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Committee 3 Enforcement Arrangements

Texts of Dumbarton Oaks Proposals, Amendments
of Sponsoring Powers, and Amendment Submitted
by Other Participating Governments, Relating
to Chapter VIII B and XII.

TEXT OF DUMBARTON OAKS PROPOSALS AND
OF AMENDMENTS PRESENTED BY THE
FOUR SPONSORING POWERS

Chapter VIII, Section B, Paragraph 1

1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

Amendment Proposed by
Sponsoring Powers

1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraphs 4 or 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

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TEXTS OF AMENDMENTS PROPOSED BY OTHER
PARTICIPATING COUNTRIES

Australia

1. Should the Security Council deem that a failure to settle a dispute in accordance with the procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it shall, in accordance with the purposes and principles of the United Nations, lay down just terms for the settlement of the dispute, and take any measures necessary for carrying out that settlement and for maintaining international peace and security. (Doc. 2, G/14 (1) p. 9)

Chile

1. Should the Security Council believe that failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A above, or in accordance with its recommendations under paragraph 5 of the said Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security which are in accord with the purposes, principles and Charter of the Organization. (The phrase "purposes and principles of the Organization" is amended to "purposes, principles and Charter of the Organization"). (Doc. 2, G/7 (i) p. 7)

Mexico

1. Should the Security Council or the General Assembly deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, the Security Council should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the organization. (Doc. 2, G/7 (1) pp. 12-13)

Netherlands

1. Should the Security Council under paragraph 8 of Section A determine the existence of a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization. (Doc. 2 G/7 (j) (1), p. 5)

Turkey

(To be added to paragraph 1)

At all events, the Council will lend its assistance to any party to a dispute who has agreed to submit to judicial settlement and to the decision of the court, if required. (Doc. 2 G/7 (e)(1) p. 2)

Chapter VIII, Section B, Paragraph 2

2. 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 to be taken to maintain or restore peace and security.

Amendment Proposed by Sponsoring Powers

2. In general the Security Council should determine the existence

Australia

(New paragraph after paragraph 2)

(3) If a situation calling for preventive or enforcement action under paragraph (1) or paragraph (2) above has arisen out of a matter which by international law is solely within the domestic jurisdiction of the State concerned, the Security Council shall not make any recommendation or decision which would curtail that State's lawful freedom of action, but shall take, in accordance with this Section, whatever preventive or enforcement action is necessary to maintain or restore international peace and security. (Doc. 2 G/14 (1) pp. 9-10)

Bolivia

2. 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 on the measures to be taken to maintain or restore peace and security. If the nature of the acts investigated

of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures set forth in paragraphs 3 and 4 of this Section to be taken to maintain or restore peace and security.

(Insert the following paragraph between paragraphs 2 and 3)

Before making the recommendations or deciding upon the measures for the maintenance or restoration of peace and security in accordance with the provisions of paragraph 2, the Security Council may call upon the parties concerned to comply with such provisional measures as it may deem necessary or desirable in order to prevent an aggravation of the situation. Such provisional measures should be without prejudice to the rights, claims or position of the parties concerned. Failure to comply with such provisional measures should be duly taken account of by the Security Council.

entails designating a state as an aggressor as indicated in the following paragraph, these measures should be applied immediately by collective action

3. A state shall be designated an aggressor if it has committed any of the following acts to the detriment of another state.

- a) Invasion of another state's territory by armed forces.
- b) Declaration of war.
- c) Attack by land, sea, or air forces, with or without declaration of war, on another state's territory, shipping, or aircraft.
- d) Support given to armed bands for the purpose of invasion.
- e) Intervention in another state's internal or foreign affairs.
- f) Refusal to submit the matter which has caused a dispute to the peaceful means provided for its settlement.
- g) Refusal to comply with a judicial decision lawfully pronounced by an International Court. (Doc. 2 G/14 (r), pp. 8-9)

Ethiopia

(To be added as an additional sentence)

So long as a dispute is subject to the procedure of paragraphs 3, 4 and 5 of the present Section the parties to the dispute shall resort to no measures of a military character and the Security Council shall take such measures or action as it shall find necessary to ensure the fulfilment of this obligation. (Doc. 2 G/14 (n), p. 3)

Greece

(To be added at the end of paragraph 2)

In particular, in the event of a dispute between two or more countries, other than permanent members of the Security Council, the latter

should take decisions by an affirmative vote of seven members in the determination of the existence of a breach of the peace or of an act of aggression. (Doc. 2, G/14 (i) p. 3)

Mexico

2. The Security Council or the General Assembly, 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 to be taken to maintain or restore peace and security. (Doc. 2 G/7 (c) (1) p. 13)

Netherlands

2. Should the Security Council in general under paragraph 9 of Section A determine the existence of any threat to the peace, breach of the peace or act of aggression, it should decide upon the measures to be taken to maintain or restore peace and security. (Doc. 2 G/7 (j) (1) p. 5)

Philippine Commonwealth

(Add the following sentence at the end of the paragraph)

Any nation should be considered as threatening the peace or as an aggressor, if it should be the first party to commit any of the following acts: (1) To declare war against another nation; (2) To invade or attack, with or without declaration of war, the territory, public vessel, or public aircraft of another nation; (3) To subject another nation to a naval, land or air blockade; and (4) To interfere with the internal affairs of another nation by supplying arms, ammunition, money or other forms of aid to any armed band, faction or group, or by establishing agencies in that nation to conduct propaganda subversive of the institutions of that nation. (Doc. 2 G/14 (k) p.4)

Chapter VIII, Section B, Paragraph 3

3. The Security Council should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members
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Mexico

3. The Security Council, after prior decision of the General Assembly, should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members of the Organization to apply such measures. (Doc. 2 G/7 (c) (1) p. 13)

of the Organization to apply such measures. Such measures may include complete or partial interruption of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic and economic relations.

Chapter VIII, Section B, Paragraph 3

4. Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of members of the Organization.

Norway

(To be added at the end of the paragraph)

In the relations between members of the organization this obligation takes precedence over the execution of stipulations contained in commercial or other treaties; and in their relations with States not members of the Organization, member States should in the manner provided for in such treaties take steps to regain the necessary freedom of action. (Doc. 2 G/7 (n)(1) p. 7)

Egypt

(To be added after paragraph 4)

Should the Security Council take the action referred to in paragraph 4, it should within reasonable limits of time submit the matter for review to the General Assembly at a special meeting. Only a vote of three-quarters of the Members of the General Assembly could suspend or cancel the decisions taken by the Security Council. (Doc. 2 G/7 (q)(1) pp. 7-8)

New Zealand

(To be added after paragraph 4)

4a (a) A decision of the Security Council involving the application of the measures contemplated in paragraphs (3) and (4) of Chapter VIII Section B shall require the concurring vote of the General Assembly, deciding by a simple majority.

(b) Nevertheless, in any case which, in the opinion of the Security Council, is of extreme urgency, the Security Council may decide to apply such measures forthwith without the concurring vote of the General Assembly; but in every such case it shall forthwith report its decision to the General Assembly.

(c) Every decision made in accordance with sub-paragraphs (a) and (b) of this paragraph shall be binding on all members of the Organization. (Doc. 2 G/14 (f) p. 3)

Chapter VIII, Section B, Paragraph 5

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the numbers and types of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements 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.

Norway

(To be added after paragraph 4)

The Security Council may further, in special cases, and for the period of time deemed necessary, take over on behalf of the Organization, the administration of any territory of which the continued administration by the State in possession is found to constitute a threat to the peace. (Doc. 2 G/7 (n)(1) pp. 7-8)

Australia

(5) In order that all members of the United Nations may 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, armed forces, facilities and assistance necessary for the purpose of maintaining security. The agreement or agreements shall govern the numbers and types of forces and the nature of the facilities and assistance to be provided. The agreement or agreements shall be negotiated on the initiative of the Security Council, and shall be concluded between the Security Council and members or groups of members. The agreement or agreements shall be negotiated as soon as possible, and shall in each case be subject to ratification by the signatory States in accordance with their constitutional processes. (Doc. 2 G/14 (1) p. 10)

Chile

5. In order that all members of the Organization may contribute to the maintenance of international peace and security, they should undertake, etc., etc. (Doc. 2 G/7 (i), p. 8)

France

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security, and particularly the right of passage. Such agreement or agreements should govern the numbers and types of forces, the period within which they must be placed at the disposal of the Security Council and, should the necessity arise, the zone where they will normally be stationed, and should specify the facilities, assistance and means of communications to be provided. The special agreement or agreements 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. (Doc. 2 G/7 (o) p. 4)

New Zealand

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded, with it, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. (Doc. 2 G/14 (f) p. 3)

Australia

(6) In order to enable urgent military measures to be taken by the United Nations, there shall be held immediately available by the members national air force or mixed contingents for combined international enforcement action. (Doc. 2 G/14 (1) p. 10)

France

6. In order to enable urgent military measures to be taken by the Organization, national contingents consisting of forces of all arms which are stationed, or whose permanent stationing would be arranged, if necessary, in appropriate security zones, should be held permanently available

Chapter VIII, Section B, Paragraph 6

6. In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down

in the special agreement or agreements referred to in paragraph 5 above.

Chapter VIII, Section B, Paragraph 7

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in cooperation or by some of them as the Security Council may determine. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members.

Chapter VIII, Section B, Paragraph 8

8. Plans for the application of armed force should be made by the Security Council with the assistance of the Military Staff Committee referred to in paragraph 9 below.

Chapter VIII, Section B, Paragraph 9

9. There should be established a Military Staff Committee the functions of which should be to advise and assist the Security Council on all

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to the Security Council for combined enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above. (Doc. 2 G/7 (o) p. 4)

Canada

(To be inserted between paragraphs 7 and 8)

Any member of The United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council which is discussing under paragraph 4 above the use of the forces which it has undertaken to make available to the Security Council in accordance with the special agreement or agreements provided for in paragraph 5 above. (Doc. 2 G/14 (t) pp. 2-3)

Chile

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in cooperation or by some of them, as may be determined by the Security Council and the agreements referred to in paragraph 5 above. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members. (Doc. 2 G/7 (i) p. 8)

Bolivia

The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives, but this should not be construed as excluding the possibility of its being expanded

questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulations of armament and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the Organization not permanently represented on the Committee should be invited "by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work." Questions of command of forces should be worked out subsequently.

Amendment Proposed by
Sponsoring Powers.

9. There should be established a Military Staff Committee the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and

to include the Chiefs of Staff, or their representatives, of all members of the Organization, by the creation of subsidiary military organs in the geographical areas of their respective nationalities, to act in an advisory capacity. (Doc. 2 G/14 (r) p. 9)

Chile

9. A Military Staff Committee should be established the functions of which would be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible, under the Security Council, for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. The Committee should invite any member of the Organization not permanently represented on it to join the Committee when the case or the measures that may be taken with respect thereto concern it or are bound to affect it or when the efficient discharge of the Committee's responsibilities requires that such State should participate in its work. Questions of Command of Forces should be worked out subsequently. (Doc. 2 G/7 (i) p. 8)

France

9. There should be established a Military Staff Committee the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, to possible disarmament, and to any measures of control and regulation which might be considered timely. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives and of a delegate of the members of the Organization who have undertaken to place substantial forces at the disposal of the Security Council. Any

security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently. The Military Staff Committee, with the authorization of the Security Council, may establish regional subcommittees of the Military Staff Committee.

member of the Organization who is not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently. (Doc. 2 G/7 (o) pp. 4-5)

Mexico

9. xxx The Committee should be composed of the Chiefs of Staff of the Semi-Permanent Members of the Security Council or their representatives. xxx (Doc. 2 G/7 (c) (1) p. 13)

Philippine Commonwealth

xxxx "The Committee should be composed of the Chiefs of Staff of all the members of the Security Council or their representatives. Any member of the Organization not represented on the Committee should be invited by the Committee, etc., etc. (Doc. 2 G/14 (k) pp. 4-5)

Uruguay

- (a) ... The Committee should be composed of the Chiefs of Staff of the of the permanent members of the Security Council and the Chief of Staff of each of the military regions into which the world is divided, or their representatives.
- (b) The Security Council should establish the military regions into which the world would be divided.
- (c) In each region there would be a Regional Staff made up of a representative of each country included in the region, and its Chief would be elected by them. He should be from one of the countries composing the region, and could be removed from his post by the Military Staff Committee.
- (d) Each country would have part of its military forces at the disposal of the World Organization, and such forces would act by order of the Security Council, through the Regional Staffs, or by order of the Regional Staff in case of invasion of the ter-

ritory of any of the countries in the region, notifying the Security Council, which could check such action.

- (e) When bases for military, naval or air operations are to be established, of such size that the country in which they are to be established cannot finance them, that country shall receive economic and technical assistance if it so requests, but the bases shall remain under command of and shall be operated exclusively by nationals of that country.
- (f) Questions regarding command of the forces should be settled subsequently. (Doc. 2 G/7 (a)(1), pp. 7-8)

Chapter VIII, Section B, Paragraph 10

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

Chile

10. The members of the Organization should join, according as may be possible, in affording mutual assistance, in conformity with this Charter, in carrying out the measures decided upon by the Security Council.
(Doc. 2 G/7 (i), p. 9)

Union of South Africa (to be added after paragraph 10)

Any country which fails to adjust or settle a dispute by peaceful means in accordance with the provisions of Section A of Chapter VIII and against which action in consequence is taken in terms of paragraphs 3 and 4 of this Section, should be required to pay the costs of such enforcement action and to make reparation for losses and damage sustained thereby. Countries participating in enforcement action should submit their claims, in respect of costs incurred and reparation for losses and damage sustained, to the Security Council for approval and for action required to ensure recovery.

Chapter VIII, Section B, Paragraph 11

11. Any state, whether a member of the Organization or not, which finds itself confronted with special economic problems arising from the carrying out of measures which have been decided upon by the Security Council should have the right to consult the Security Council in regard to a solution of those problems.

Chapter XII. Transitional Arrangements

1. Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, 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.

France

Pending the coming into force of the special agreement or agreements mentioned in Chapter VIII, Section B, paragraph 5 and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, the States parties to that Declaration and France should consult with one another and, if need be, with other members of the Organization with a view to taking such common action in the name of the Organization as may be necessary for the maintenance of international peace and of security. (Doc. 2 G/7 (c) (2), p. 1)

Mexico

(The Mexican Delegation, taking into account the subject matter dealt with by the two articles of this Chapter of the Dumbarton Oaks Proposals, believes that it would not be advisable to include them in the Charter of the General International Organization, not even as "transitional arrangements", inasmuch as the questions to which they refer should be regulated by a separate Protocol. To embody them, as has been done, in the Covenant of the General International Organization to be created, would involve, as regards the latter, an original sin as great or even

greater than that which has so often led to reproach in the case of the Covenant of the League of Nations, because of its connection with the Treaty of Versailles.) (Doc. 2 G/7 (1), p. 14)

Chapter XII, Paragraph 2

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action.

Brazil

(New paragraphs to be added)

Each government member of the Organization be entitled to designate a representative to form an interim commission to study and to make recommendation regarding the establishment of an International Health Organization.

The interim commission shall be installed in a city to be designated by the Presidents of the Conference not later than two months after such designation.

The interim commission in preparing the plan for the permanent health organization shall give full consideration to the relation of the permanent organization and to methods of associating it with other institutions, national as well as international, which already exist or which may hereafter be established in the field of health.

The interim commission shall report as soon as possible the results of its studies to the General Assembly through the Economic and Social Council. (Doc. 2 G/7 (c) (4), p. 1)

Chile

(New paragraphs to be added)

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

4. According as provided in Chapter III, the members of the organization invite all States to adhere to its Charter and to enter the

Organization which love peace and democratic principles and which give a guarantee that they will fulfill international agreements.

5. This Charter shall be ratified; it shall be in force for each signatory or adhering State from the moment of the deposit of the respective instrument of ratification and until six months following the date on which it denounces it by a written communication addressed to the Secretary General. (Doc. 2 G/7 (i), p. 10)

Iran

(New paragraphs to be added)

Any international treaty or undertaking concluded by a member of the Organization should be registered immediately by the Secretariat and published by it as soon as possible.

A Committee of qualified Jurists should be established to draw up a code of International Law. (Doc. 2 G/14 (m), p. 3)



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