

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

15 May 1945
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(PAG 5 | 2.2.3).

His said something, at Exec Ctee 7th meeting, about these being still not formally approved. Check with Exec Ctee report.

with respect to the third paragraph, and Group VI had to be expanded by reason of the amendments already submitted by the Belgian Delegation

(Doc. 416.II/2. A/3).

composite
III. Approval of the Double Amendment to Paragraph 6 Submitted by Senator Vandenberg

the delegates of the United States

Re write this & ?
Having been informed of the rules of procedure concerning voting, as approved by the Steering Committee, the Committee decided to give preference, in the discussion, to the double amendment submitted by Senator Vandenberg (Delegation of the United States) in the name of the Sponsoring Powers, concerning paragraph 6 of the Dumbarton Oaks Proposals, which would be worded as follows:

(See reference.)

A synthesis follows the important points which emerged from the discussion, on May 9, of this composite amendment.
By reason of the consideration of the said double amendment (May 9) important points were discussed, a synthesis of which follows. In the

Firstly
first place, there was a series of interventions by means of which references were made to the respective economy of the Vandenberg proposal and of the

Australian amendment concerning the first paragraph of the Dumbarton Oaks

Proposals. (See Doc. 176/II/2/7(1).) Several delegates expressed the fear that this latter amendment might lead to a conflict between the two principal

bodies established in the Dumbarton Oaks Proposals. Others advocated a greater expansion of the powers of the Assembly than those that may emanate

the four sponsoring governments
from the amendments presented by Senator Vandenberg. Among these, latter, the representative of Iran suggested that if the study of a question submitted

to the Council we re delayed too long, the Assembly could set a time limit for the decision, and that, if this time limit were exceeded, the Assembly could take charge of the matter.

omit? In the first place, The Delegate of Chile, although having expressed himself favorably inclined, in principle, toward ^{the Four-Power} Senator Vandenberg's proposal, requested however that three points suggested by the said proposal be clarified: a) the meaning of the words "any situation"; b) the meaning of the phrase "^{impeir}imperial the friendly relations among the nations"; and c) the scope of the text submitted as regards preexisting situations.
V ~~Confronted with that,~~ ^{The Delegate of the United States said} Senator Vandenberg replied that he did not wish to give definitions owing to the restrictive effect they ^{might} could have on the powers of the Assembly; he also referred to the exception contained in the Dumbarton Oaks Proposals regarding domestic jurisdiction or authority reserved by the States; adding, with respect to (c), that the terms used by him referred to "yesterday, today, and tomorrow."

Regarding the method of discussion, Several delegates suggested that there be distinguished the questions of the jurisdiction of the General Assembly, and the question of the relationships ^{between} of the powers of Assembly ^{and} with those of the Security Council. ^{should be distinguished} On the other hand, various delegates ^{establishment} proposed the formation of a Sub-Committee which would be charged with the coordination of the text of the amendments with that of the first Paragraph 1, of Section B, Chapter V. The Delegate of France proposed that the first paragraph of the ^{Four Powers'} Vandenberg proposal be put to a vote and that, as regards the ^{referred to} second paragraph, a Drafting Committee or Coordination Committee be set up.

The Chairman summed up the questions which were to be voted on in accordance with the ^{discussion,} above and the Committee decided, by a vote of 20 to 4, first of all to vote on the aggregate of the Vandenberg proposal. This was then put to a vote and was adopted by 23 votes, 2 members abstaining. The latter were the Delegates of Colombia and of Chile, who requested that it go on record;

the former reserved the right to raise a question of procedure on the fact that the Committee did not adhere to the agenda; and the latter reserved the right to ask that the meaning of the word "situation" be precisely determined.

IV. Method of Discussing Amendments.
Functions of Sub-Committee A:

In the Fourth Meeting (May 10) the discussion of the amendments to Paragraph 1, Section B, of Chapter V, of the Dumbarton Oaks Proposals was resumed. The discussion started with the Australian amendment (Doc. 176, II/2/7 (1)):

Regarding
~~Since it was a question of establishing the method to be followed in the discussion, it was suggested that the latter comprise all the amendments referring to Paragraph 1, instead of being limited to a specific amendment; and that,~~

it should take account of
for the moment, questions of principle and not of drafting should be *considered* decided.

Not the suggestion of the Delegate of Belgium, the
The method pursued by Committee IV/2 (Doc. 153. IV 2/5) was adopted in conformity with the proposal submitted by the Belgian Delegate, consisting in presenting to the Committee a series of questions extracted from the groups of amendments submitted by the various governments, *and* those questions to be drafted with the greatest care.

The Delegate of Australia summed up in three questions the matters of principle which arose out of the discussion. (See: Summary *Report* of the Fourth Session; Doc. 229, II/2/II).

then empowered
It was then decided by The Committee that the Chairman and the Rapporteur form a Sub-Committee *to* for the drafting of the questionnaire under discussion, taking into account *for this purpose the three questions* moreover, the points submitted by the Australian Delegate. This Sub-Committee, *known as Sub-Committee A* designated by the letter A, was composed of the Delegates of Australia, Belgium, Mexico, the United Kingdom, and the Union of Soviet

Socialist Republics in addition to the Chairman and the Rapporteur.

V. Questionnaires submitted by Sub-Committee A

In the Fifth Meeting of the Committee (May 11) ^{the} first report of Sub-Committee A was presented, referring to the result of the first meeting, held by the latter ^{on} in the evening of the tenth of that month. ^{it} This report pertains to groups I, II, III and IV of the classification contained in Document 171/II/2/7 and refers to the amendments proposed to Paragraph 1, Section B, Chapter V, ~~which constitutes~~ (Document No. 235/II/A/1.)

When the above-mentioned report was approved in the same meeting of the Committee (after a discussion concerning the place occupied in the questionnaire by the first Australian question, which ^{had been placed} then became the ninth in the aforementioned document), the negative character of the first question was replaced by the following: ^{FIFTH} (THE ~~TEXT~~ IN THE SUMMARY OF THE MEETING OF THE COMMITTEE TO BE COPIED): (19.)

Later, on May 18, a ^{on its second meeting} new report was submitted by Sub-Committee A, regarding its second meeting and containing the questionnaire on the amendments to Paragraphs 3 and 6 of Section B, Chapter V (Groups V and VI, respectively, of Document ¹⁷¹ 171/II/2/7). This second report is contained in Document 416/II/2/A/3.

Subsequently, a third report was submitted by Sub-Committee A, concerning the suggested amendments to Paragraph 8, Section B, of Chapter V (Group VII of Document 171/II/2/7). ^{This} The last questionnaire, submitted in this manner, is contained in Document 476/II/2/A/4.

It should be added that Document No. ^{contains} the first questionnaire submitted by Sub-Committee A, with the modifications which it underwent in the Committee.

3

*was amended
to read as*

VI. Discussion Relating to The Questions Concerning
Paragraph 1, Section B, Chapter V.
(First Report of Sub -Committee "A";
Doc. 255/II/2/A/1)

Consideration
A) Discussion of the first question of the questionnaire:

At
In the Fifth Meeting (May 11), the study of the first question of the corresponding questionnaire was undertaken, *considered* the text of which follows:

(Copy from the Summary of the Session of May 11).

A proposal by the Greek Delegation

The discussion began with regard to the Greek proposal, tending to extend the powers of the Assembly, in order that it might have the authority

to make recommendations on any question which had been examined by the Council or *is under study* submitted to study by the latter, *was first discussed. It was*

opposed by other delegations, who
An opposing stand was maintained by other delegations, which stated that any amendment which was likely to create the possibility of conflicts between the two principal organs of the international organization would be *contrary to* in disagreement with the *fundamental* concept serving as fundamental inspiration for the Dumbarton Oaks Proposals. *therefore, it was said,* It was stated, therefore, that the problem consists in reconciling the democratic spirit with the necessary efficiency of the organization that is being constructed.

The general discussion, thus initiated, was continued with equal interest in the Sixth Meeting, held on May 14. The various points of view were defined with considerable precision in this meeting.

thesis
One of the theses maintained that the Assembly should have the power to submit recommendations on any question, even if the latter were *the* subject to study by the Security Council, *as being in accordance with the Assembly's* an opinion which projects the predominantly democratic role this organization should play. Another *of these* opinions can

be summed up by stating that if the Assembly can not make recommendations in matters with which the Council ^{is dealing} ~~deals~~ "actively", this restriction should not ^{subsist} ~~exist~~ when the latter ceases to do so and its action is thus paralyzed. Finally, the opinion which supports the Dumbarton Oaks system consisted in stating that precise and clear-cut distinctions between the power of the Council and that of the Assembly were indispensable for the avoidance of continuous disputes and the destruction of the very framework of the plan; but, it added, there is nothing in the Charter which would prevent the Assembly from discussing any matter, even though it were before the Council, and that the authority to make recommendations should return to the Assembly ^{once the Council} ~~since the jurisdiction~~ ~~had ceased to deal with the matter~~ of the Council would terminate with the examination of the matter (Delegate of the United Kingdom). In addition, compromise or interim proposals were submitted by the Delegations of Iran and Uruguay, through which they reiterated the exposition of the amendments which their governments had submitted, respectively, on the point in question.

^{Under these circumstances,}
Hence, in the Seventh Meeting, held on May 15, the Delegate of the United States (Senator Vandenberg) read (after having been invited to do so by the Chairman of the Committee), in the name of the four Sponsoring Powers and of France, a proposed new draft of Paragraph 1, Section B, of Chapter V, which appears in the corresponding report of the Meeting. Doc.254/II/2/15/.

^{The Delegate of the United States, in}
~~Senator Vandenberg, when submitting the draft, stated at great length~~ ^{explained it at some}
its general economy and expressed the hope that the proposal referred to might facilitate the work of the Committee. He suggested that, as a result of it, a negative answer to the first question and an affirmative answer to the second and fifth questions could be given.

The presentation of this draft gave rise to much comment. Some delegates said that it added nothing to the powers of the Assembly as they appear in the Dumbarton Oaks Proposals. Others, on the contrary, expressed their opinion that, by means of this new text, the Sponsoring Powers and France had made a closer approach to the opinion expressed by the small States and that this text would assure collaboration between the principal organs of the Charter.

The chairman directed the discussion to the first question of the questionnaire. In the course of this discussion the Delegate of The Netherlands requested that it be noted that his delegation urged that "the observation made by it, on May 14th, on the subject of the present discussion, be submitted to the attention of the Committee which would be charged with the final drafting of the Charter." It must be added here, that through the remarks alluded to, reference was made to "a declaration made by the Secretary of State of the United States, on May 5th, which served as a foundation for the opinion expressed by that delegate, in the above mentioned meeting, that the first question of the questionnaire which is being dealt with be answered in the negative. (See Doc. 315).

This question was put to a vote and it was verified that there had been 16 votes in the affirmative and 26 in the negative. In the light of the announcement of the negative result of the vote the Delegate of Cuba ^{raised} moved a point of order, ^{maintaining} ~~in which he sustained~~ that the negative result had not been obtained by a two-thirds majority of the delegates present and voting, which was necessary in this case since it was not a matter of procedure. His ^{point} ~~motion~~ was supported ^{and also was opposed.} ~~by other delegates.~~ The meeting was adjourned without any

The Chair ruled that the question had been negative and that this ruling

to received
would stand unless ^{to received} contrary advice from the Executive Committee.

definite decision having been made on this point, pending the opinion of the Steering Committee, ^{to} which the chairman would refer the matter.

consideration
B) Discussion of the Second Question of the Questionnaire:

by considering this question
Upon proceeding to this study, at the eighth meeting, held on May 16, the text of this question was modified at the request of the Delegation of the Soviet Socialist Republics. ^{amended} The ~~text referred to~~ was ~~drafted~~ as follows:

(Copy Summary of the Eighth Meeting)

E

The question thus drafted was approved by 28 affirmative votes, without any votes in the negative. Among those not voting were the Delegation of Colombia and that of Belgium: the former because it felt that the first question was still up for study by the Committee, and the latter, because it believed that the new text of the question is more restrictive than that which appears in the proposed new draft of the first paragraph (~~Vandenberg~~ proposal in the name of the four Sponsoring Powers and France) which, in its opinion, is the minimum which its government could accept.

C) Consideration of the Third Question of the Questionnaire:

This was presented to the Committee by ~~Sub-Committee A~~ Sub-Committee A in the two following forms:

(Copy Summary of the Eighth Meeting).

F

The question of determining which of the two texts was preferable caused various delegations to express their opinions in regard to the principle, and in the discussion which thus arose, there emerged anew the different tendencies on the relation of the powers of the General Assembly and the Security Council. In accordance with the first of these tendencies, an affirmative answer would alter the spirit of the Dumbarton Oaks Proposals. For the second, the necessity

of outlining the respective powers of the two principal organs does not exclude that of being able to determine whether or not the Council will deal with a given matter, and if in the negative, that the Assembly may do so.

The question of which of the two texts was preferred having been put to a vote, so that after the vote there could be an expression on the principle (question of procedure), the Committee by 18 votes against 13 chose the first wording. Immediately thereafter the chairman submitted the question of ~~the~~ principle to a vote. The response was negative by 18 votes against 12.

Consideration
D) Study of the Fourth Question of the Questionnaire:

The text of this question is as follows:

(Copy from Summary of the Eighth Meeting) *g*

The answer was negative by 21 votes against 1.

Consideration
E) Study of the Fifth Question of the Questionnaire:

The text of this question is as follows:

(Copy from Summary of Eighth Meeting) *H*

The answer was affirmative by 31 votes without opposition.

Consideration
F) Study of the Sixth, Seventh and Eighth Questions of the Questionnaire:

The texts of these questions are as follows:

(Copy from Summary of Eighth Meeting) *I*

✓ All the responses to these questions were negative. Only the first of them received one vote in the affirmative.

✓ In the course of the discussion the opinion was expressed that in ~~the~~ *that* questions, ~~to which we now allude,~~ matters are dealt with which raise the same fundamental points of other questions, previously studied, and for the answers to which there was considered in a decisive manner, the necessity of.....

II

having stat... that a

Committee II/2 Rapporteur's Report - continuation

English travel - consult ST
on
ceased to
As a Delegate, said that replying in the negative to all the sixth, seventh, and eighth questions, was tantamount to obliging the Assembly to submit itself invariably to all the decisions of the Council, the Delegate of the United Kingdom remarked, on the other hand, that the Assembly remained free to discuss, always, and even to formulate recommendations about every question the study of which the Council may have relinquished. The Delegate of Belgium recognized in this last statement such importance that it should be pointed out so that it may become the subject of study and subsequent vote; he stated that he was resigned, with a realistic spirit and in the face of the preceding discussion, to having the questions under discussion receive a negative reply, but he requested that his abstention from voting go on record. The Delegate of Egypt likewise asked that his abstention go on record, for the same reason. The Delegate of Colombia explained expressed his vote, as it appears in the Summary Report of the meeting.

reply the whole of questions at all times

Consideration
C. Study of the Ninth and Final Question:

The Committee, at its Ninth meeting (May 18) *undertook* went into the study of the final question of the questionnaire to which reference is made. The text of this question follows:

(Copy Summary Report of the Ninth Meeting)

votes to none
By a unanimous vote of forty-two, the Committee replied affirmatively to the said question. In the course of the discussion, the Delegate of the United Kingdom made two observations explaining in detail his opinion: First, he recalled that the principle of the ninth question had already been accepted by amendments similarly accepted, as set forth in the proposal presented by Senator Vandenberg and that, therefore, these amendments should not be contradicted; second, he cautioned that the actual text would need certain modifications, and that, consequently, the right of selecting the terms should be left to the Drafting Committee. He cited, in this respect, the word "affecting" which precedes the phrase "the international relations". With these reservations, he stated that he would accept an affirmative reply. The Delegate of the Soviet Union was in accord with his colleague from the United Kingdom.

For his part, the Delegate of Peru intervened to maintain that, in cases where the Assembly has before it a strictly

juridical matter, it shall be sent to the International Court of Justice.

Many Delegates participated in the discussion. The Delegate of Belgium explained the meaning and extent of the vote which he was going to render, which he summed up as follows:

- (a) The Assembly would have the right to discuss any question, without any restriction;
- (b) "it should be understood and set forth in the Report of the Rapporteur, that the power to make recommendations" covers not only the cases which are under study by the Council, but also those the study of which it has terminated, in accordance with the interpretation given by the Delegate of the United Kingdom, and
- (c) no restriction should be imposed on the words "international relations," which include the reserved domain or domestic jurisdiction.

At the conclusion of the meeting the Committee, upon the Chairman's proposal, decided that the draft submitted by Senator Vandenberg on behalf of the four sponsoring powers and France be taken as the basis for the drafting work. It also decided to charge the Chairman with the appointment of the Drafting Subcommittee, which should work in accordance with sections 1 and 2 (a, b, and c) of the Statement on "Working Plan" which the Chairman had read at the beginning of the meeting. The said Drafting Subcommittee was composed of the Delegates of Australia, Belgium, Mexico, the United Kingdom, the Soviet Union and the United States, in addition to the Chairman and the Rapporteur.

(VII) DISCUSSION RELATIVE TO AMENDMENTS CONCERNING
PARAGRAPH SIX OF SECTION B OF CHAPTER V. - (Second Report of Subcommittee A. - Doc. 416/II/2/A/3):

In accordance with the proposal made by the Chairman, the Committee, at its Tenth Meeting (May 21, 1945), decided to postpone discussion on the questions relating to matters of procedure concerning the question of membership status of the organization which is being set up (suspension, restoration and method of exclusion) dealt with in paragraph 3

substantive

to

of the said Section B, until the receipt of the Report of Committee I/2 supported by the study of the ~~fundamental~~ questions related with this last paragraph. After this, it was proceeded to study the questions included in the said questionnaire relating to paragraph 6 of the same Section.

Consideration

(A) Study of Section A, Entitled "International Law"
(Doc. 416):

Consideration

(1) Examination of the First Question. Its text is as follows:

"Should the Assembly be empowered to initiate studies and make recommendations for the codification of international law?"

It was maintained that this question was entirely covered by the amendment of the Four Powers to paragraph 6, approved at the third meeting of the Committee; other Delegates stated that it was partially covered by the said Amendment and, finally, the opinion prevailed that the development of international law and its codification are two different questions. The answer was consequently in the affirmative (27 votes to 8).

Consideration

(2) Examination of the Second Question. This question reads as follows:

"Should the Assembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?"

✓ The opinion was expressed that this question was covered by the second paragraph of the Chinese Proposals, but it could not be established that such proposals had been approved by the Four Sponsoring Powers. It was similarly *urged* ~~held~~ that the question was covered by the amendment submitted by the said powers. Finally, an affirmative answer was given to the question by a vote of 16 to 7.

Consideration

(3) Examination of the Third Question. This question is as follows:

"Should the Assembly be authorized to enact rules of international law which should become binding upon members after such rules shall have been approved by the Security Council?"

On submitting this question to a vote (which question was considered contrary both to the spirit of the Dumbarton Oaks Proposals and of the majority of the states), the Committee gave it a negative answer by a vote of 26 to 1.

Consideration
(4) Examination of the Fourth Question. This question reads as follows:

"Should it be provided that upon the failure of the Security Council to act on such rules within a period specified in the Charter, they should become effective and binding, in the same manner as if they had been approved by the Security Council?"

As a logical consequence of the preceding vote, a negative answer was given to this question (28 votes to 0).

Consideration
(B) Study of Section B (Doc. 416).

✓ With respect to this part, entitled "Revision of Treaties," the decision was taken to submit to the Steering Committee the three questions which it comprises, in as much as this question has been taken up by other committees and since it has been the object of a similar submittal by one of them (Committee III/1).

Consideration
(C) Study of Section C (Doc. 416).

This section, entitled "Prevention of Economic Aggression," contains only one question which reads as follows:

"Should the Assembly be authorized to initiate studies and to make recommendations for the purpose of preventing economic aggression?"

The Committee took cognizance of this question at its Eleventh Meeting (May 23). It was stated that if it has been impossible in other committees to define the word "aggressor", it is more so to define an "economic aggressor." A negative answer was given quickly to the question.

(D) Study of Section D (Doc. 416).

The Section entitled "Interpretation of the Charter" contains a single question which reads as follows:

"Should the General Assembly have sovereign (exclusive) competence to interpret the provisions of the Charter?"

After the expression of various opinions, among which there stood out the one which held that the Security Council and the General Assembly would interpret the portion of the Charter which concerned them respectively, the issue was raised concerning the power of interpretation with respect to provisions of the said Charter which were not exclusively related to one of those principal organs. As a solution, it was decided to ~~submit~~ to Committee IV/2 the entire question of interpretation.

(E) ^{Consideration refer} STUDY OF SECTION E (Formulation of General Conventions).

This Section includes two principal parts, the second of which is in turn divided into four questions.

(1) ^{Consideration} Examination of the First Part. The single question which this part comprises reads as follows:

"Should the General Assembly be empowered to submit general conventions for the consideration of states which form part of the United Nations Organization and, should the occasion arise, for the consideration of other states, with a view to securing their approval in accordance with their appropriate constitutional procedures?"

It was maintained in the Committee that a sufficient answer had been given to this question by paragraph 6, amended by the text proposed by the Four Sponsoring Powers; but the difference between both questions was pointed out, inasmuch as the case in question tended to establish an obligation, on the part of the states members of the International Organization, to submit to their respective legislative organs, for appropriate study, the general conventions recommended and submitted by the Assembly. There was then raised the question of determining whether the General Assembly is the appropriate organ to undertake the difficult and tedious work of conventions; the delegates who doubted it or denied it showed themselves in favor of providing that the drafting be carried out by special Conferences called for the purpose; on the other hand, those who assumed a different point of view maintained that the General Assembly should be vested with such power even though it might be permitted, whenever it ~~so~~ deemed preferable, to entrust the drafting work to a special committee.

✓ The discussion was resumed at the Twelfth Meeting (May 24). ~~Senator Rolin~~, Delegate of Belgium, defended a most ample affirmative solution, in accordance with the amendment proposed by his country which had given rise to the question, and he recalled the work of the League of Nations in this respect.

The Delegate of India, who favored an affirmative answer, suggested nevertheless, that the Assembly should not take the initiative in the matter of conventions with respect to the questions within the competence of the Council, without the latter's concurrence. A formula proposed by the Delegate of the United States of America at the Eleventh Meeting, supported by China, modifying the Belgian amendment, was withdrawn by its authors and the Chairman submitted this last amendment to a vote, this was done by roll call (Belgian proposal, duly seconded) and the result was 25 votes in favor and 13 against, for which reason the Chairman declared that the amendment had been rejected owing to the failure to obtain two-thirds of the votes. This decision was discussed because it was contended that 25 votes were equivalent to two-thirds of the number of voters (38), but the Chairman upheld his decision pending the ruling of the Executive Committee, to which the matter was submitted in accordance with the proposal of the Delegate of the Philippines. The detailed account of the vote referred to was as follows:

Those voting in the affirmative were: Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, India, Iran, Iraq, Luxembourg, Netherlands, New Zealand, Peru, Philippine Commonwealth, Uruguay and Venezuela. On the other hand, those voting in the negative were: Byelorussian S.S.R., China, Czechoslovakia, Honduras, Nicaragua, Norway, Turkey, Ukrainian S.S.R., Union of South Africa, U.S.S.R., United Kingdom, United States, and Yugoslavia. Lastly, the following abstained from voting: Lebanon and Saudi Arabia.

Consideration
(2) Examination of Questions a, b, c, and d of the Second Part.

All these questions received negative answers, and only question (c) obtained a favorable vote. These questions read as follows:

- There were no affirmative votes except in the case of*
- a. Should the General Assembly have the power of imposing conventions when, in its opinion, these are mere corollaries of principles it already recognizes as compulsory, or when it believes that the general observance of the obligations embodied in the conventions is necessary for the maintenance of international peace and security?
 - b. Should this power also be extended to include other conventions?
 - c. As regards member states, should the Assembly have the power to decide that such conventions

shall come into force under the same conditions that may be provided for the coming into force of amendments to the Charter?

- d. Should the General Assembly have the power to impose such conventions on non-member states?

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(VIII) DISCUSSION RELATIVE TO AMENDMENTS CONCERNING
PARAGRAPH 8 OF SECTION B OF CHAPTER V
(Third Report of Sub-Committee A, Doc.476/II/2.A/4)

This discussion took place at the Thirteenth Meeting (May 25).

(1) Examination of the First Question. This question reads as follows:.....

It was remarked that this amendment did not involve the same question as that covered in the amendment proposed by the four Sponsoring Powers and France to paragraph 1 of Section B of Chapter V. On the other hand, the Committee's attention was called to the fact that Committee III/1 had approved an amendment to Section B of Chapter VI which provides that the Security Council shall submit to the General Assembly annual reports and, whenever necessary, special reports. The question received an affirmative answer by a vote of 34 to 0.

(2) Examination of the Second Question. text of this
This/question
is as follows:.....

Two amendments were presented with respect to this question. The first one was ^{presented} ~~proposed~~ by the Delegate of France and seconded by the ^{Delegate of China} ~~Chilean Delegate~~, and ~~thereafter~~ it ~~then~~ proposed the following new text: (COPY FROM SUMMARY REPORT OF ~~THE~~ THIRTEENTH MEETING)

The second amendment was presented by the Delegate of The Netherlands ^{and} seconded by the Delegate of the United States of America. Under this amendment it was proposed that the second question be withdrawn and that the Committee ~~must~~ adopt the Canadian amendment already approved by Committee II/1,

the text of which is as follows: "The Security Council shall submit annual reports and, whenever ^{deemed} proper, special reports, to the consideration of the General Assembly."

In the discussion ^{that} ~~which~~ took place, there was taken up anew the necessity of preventing every possibility of conflict between the Security Council and the General Assembly and any obstacle ~~in~~ to the ~~XXXXXXXXXX~~ former's action in delicate or difficult situations. On the other hand, it was studied whether what Committee II/2 had decided ~~was in response~~ ^{led} to the need for information of the General Assembly. Lastly, it was noted that the states not represented on the Council should accept the latter's decisions and can be called to participate in their execution, for which reason it will be necessary to clarify public opinion.

The amendment of The Netherlands was rejected by a vote of 20 to 15; the amendment submitted by France was also rejected, 27 to 3; and lastly, the question at issue was also rejected by a vote of 21 to 16.

(3) Examination of the Third Question. The text of this question is as follows:.....

The consideration of this question was taken up at the Fourteenth Meeting ~~XXXXXX~~ (May 28th), at which it received an affirmative answer by a vote of 29 to 0. At this same meeting the discussion of the following questions was undertaken:

(4) Examination of the Fourth Question. This question reads as follows:.....

The Delegate of the United Kingdom referred to the case of an interim report on a question before the Security Council

and he stated that in such a case the power of the General Assembly would be restricted by the prohibition which exists for it to make any recommendation. For his part, the Delegate of the Soviet Union maintained that the General Assembly could express its opinion on the report but not approve or disapprove it. Lastly, the ~~am~~position favorable to the text of the question was also upheld in detail by several Delegates, and it received an affirmative answer by a vote of 29 to 3.

(5) Examination of the Fifth Question. This question reads as follows:.....

on a *by*
Upon ~~the~~ proposal of the Delegate of the United Kingdom, the following phrase was inserted at the beginning of the ~~said~~ question: "subject to the reservations contained in the provisions of paragraph 1 of the present Section." The ~~said~~ amendment was approved and the question, on being ~~present~~ put to a vote, received an affirmative answer by 37 to 0.

IX. CONTINUATION OF THE DISCUSSION RELATING TO THE AMENDMENTS CONCERNING CHAPTER V, SECTION B, PARAGRAPH 3. (Second Report of Sub-Committee X A, Doc.416/II/2/A/3.)

At its Sixteenth Meeting (May 30), the Committee took up the part of the second report of Sub-Committee A which relates to the amendments concerning paragraph 3 (Procedure). The consideration of ~~which~~ ^{this} part had been postponed at the ~~Tenth~~ Tenth Meeting (May 21) until the results of the deliberations of other committees studying the substance of the matter were known.

After the reading of a statement concerning the results of such deliberations, the Chairman submitted to the consideration of the Committee successively the pertinent questions of the aforesaid questionnaire (Doc.416).

SECTION A (Suspension Procedure)

(1) Examination of the First Question. It reads as follows:..... (R)

There was a negative vote, 23 to 0. In the course of the brief consideration of this question, a Delegate referred to the difference which there ought to be ~~XXXXXXXXXX~~ between depriving the right to vote from a member of the Organization which is in arrears with respect to the payment of its contribution ^{To the Organization's} ~~and to its~~ budget, and applying the sanctions relative ^{to the operations dealt with} ~~to the operations~~ provided for in Chapter VIII. For his part, the Delegate of Belgium suggested the desirability of submitting a supplementary question which would distinguish between total and partial ^{suspension} ~~withdrawal~~ of rights. He was advised that no formal amendment on this point had been proposed.

SECTION B (Restoration Procedure)

(1) Examination of the First Question. Its text reads as follows:..... (S)

The answer was negative, without discussion, by a vote of 29 to 0.

(2) Examination of the Second Question. This question reads as follows:..... (T)

It received a negative answer by a vote of 29 to 0.

(3) Examination of the Third Question. The latter reads as follows:... .. (U)

The ~~XXXXXX~~ question received a negative answer by a vote of ^{13 affirmative} ~~21 to 13.~~ ^{2 negative}

The opinions which ~~were~~ maintained in the course of the discussion which led to the vote just referred to, can be summarized as follows: Attention was called to the lack of

equilibrium between the provision under which the General Assembly would suspend the rights of a member and the provision which charges the Council with the restoration of the same, which fact becomes more obvious since it is the Assembly which ^{would} ~~be~~ be the organ to pass upon the admission of a new member; but under the opposite thesis it was maintained that the Security Council should be ~~in~~ in charge of restoration because the General Assembly would normally meet only once a year and it might be desirable to make the restoration without loss of time; ⁱⁿ ~~in~~ support of this opinion, it was also stated that the possibility of immediate restoration might constitute an incentive for the recalcitrant member to modify its attitude, and it was added that the restoration procedure in two stages would not be convenient, and that, as restoration is less serious than suspension, ~~in~~ placing the suspension procedure under the competence of the Security Council would not really amount to proceeding against the powers of the General Assembly.

(4) Examination of the Fourth Question. ^{of this question} The wording ^{is} as follows:..... (U)

A remark of the Delegate of Canada concerning the confusion ^{to which the terms} ~~to which the terms~~ of the English text gave rise, led ^{wording:} to the following new ~~text~~..... (W)

The discussion brought ~~2~~ out two opposite positions. ^{According to} ~~As~~ ^{the viewpoint of} ~~far as concerns~~ those in favor of a negative answer, there persists in this question the ^{undesirability} ~~inconvenience~~ of a double-stage procedure, and it was added that, pending ~~the~~ ratification by the General Assembly, the situation of a member State whose rights had been restored by the Security Council while the

General Assembly : not in session, would be very ambiguous.
For those in favor of the affirmative, the arguments which
served as basis for rejecting the Third Question should serve
as the basis for accepting the Fourth.

When the question was put to a vote, there were 22 votes
for the affirmative and 12 for the negative. As a result of
the rule of a two-thirds vote, the question was rejected.

B

Do
not
underline

"The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realiza-

tion of human rights and basic freedoms for all, without distinction as to race, language, religion or sex and also for the encouragement of the development of international law"

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Purposes and Principles set forth in this Charter".

1 D
Do not
underline

"Should the General Assembly be enabled to make, on its own initiative, recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council?"

1 E

Should the
Secretary General be required, with the
consent of the Security Council, to notify
the General Assembly of any matter relating
to the maintenance of international peace
and security which is being dealt with by
the Security Council, and also required to
notify the General Assembly immediately the
Security Council ceases to deal with any
such matter?"

1

1 F.
Do not indent

(a)
"(3) Should a procedure be adopted whereby the General Assembly, having received the Secretary General's report, may determine that the Security Council has ceased to exercise its functions with regard to any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council and proceed to make a recommendation or recommendations with regard thereto?

(b)
"Should some further procedure be provided for deciding when the Security Council has ceased to deal with a matter, so that the Assembly may be in a position to make recommendations at once?"

6

1

"(*) Should the General Assembly be able to require the Security Council to investigate situations which might seem to the Assembly likely to endanger world peace?"

1

H
" (5) Should the General Assembly be entitled to call the attention of the Security Council to situations which, in its opinion, are likely to endanger peace or are capable of doing so?"

1 1
"(6) Should the decisions of the Security Council on any matter relating to the maintenance of international peace and security be subject to ratification or veto by a fixed majority (such as three-fourths or two-thirds) of the General Assembly?

"(7) Should the General Assembly be entitled to summon the members of the Security Council to appear before it to report on any measures the Security Council may have taken or may contemplate taking in dealing with any matter affecting international peace and security?

"(8) Should the General Assembly be entitled to exercise concurrently with the Security Council the powers set out in Chapter VIII, Section A?"

J "Subject to any exceptions specifically provided, should the Assembly have general power to discuss and make recommendations in respect of any matters affecting international relations?"

1K ("Should the Security Council
report to the Assembly on any matters concerning international
peace and security with regard to which it has adopted and/or
applied measures which have been deemed necessary?"

1/2 "Should the Security Council be required to submit periodic and special reports, setting forth a detailed account, with reasons, of all of its acts and decisions?"

1M

"If and when the General Assembly should consider that all danger of a conflict has been removed, the Assembly may require the Security Council to indicate, in its annual report, the reasons for the decisions which it has taken in a particular dispute. Should the Security Council be of opinion that in the interest of the maintenance of peace, the request of the General Assembly cannot yet be complied with, it will be free to apply for a delay in the submission of its report."

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

1 0 "Should the General Assembly be empowered to receive and discuss the reports provided for in paragraph 8?"

IP

"Should the General Assembly be empowered to study and approve or disapprove in whole or in part the reports of the Security Council?"

1 Q Should the General Assembly be empowered to submit recommendations to the Security Council with a view to insuring the complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security?"

1 R

"Should the Assembly, without a recommendation of the Security Council, be authorized to suspend the exercise of one or more of the rights or privileges inherent in membership in the Organization?"

1 S

"Should the Assembly be empowered to restore suspended rights or privileges without a recommendation of the Security Council?"

1 T ("Should the Assembly be empowered to restore suspended rights or privileges after receiving the advice of the Security Council?") 1

1 u ("Should the General Assembly be empowered to
restore suspended rights and privileges upon the
recommendation of the Security Council?")

✓
"Should the Security Council be empowered to restore suspended rights and privileges of a member only when the Assembly is not in session, in such cases the decision of the Security Council to be submitted to the Assembly for ratification?"

iw

"Should the Security Council be empowered to restore suspended rights and privileges of a member only when the Assembly is not in session, but when the Assembly is in session should the decision of the Security Council be submitted to the Assembly for ratification?"

"Should the Security Council be empowered to restore suspended rights or privileges only after communicating its decision and the reasons therefor to the Assembly?"

RESTRICTED

Doc. (FRENCH)

II/2/ ...

June ..., 1945

COMMISSION II CL'Assemblée Générale

Comite 2 Fonctions Politiques et de Sécurité

TEXTE PROVISOIRE

→ RAPPORT DU RAPPORTEUR DU COMITE II/2 →

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

I. Considérations préliminaires.

La mission confiée à notre Comité était ["] d'étudier et de soumettre à la Commission II des projets de disposition à insérer dans la Charte des Nations Unies, ^{concernant des les} se rapportant aux questions traitées ^{au} dans le Chapitre V, ^{du Plan} Section B des propositions de Dumbarton Oaks, ^{et relatives aux} sur les fonctions politiques et de sécurité ^{(notamment Section B),} ainsi que ^{observations} les remarques et ^{sur les mêmes} les propositions présentées par les Gouvernements participant à la Conférence.

Par conséquent, ^{ce mandat comprenant} la dite Commission ~~comprait~~ dans son mandat les paragraphes 1, 3 et 6 (en tant que ^{celui-ci se réfère} ceux-ci s'appliquent aux questions de coopération politique et au règlement de situations qui risquent de porter atteinte au bien-être général) ainsi que le paragraphe 8 de la Section B et le deuxième paragraphe des propositions de la Chine. Lors de la réunion du 10 mai le Comité a décidé, après avoir ^{examiné} considéré la lettre envoyée à son Président par le Président de la Commission II, de référer au Comité I/2 les ^{conditions pour la suspension, la restriction et l'exclusion de} questions de ~~qui faisaient l'objet du troisième paragraphe~~ : ^{qui font l'objet de} ~~de la lettre~~ ^{et de garder pour} ~~de garder pour lui-même~~ les questions de ^{procédure, de non-rassort.}

Le Comité a tenu — — — séances aux dates suivantes: le 4, 7, 9, 10, 11, 14, 15, 16, 18, 21, 23, 24, 25, 28, 29 et 30 mai, et 1, 2

juin. A sa première séance le Comité a pris des décisions sur l'organisation générale du travail. Les documents de base du Comité furent les suivants: a) les propositions de Dumbarton Oaks; b) le deuxième paragraphe des propositions de la Chine;

c) les amendements présentés par les Gouvernements invitants et par la France; d) les amendements ou observations des Gouvernements participant à la Conférence.

II. Classification des amendements proposés

Une discussion générale sur le premier paragraphe de la Section B du chapitre V eut lieu à la deuxième séance (le 7 mai); ^{elle} fut ouverte par le Délégué de la Nouvelle-Zélande ~~lorsqu'il~~ ^{qui} soumit une proposition d'amendement ~~qui consistait~~ ^à insérer immédiatement après le titre "Fonctions et pouvoirs" les mots: "L'Assemblée Générale ^{aura} ~~devrait~~ avoir le droit ^{d'examiner} ~~de discuter~~ toute question/ dans le ^{cadre} ~~domaine~~ des relations internationales".

De nombreux délégués participèrent à la discussion qui s'ensuivit. Quelques-uns d'entre eux suggérèrent que ces mots devraient être ajoutés à la fin du paragraphe; d'autres attirèrent l'attention sur les répercussions profondes que l'adoption de cet amendement aurait sur la plan général des propositions de Dumbarton Oaks. Pour ^{leur} ~~sa~~ part, le Délégué du Chili ~~proposa d'amender le premier paragraphe en y ajoutant la phrase suivante: "Tout en gardant le droit" (pour l'Assemblée Générale) d'exprimer son opinion après que le Conseil s'est rendu son avis".~~ ^{à la fin} Puis le Délégué de l'Iran ~~fit la proposition suivante:~~ ^{ci-après}

(Copier la proposition du Délégué de l'Iran) Comité A

Le Comité ne vota pas sur les amendements précités mais la discussion générale démontra la nécessité de grouper ou de ^{classer} ~~classer~~ tous les amendements se rapportant aux textes dont l'étude avait été confiée à ce Comité. Cette classification fut confiée au bureau du Comité et le résultat du travail ^{fait} ~~soumis~~

après avoir examiné plus tard par lui-même les amendements

p. 2

le délégué du Chili et celui de l'Iran ont suggéré les amendements
de leurs gouvernements respectifs (Doc. 2, G/7 (i) et Doc. 2, G/14 (u)).

des points importants furent discutés, dont on peut faire la synthèse comme suit. Tout d'abord eut lieu une série d'interventions sur ~~l'économie~~ ^{la portée} respective de la proposition Vandenberg et de l'amendement australien sur le premier paragraphe des propositions de Dumbarton Oaks (Voir Doc. 176/II/2/7/(1).) Plusieurs délégués exprimèrent leur crainte que ce dernier amendement ^{ne} ~~mène~~ ^à un conflit entre les deux organes principaux établis par les propositions de Dumbarton Oaks. D'autres se déclarèrent en faveur de pouvoirs plus étendus pour l'Assemblée Générale que ceux qui découleraient des amendements présentés par le Sénateur Vandenberg. Parmi ces derniers le représentant de l'Iran suggéra que, si l'étude d'une question soumise au Conseil était par trop retardée, l'Assemblée

P

Le délégué des Etats Unis déclara qu'il ne désirait pas donner de définitions en raison de l'effet limitatif que celles-ci pourrait avoir sur les pouvoirs de l'Assemblée, et se réfèra spécialement à la question (c) présentée par le délégué du Chili.

pourrait fixer ^{un délai dans} une limite avant laquelle une décision devrait intervenir et que si ^{délai} cette limite était dépassée, l'Assemblée pourrait se charger de l'étude de la question.

Le Délégué du Chili ayant exprimé son approbation de principe en ce qui concerne ^{la double amende de l'Assemblée} la proposition du ~~Senator Vandenberg~~ demanda toutefois que trois points inclus dans les dites propositions soient ^{éclaircis} clarifiés: a) la signification des mots "toute situation"; b) la signification de la phrase ^{qui ne fait que résumer les faits} "mettrait en danger les relations amicales entre les nations"; ^{et la portée} c) l'ensemble du texte en ce qui concerne les situations ^{pré-} existant ^{antérieurement}.

~~En réponse, le Senator Vandenberg déclara~~ ^{le Délégué du Chili déclara} qu'il ne désirait pas donner des définitions en raison de l'effet ^{ambigu} que celles-ci pourraient avoir sur les pouvoirs de l'Assemblée; ~~il rappela aussi les exceptions contenues dans les propositions de Dumbarton Oaks sur la juridiction interne ou l'autorité réservée aux Etats~~ ^{mais il} ajouta ~~que~~ en ce qui concerne le point c) les termes dont il s'était servis se rapportaient à "hier, aujourd'hui et demain".

En ce qui concerne la méthode de discussion, plusieurs des délégués suggérèrent que l'on fasse une distinction entre ~~les~~ ^{la compétence} questions de ~~jurisdiction~~ de l'Assemblée Générale et ~~celes~~ ^{la question} du rapport entre les pouvoirs de l'Assemblée et ceux du Conseil de Sécurité. D'autre part, un certain nombre de délégués proposèrent la création d'un Sous-comité auquel incomberait la coordination des textes des amendements avec le texte du premier paragraphe de la Section B du Chapitre V. Le Délégué de la France proposa ^{le Comité} ~~que~~ vote sur le premier paragraphe de la proposition Vandenberg et que un Comité de Rédaction ou de Coordination soit créé pour

traiter du deuxième paragraphe.

Le Président ^{fit} un résumé des questions à soumettre au vote en vue des ^{propositions} ~~discussions~~ ci-dessus et le Comité décida, par vingt voix contre quatre, de voter tout d'abord sur l'ensemble de la proposition Vandenberg. Cette proposition fut ~~d'abord~~ adoptée par ~~une majorité de~~ vingt-trois voix ^{et il y eut} avec deux abstentions. Ces abstentions ^{furent} ~~étaient~~ celles des délégués de la Colombie et du Chili qui demandèrent qu'on en prit note. Le Délégué de la Colombie ^{se réserva le droit} ~~fit une réservation~~ afin de poser une question de procédure sur le fait que le Comité n'avait pas suivi son ordre du jour et le délégué du Chili se réserva le droit de demander ~~à ce~~ ^{à ce sens} que la ~~définition~~ du mot "situation" soit déterminée avec précision.

IV. Méthode de discussion des Amendements.

Fonctions du Sous-Comité A.

A la quatrième séance (le 10 mai), la discussion des amendements apportés au paragraphe 1 de la Section B du Chapitre V ~~des propositions de Dumbarton Oaks~~ ^{ont été reprises} furent reprises. La discussion s'ouvrit sur l'amendement australien ^{(voir} Doc. 176 ~~II/2/7/(1),~~ ^{page 2),}

^{Comme} ~~Puisqu'il~~ s'agissait d'établir la méthode à suivre ^{dans} ~~les~~ des discussions, il fut suggéré d'y inclure tous les amendements se référant au Paragraphe 1 plutôt que de se limiter à un amendement spécifique; ^{on} ~~admit~~ ^{admit} que, pour l'instant, il y aurait lieu de statuer sur des questions de principe et non pas de rédaction. La méthode suivie par le Comité IV/2 (Doc. 153, IV/2/5) fut adoptée, conformément à la proposition ^{faite} ~~soumise~~ par le Délégué de la Belgique; ~~celle~~ ^{celle} consistait à soumettre au Comité une série de questions extraites des groupes d'amendements

présentées par les différents gouvernements, en rédigeant ces questions avec le plus grand soin.

Le Délégué de l'Australie résuma en trois points les questions de principe qui surgirent de la discussion (Voir le sommaire de la quatrième séance Doc. 229, II/2/II).

Il fut alors décidé que le Président et le Rapporteur ^{designeraient} ~~designeraient~~ un Sous-comité afin de rédiger le questionnaire ^{dont il s'agissait} ~~dont il s'agissait~~ ^{ayant en compte aussi pour cela des trois questions du} ~~discuter en prenant note de tous les points présentés par le~~ ^{en tenant compte également à cet effet} ~~Délégué de l'Australie.~~ ^{qui fut} Ce Sous-comité ^{était} ~~était~~ désigné par la lettre A, ~~et~~ ^{était} composé des délégués de l'Australie, de la Belgique, du Mexique, du Royaume-Uni et de l'Union des Républiques Soviétiques Socialistes, en plus du Président et du Rapporteur.

V. Questionnaire soumis par le Sous-comité A

Le premier rapport du Sous-comité A sur les résultats de sa première réunion, tenue dans la soirée du 10 mai, fut présenté à la cinquième séance du Comité, le 11 mai. Ce rapport ^(Doc. 235/II/2/A/1) ~~a~~ trait aux groupes I, II, III et IV de la classification ^{figurant} ~~présentée~~ dans le document 171/II/2/7, ^{de même qu'} ~~et se rapporte~~ aux amendements présentés sur le paragraphe 1 de la Section B du chapitre V. ~~présentés dans le document 235/II/2/1.~~

Lors de l'approbation de ce rapport dans cette même séance du Comité (après discussion ^{sur la place qu'il devait occuper} ~~de la position qu'il devait occuper~~ dans le questionnaire la première question australienne qui ^{avait} ~~avait~~ ^{en définitive} ~~occupait~~ la neuvième place) la forme négative de la première question fut remplacée par le texte, ~~suivant: (TEXTE FRANÇAIS DU SOMMAIRE DE LA CINQUIÈME RÉUNION DU COMITÉ):~~

Plus tard, le 18 mai, un nouveau rapport fut soumis par

le Sous-comité A sur les travaux accomplis ^{et pendant} sa seconde réunion et contenant le questionnaire sur les amendements aux paragraphes 3 et 6 de la Section B du chapitre V (Groupes V et VI respectivement du document 171/II/2/7). Ce deuxième rapport fait l'objet du document 416/II/2/A/3.

Ultérieurement, un troisième rapport fut soumis par le Sous-comité A sur les amendements à apporter au paragraphe 8, Section B du chapitre V (Groupe VII du document 171/II/2/7). Ce dernier questionnaire fait l'objet du document 476/II/A/4.

~~Il y a lieu d'ajouter que le document No. 235 contient le premier questionnaire soumis par le Sous-comité A, y compris les modifications qui furent apportées par le Comité.~~

VI. Discussion sur les questions concernant

le Paragraphe 1, Section B, Chapitre V

(Premier Rapport du Sous-comité "A")

Doc. 235/II/2/A/1

A) Discussion de la première question du questionnaire:

L'étude de la première question ^{de ce} questionnaire correspondant a été commencée à la cinquième séance tenue le 11 mai; en voici le texte: (Copier le sommaire de la séance du 11 mai). (D)

La discussion a commencé par l'étude de la proposition grecque recommandant d'^{étendre} amplifier les pouvoirs de l'Assemblée de manière qu'^{ait le pouvoir} elle puisse avoir l'autorité de faire des recommandations sur toute question qui ^{est a} aurait été examinée par le Conseil ou ^{qui} qui se trouve ^{de la même manière} dans l'examen de ce dernier ~~dernier~~ aurait entrepris l'étude.

^{la thèse contraire. Elles ont} d'autres délégations ont soutenu des points de vue au procès d'après lesquels tout amendement de nature à créer une possibilité

^{de déclarer, en effet, que}

de toutes questions, même *si le Conseil en était est* celles dont ~~serait~~ saisi le Conseil, et *que* le pouvoir
 l'autorité de faire des recommandations ~~devrait revenir~~ *retourne* à l'Assemblée
~~puisque la compétence du Conseil cesserait d'exister en même~~ *une fois que*
 temps que ~~l'examen de la question~~ (Délégué du Royaume-Uni). De plus, *En outre*

par le Conseil des propositions transactionnelles ou ~~provisaires~~ furent soumises
 par les délégués de l'Iran et de l'Uruguay au moyen desquelles ils
~~représentent~~ *représentent* les propositions d'amendements *Robertson* soumis par leurs
 gouvernements respectifs sur le point en question.

✓ Dans ces circonstances, au cours de la septième séance
 tenue le 15 mai, le Délégué des Etats-Unis, ~~le Sénateur Vandenbergh~~
Donna lecture, sur l'invitation du président du Comité, au nom des quatre
Gouvernements puissances invitantes et de la France, *d'*un nouveau projet de rédaction
 du paragraphe 1 de la Section B du chapitre V qui figure au
 compte rendu de cette séance. (Doc. 254/II/2/15) *le délégué des Etats-Unis*

✓ Le ~~Sénateur Vandenbergh~~, en soumettant ce projet, *Mentira*
 longuement *sur* l'économie générale et exprima *l'opinion* que la
 proposition mentionnée puisse faciliter la tâche du Comité. Il
 suggéra que, conformément à cette proposition, la première question
 soit ~~résolue~~ *résolue* par ~~la négative~~ la négative et que les deuxième
 et ~~la~~ cinquième question) reçoivent une réponse affirmative.

par le Conseil La présentation de ce projet a donné lieu à de nombreux
 commentaires. Certains délégués déclarèrent qu'il n'ajoutait
 rien ~~aux pouvoirs~~ aux pouvoirs de l'Assemblée *qui sont* ~~telles qu'elles figurent~~
 dans les propositions de Dumbarton Oaks. D'autres, au contraire,
étaient d'avis que grâce à ce nouveau texte, les *Gouvernements* puissances invitantes
 et la France s'étaient rapprochés de l'opinion exprimée par les
 petits Etats et que ce texte assurerait la collaboration entre
 les principaux organes de la Charte.

(Voté
le Comité
pour la Son
maire Soc.
354/2/15)

Le Président amena la discussion sur la première question du questionnaire. Au cours de cette discussion, le Délégué des Pays-Bas demanda qu'il soit pris note du fait que sa délégation recommandait ~~que~~ "l'observation faite par elle le 14 mai sur l'objet de la présente discussion soit portée à l'attention du Comité qui ^{serait} chargé de la rédaction ^{definitive} finale de la Charte." Nous devons ajouter ici que cette observation se rapportait à une déclaration faite par le Secrétaire d'Etat des Etats-Unis en date du 5 mai et qui servit de base à l'opinion exprimée par ce délégué, au cours de la dite séance, que la première question du questionnaire devrait recevoir une réponse négative. (Voir le document 315.)

La question, ayant été ^{se prononçant} posée, fut mise au vote, ^{reçut 16 voix affirmatives} et 26 voix négatives. Lorsque le résultat négatif du vote fut proclamé, le Délégué de Cuba présenta une ^{motion} question d'ordre en soutenant que le résultat négatif n'avait pas été obtenu à la majorité des deux tiers des délégués présents et votants qui était nécessaire dans ce cas puisqu'il ne s'agissait pas d'une question de procédure. Cette motion fut appuyée par un autre délégué. La séance fut ajournée, sans avoir obtenu ^{le Comité ait pris} l'avis du

p. 10

Le président déclara que le vote devait être considéré comme valable sauf avis contraire du Comité de Direction.

B. Discussion de

Au cours ^{de cette séance} de cette discussion lors de la (huitième séance tenue le 16 mai) le texte de cette question fut amendé à la requête de la délégation ^{de l'Union Soviétique} des Républiques socialistes soviétiques.

Le président déclara que le vote devait être considéré comme
valable sauf avis contraire du Comité de Direction.

(Voir le compte rendu de la séance du 15 mai 1948)

Le Président amène la discussion ~~sur~~ première question du questionnaire. Au cours de cette discussion, le Délégué des Pays-Bas demande qu'il soit pris note du fait que sa délégation recommandait ~~que~~ "l'observation faite par elle le 14 mai sur l'objet de la présente discussion soit portée à l'attention du Comité qui ~~serait~~ ^{serait} chargé de la rédaction ~~finale~~ ^{definitive} de la Charte." Nous devons ajouter ici que cette observation se rapportait à une déclaration faite par le Secrétaire d'Etat des Etats-Unis en date du 5 ~~mai~~ ^{mars} et qui servit de base à l'opinion exprimée par ce délégué, au cours de la dite séance, ~~que~~ la première question ^{dit} du questionnaire devrait recevoir une réponse négative. (Voir le document 315.)

^{dont il s'agit} Cette question, ^{ayant été} ~~qui~~ mise au vote, ^{reçut} 16 voix ^{se prononçant} affirmatives ~~et 26 voix négatives.~~ Lorsque le résultat négatif du vote fut proclamé, le Délégué de Cuba présenta une ^{motion} question d'ordre en soutenant que le résultat négatif n'avait pas été obtenu à la majorité des deux tiers des délégués présents et votants qui était nécessaire dans ce cas puisqu'il ne s'agissait pas d'une question de procédure. Cette motion fut appuyée par un autre délégué. La séance fut ajournée, ~~sans avoir obtenu~~ ^{après avoir obtenu} une décision définitive sur ce point, en attendant l'avis du Comité de Direction ~~auquel le Président devait renvoyer la question.~~ ^{lequel le Président devait renvoyer la question.}

B. ~~Discussion~~ ^{de cette discussion} de la deuxième question du questionnaire

Au cours ~~de cette discussion~~ lors de la (huitième séance tenue le 16 mai) le texte de cette question fut amendé à la requête de la délégation ~~des Républiques socialistes soviétiques.~~ ^{de l'Union Soviétique.}

Le texte dont il est question fut rédigé comme ~~il~~ suit:

(Copier le sommaire de la huitième séance). E

Section B, chapitre 1. La question ainsi rédigée fut ~~approuvée~~ ^{ou rep. rit} par 28 voix affirmatives, *offposition*

sans recevoir ~~aucun~~ ^{la} vote négatif. Parmi les abstentions se trouvaient ~~les~~ ^{celle} délégations de la Colombie et de la Belgique :

La première parce qu'elle estimait que la première question était encore ~~entre les mains~~ ^{soumise au} du Comité pour étude, et la deuxième

parce qu'elle était d'avis que le nouveau texte de la question était plus restrictif que celui qui figure ~~au~~ ^{dans le} nouveau projet de

rédaction du ~~premier~~ ^{deuxième} paragraphe. *Section B, chapitre 1.* (Proposition faite par ~~le~~ ^{le} délégué *Gouvernement de la France* au nom des quatre puissances invitées et de la France) qui, à son avis, constituait le minimum que son Gouvernement pouvait accepter.

C) *Examen* de la troisième question du questionnaire *par le*

Cette-ci fut présentée au Comité ~~au~~ ^{au} Sous-comité A sous les deux formes suivantes:

(Copier le sommaire de la huitième séance) F

La La question de déterminer ~~lequel des deux~~ ^{l'un} textes ~~était~~ ^{qui} était préférable à l'autre ~~par~~ amena diverses délégations à exprimer leur avis en ce qui concerne ~~le~~ ^{la} ~~principe~~ ^{fond de la question} et, au cours de la discussion qui s'ensuivit, surgirent de nouveau ~~des~~ ^{les} différentes ~~indiquées~~ opinions ~~concernant~~ ^{sur} le rapport entre les pouvoirs de l'Assemblée Générale et ceux du Conseil de Sécurité. Selon la première de ces opinions, une réponse affirmative aurait pour effet de changer l'esprit des propositions de Dumbarton Oaks. D'après la seconde, la nécessité de délimiter les pouvoirs respectifs

J'occupe au non
intermédiaire,

la possibilité de

de ces deux principaux organes n'exclut pas celle de pouvoir déterminer si le Conseil est ou non saisi d'une affaire, et dans la négative, l'Assemblée peut le faire.

choisi La question de déterminer lequel des deux textes *du* serait choisi, ayant été mise aux voix, afin de passer au vote sur la question de fond (question de procédure), le Comité, par un vote de 18 voix contre 13 se déclara en faveur du premier texte. Immédiatement après, le Président soumit aux voix la question de principe. La réponse fut négative par un vote de 18 voix contre 12.

D. *Précis* de la quatrième question du questionnaire.

Le texte de cette question est rédigé comme suit:

(Copier le sommaire de la huitième séance)

La réponse fut négative par un vote de 28 voix contre une.

E. *Précis* de la cinquième question du questionnaire.

(Copier le sommaire de la huitième séance)

La réponse fut affirmative par un vote de 31 voix *32x18* contre 0.

F. *Précis* des sixième, septième et huitième questions du questionnaire

Le texte de ces questions est rédigé comme suit:

(Copier le sommaire de la huitième séance)

Les réponses à toutes ces questions furent négatives. Seule la première *obtint* un vote affirmatif.

Au cours de la discussion *on fit* ~~on fit~~ remarquer que les questions auxquelles il est fait allusion traitent de sujets qui soulèvent les mêmes points fondamentaux *que d'* autres questions, précédemment étudiées *et les réponses* ont nécessité la considération d'une manière décisive.... *pour y répondre, on*

longtemps
avait
considéré
l'une
de ces
questions
comme
la
question
des
réponses
et
les
autres