, it has the whole Chapter nine of Dumbarton Oaks proposals. Committee IV which is responsible for ^{the} trusteeship system has yet to receive its documentation.

VICTOR ANDRADE: I think we will ask our Secretary to read the text.

MR. MARLIN: The terms of reference referred to are in Chapter V, Section (b) paragraph one which read as follows: "The General Assembly should have the right to consider the general principles of cooperation in the maintenance of ^{international} peace and security, including the principles ~~xxxxxxxx~~ governing disarmament and the regulation of ^{questions} arms; to discuss any ~~xxx~~ relating to the maintenance of international peace and security brought before it by any member or members of ^{the} organization or by the Security Council, and to make ~~any~~ recommendations with regard to any such principles or ~~xxx~~ on which action is necessary ~~which~~ ^{questions} should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make any recommendations

on any matter relating to international peace and security
is being
which ~~xxxxxxx~~ dealt with by the Security Council.

The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council."

Thus the General Assembly should initiate suggestions and make recommendations for the purpose of permitting international cooperation in political fields and of adjusting situations likely to impair the general welfare. The General Assembly should receive and consider special reports from the Security Council and reports from other bodies of the organization. Paragraph two of the Chinese proposals should be responsible for initiating studies and making recommendations with respect to the development and revision of rules and principles of international law.

CHAIRMAN: I recognize the Delegate of Greece.

DELEGATE OF HAITI: I am very glad to hear the expressions from other Delegates. I think, however, that before continuing our discussion we should await that the amendments of the different Governments be submitted to us in written form so that we can discuss on the basis of them. Now I, myself, I have not, or rather I have a question. It is the question relating to the voting. I know that this question hasn't yet been settled by the Executive Committee, but nevertheless, I would like to have some information about that.

CHAIRMAN: I believe what the Secretary has read is what most of us know what we have to do in this Committee, and to go farther, there are in this task, I think many problems. It would be desirable to await for all the amendments to reach the Secretariat and have the compared documents in our hands when we begin our work. I was going immediately to bring the point about the rules of procedure in which we have to talk about the vote. I might as well tell the Delegate of Haiti that his statement is correct. The voting procedure has not been settled, so we can't take any action on that until the Steering Committee does so and recommends to the Plenary Session what is going to be the voting procedure in the different bodies of the Conference. As explained by the President

of Commission II at yesterday's meeting of the Bureau, the rules of procedure of the Conference have been under consideration for several weeks. These rules have been approved in that Committee, as I said, with the exception of the voting procedure. I have no doubt that these rules of procedure of the Conference will be established in a very short time. On the other hand, it is provided by the memorandum presented by the Four Sponsoring Powers to the Steering Committee that each Committee is free to make all the supplementary rules they find necessary for its work. I would like really to hear some suggestions on this line in order to see how we are going to start our work. I would like to have all these things regarding procedure and formality settled in this preliminary meeting we have so that when we have the documents in our hands we can immediately go to work and have enough time for discussion of the problems we are handling. We will be in no hurry.

DELEGATE OF THE UNITED KINGDOM: Mr. Chairman.....

CHAIRMAN: I recognize the Delegate of the United Kingdom.

DELEGATE OF THE UNITED KINGDOM: Mr. Chairman, I should like if I may, to place two of the suggestions that have already been made before you again. The first by the representative of Haiti, who, as I understand it, suggested

that we wait until we have all the amendments before us, before commencing our discussion. I think that that would greatly expedite our business because, otherwise we shall have the roving discussions in the first place, and we should find ourselves repeating again the same order of business at a later stage. Secondly, I would like to support the proposal that was put forward by the representative of New Zealand, that is that the Secretariat should be asked to group the amendments. It is obvious that there will be a number of amendments on each paragraph directed to the same point, and if we were to discuss all the amendments so placed again, we should be involving ourselves in a great deal of unnecessary repetition. If the amendments could be grouped, it might then be possible, I suggest, for us to have a debate on each group, and then, if necessary, that we would vote on the separate amendments, but without duplicating the debate.

DELEGATE OF THE UNION OF SOUTH AFRICA: I should like to support the proposal made by the Prime Minister of New Zealand, and the representative of the United Kingdom.

DELEGATE OF NEW ZEALAND: Mr. Chairman. I would suggest that we agree to that course. I would suggest that we agree to the course that has been mentioned by the Delegate of Haiti and the other speakers and myself,

because when New Zealand has six amendments ranging over the sections that are allocated to us for discussion and recommendation, and they may be, for instance, the first, I will just give as an example; "the General Assembly shall have the right to consider any matter within the sphere of International relations", that challenges the whole conception of keeping matters away from the General Assembly. There are other delegations, probably, I know there are other delegations, with similar amendments to put in. We could take a decision after the group on one or on this one or on ^{the} other one. It doesn't matter which one, so long as we get the decision quickly, and I would suggest the Secretariat sort them out according to the section, put the different ones from the different delegates all together, and then it might be possible to just take one and get the decision on the others at the same time, and the Chairman will rule all the others are decided on by the decision on the one, if they are identified together. And I would suggest that would save time.

CHAIRMAN: I think the Secretariat has a plan in this matter, and I would ask the Secretary to give us a report on what they are planning to do so we could make some suggestions and additions to their plan so as to carry on properly.

SECRETARY: (Mr. Marlin) The Secretariat plans to do two things: first, to quote, to abstract from the official proposals submitted by each delegation the relevant provisions that apply to each paragraph of our terms of reference. In addition, there will be grouped under each paragraph an index to facilitate the search of the delegates for proposals that relate to specific subjects. It is hoped that between these two documents the delegates will be enabled to find out very quickly what the proposals of the other delegates are with respect to each of the separate matters that will come before this committee.

DELEGATE FROM NEW ZEALAND: Under the circumstances, Mr. Chairman, I would really suggest that we would expedite doing business by doing nothing today, that we will facilitate and rush on the work by doing nothing at all today because we have no chart to guide us, and the best thing to do is for the Secretariat to do what they have indicated they are going to do and that will help us so we can take up the questions, and I don't think discussions will be long drawn out at all. Delegates have given great consideration to the whole matter over many months, and I think voting can be had very quickly in regard to these matters, at least I hope so - not to brook any discussion or stop anybody from speaking, but just get on with the

job, and I really think if we had in front of us the condensation and the arrangements the Secretary has mentioned, it will really help us very much, rather than, may I say, including myself, plundering into a general discussion this morning.

DELEGATE OF CHILE: Mr. Chairman. I would like to second the proposition made by the delegate of New Zealand.

DELEGATE FROM SYRIA: Mr. Chairman:

CHAIRMAN: I recognize the Delegate of Australia.

DELEGATE OF AUSTRALIA: Mr. Chairman: I presume in abstracting and grouping these amendments, the words of the original amendments will be preserved.

SECRETARY: Oh, yes.

DELEGATE FROM SYRIA: I'd like to know, Mr. Chairman, if the statements made in Plenary Session by the Chairmen of Delegations which have raised some questions will be also reported in that recapitulation in the amendments and proposals.

CHAIRMAN: It was understood in the discussion in the Steering Committee that only the proposals of the Dumbarton Oaks and the formal proposals that have been presented before the deadline that closes this evening at 12:00 o'clock are going to come to committees, but that doesn't mean that in the Committees there would not be enough liberty

to propose some changes and have a general discussion on amendments and anything, but it doesn't say the statements of the heads of Delegations in Plenary Sessions are simply a guidance for the whole conference in regard to the policy of each Delegation in each specific matter.

There has been a motion seconded by the representative of New Zealand, and seconded by the Representative of Chile to adjourn immediately until we have our documents complete. That is the motion, isn't it?

DELEGATE FROM NEW ZEALAND: That is quite all right. I don't want to force a motion, but I would like it to be agreed by common consent.

DELEGATE FROM AUSTRALIA: Are there any other procedural matters to be settled?

CHAIRMAN: The Delegate of China wishes an interpretation.

(The foregoing material was translated
into French.)

RAPPORTEUR: (speaking in French; English version as delivered by interpreter follows): I believe that we could follow the procedure suggested by the Delegate of New Zealand and seconded by the Delegate of Chile. It would facilitate the work of the rapporteur. In fact, if we don't have the texts, we have been mentioning, we won't have a sound basis of discussion.

CHAIRMAN: Is there any further question that we can discuss before adjourning?

Anyway, I think, although we haven't done much work this morning, we have profited by knowing each other and to know exactly how we stand, so the meeting is called adjourned.

DELEGATE FROM SAUDI ARABIA: Where is the next meeting?

CHAIRMAN: The next meeting will be announced.

10 / 3 Aug 23, 10.30 am.

DELEGATE OF CHINA: Mr. Chairman, as you have rightly said, this is an amendment jointly proposed by the Four Sponsoring Powers. As it happened to have originated with the Chinese Delegation, I hoped the Committee perhaps want to hear a word of explanation on the purpose of this amendment.

In reality, the amendment itself is almost explanatory, but I did wish to say that the underlying purpose is to enable the Security Council to take such provisional or interim measures when dealing with a situation affecting a breach of peace or threatening of the peace, resulting in an act of aggression. These measures, as the Committee will note in the agenda, are of a temporary character, purely to prevent an aggravation of the situation, so that the Council might take the necessary time to proceed to deal with the matter, and either to make definite recommendations or to decide upon necessary measures to be taken. Such measures, however, should in no way prejudice the position or the claims or the rights of the parties involved in such situation. On the other hand, the failure to comply with such interim measures, such interim measures recommended by the Security Council, should be taken into consideration when the Council comes to make its final decision as to making recommendations, or decide upon

measures for the maintenance of international peace and security.

In the past we have found it a very useful experience with the League of Nations in dealing with situations of the kind for which this amendment is proposed. I take a very simple instance, for example, of the case of a frontier conflict. It is possible that the frontier of one country may be violated by frontier patrols, for example, purely an incident of a small nature, yet it may lead the country of the territory which is thus violated, to proceed to send armed forces. There the situation, without coming into contact yet, the situation may be such that it is very certain, and the case is brought to the attention of the Security Council, or the Security Council itself takes notice of this situation, and pending making of final recommendations to the parties, or pending final decision by the Council to take measures itself, either one or the other. Of course, depending upon how grave the situation is, or what the facts of the situation are, it is very desirable that without regard to the merits, to the right or wrong temporarily, that the Security Council should be in a position to recommend measures - in such a case to recommend that both sides should, for example, withdraw their forces, but leaving them apart, so that the imminence of the danger can be avoided, so that the Council could

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proceed at once to make its definite recommendations, or take the decision after the measures to be taken, without in the meanwhile leaving the possibility of the situation being aggravated.

Mr. Chairman, this is the purpose of this amendment, and therefore we think it is a very useful amendment in practice, and it would serve greatly to promote the cause of peace, because it would help to prevent any critical situation from - prevent any threat or breach of peace from developing into an actual breach of the peace.

Mr. Chairman, therefore I would like to move that the Committee, if it approves this amendment, proceed to a discussion and to taking final action upon this amendment with a view to its adoption. (Interpreted into French.)

I / 3. Aug 25 6 pm

DELEGATE OF CHINA: Mr. Chairman, I understand that the draft by the sub-Committee of proposals of amendment paragraphs 1 and 2 of Chapter VIII, Section B is before the Committee for discussion. I recall that discussion on this, as well as on the amendment proposed jointly by the four sponsoring powers, with regard to the adoption to empowering the Security Council to adopt provisional interim, or provisional measures is also before the Committee. I recall with great interest the views expressed on the draft by the sub-Committee, and since then I have made a further study of the draft, and while I appreciate very much the industry and the skill which have made it possible to produce that draft by the sub-Committee, I still find that it combines some points in this one draft that make it rather difficult for us to approve it, so far as I am concerned; and I wonder whether there isn't a much simpler plan for us to consider and adopt. With that point in view, we of the Chinese Delegation would desire to propose, after taking into consideration not only the draft of the sub-Committee, but also the views expressed so ably by the Delegate of Belgium - for whom I have great admiration for his experience, etc. - I would like to propose that perhaps we adopt a much simpler way of adopting the points which have been raised here in the Committee; and I would propose that so far as the joint proposal, joint proposal of the four sponsoring powers that I hope it will be adopted, but in