

UNCIO - Working papers - Commissions & Technical Committees - Sub-Committee E of Commission 1-1/2/E

15 May 1945

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PROGRESS REPORT

The Subcommittee was charged with the following responsibility: to draft for inclusion in Chapter IV on Principal Organs a paragraph on the participation and representation of men and women on an equal basis in the organs of the proposed international organization.

Proposals for Discussion:

- a. Canadian proposal for the participation and representation of women on an equal basis with men.
- b. United Kingdom proposal for equal treatment of men and women in the Secretariat.

Conclusions:

- a. Canadian proposal, modified by suggestions from Uruguyan and Australian delegates, was unanimously adopted by the Subcommittee and recommended to the Committee.
- b. United Kingdom proposal not considered, although the Brazilian and Australian delegates noted that it should be considered in consideration of Chapter X on the Secretariat.

PROGRESS REPORT

Third Meeting of Subcommittee I/2/D (The Secretariat)

Veterans Building, Room 314, May 31, 1945, 6:00 p.m.

The meeting progressed without the least bit of difficulty to conclusions acceptable to all members. The Canadian delegate submitted a revised draft of the original Canadian amendments to Chapter X as they appeared in Document 2.

1. Paragraph 4, Chapter X

The Subcommittee took as the basis of its discussions paragraph 4 of the Canadian amendment. This amendment included provisions of the New Zealand and Sponsoring Powers amendments. There was no discussion.

Decision: The Subcommittee unanimously accepted the following text of paragraph 4, Chapter X:

"In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They shall not seek nor receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials."

2. Paragraph 5, Chapter X

The Subcommittee considered paragraph 5 of the Canadian amendment.

Decision: The Subcommittee unanimously accepted the following text:

"Each member undertakes to respect the exclusively international character of the responsibilities of the staff and not to seek to influence them in the discharge of their responsibilities."

Before the decision was reached, the delegate of Greece asked whether this paragraph covered two risks which might be faced by a member of the Secretariat, namely: 1) loss of

his nationality by the taking of an oath of allegiance to the Organization, and 2) penalties under the laws of his own state if he acquired knowledge of plans for military action by the Organization against that state and did not reveal them to its government. He also asked whether a member of the Secretariat would be liable for military service to his own state. Matters were discussed and there was general agreement that they did not require specification in Chapter X, but that they should be drawn to the attention of Committee IV/2.

3. Paragraph 6, Chapter X

Various minor changes were suggested in the wording of the Canadian text.

Decision: The Subcommittee unanimously accepted the following text of the Canadian amendment:

"The staff shall be selected by the Secretary-General under regulations established by the General Assembly. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible."

4. Interpretation of Paragraph 6

The delegate of Greece pointed out that the original provision in the Canadian amendment for equality of men and women in the Secretariat had been eliminated in the revised text. It was generally agreed that the matter was covered in Chapter IV, as already amended by Committee I/2. The delegate of Greece requested that this interpretation be given in the report of the Subcommittee.

The Subcommittee agreed that the question of the juridical status of members of the Secretariat would be covered by provisions of the Charter adopted by Committee IV/2.

This concludes the Subcommittee's consideration of Chapter X.

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his nationality by the taking of an oath of allegiance to the Organization, and 2) penalties under the laws of his own state if he acquired knowledge of plans for military action by the Organization against that state and did not reveal them to its government. He also asked whether a member of the Secretariat would be liable for military service to his own state. Matters were discussed and there was general agreement that they did not require specification in Chapter X, but that they should be drawn to the attention of Committee IV/2.

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The Subcommittee agreed that the question of the juridical status of members of the Secretariat would be covered by provisions of the Charter adopted by Committee IV/2.

This concludes the Subcommittee's consideration of Chapter X.

PROGRESS REPORT

Fourth Meeting of Committee I/2/E (Chapter XI)

Veterans Building, Room 316, June 8, 1945, 10:40 a.m.

Representatives of the following delegations were present: Belgium (President of Commission I), Costa Rica (Chairman of Committee I/2), Saudi Arabia (Rapporteur), Australia, Brazil, Canada, China, Ecuador, France, Mexico, Norway, U. K., U. S. A., U. S. S. R., Venezuela.

1. Paragraph 3, Chapter XI (Special Conference to Revise Charter)

The delegate of the U. S. (Armstrong) thanked the Subcommittee for giving his delegation the opportunity to deliberate with the other Sponsors and France on the matter before the Subcommittee. He announced amendment of Sponsor's amendment (para. 3, Ch. XI) by substituting 2/3 for 3/4 vote of Assembly, to provide greater flexibility in the calling of a special conference to consider revision of the Charter.

After little discussion, the Subcommittee agreed to an order of procedure proposed by the delegate of Ecuador (Lazo); 1) voting procedure for calling the special conference; 2) determination of a time limit for the calling of the conference; 3) voting procedure at the conference; and 4) discussion of withdrawal from the Organization in the light of decisions reached on point 3.

(a) Voting Procedure for Calling of Conference

The U. S. delegate (Stassen) made a strong statement supporting the Sponsor's amendment. Brazil (Lutz) replied.

Canada (Pearson) pointed out that original Canadian amendment called for calling of Conference by 2/3 vote of Assembly, but that he was willing to accept Sponsor's amendment provision of calling by 2/3 vote of Assembly and vote of any seven members of the Security Council.

It was agreed that the decision on point 1 did not prejudice decisions on subsequent points.

Decision: The Subcommittee voted 15-0 to the terms of the Sponsor's amendment for a vote of 2/3 of General Assembly and any seven members of Security Council to call special Conference.

(b) Fixing Time for Calling of Special Conference

Canada (Pearson) in reply to earlier suggestion by U. S. (Armstrong) said he could not withdraw Canadian motion that Conference be held between seventh and tenth years. Arguments for the Canadian motion were given by Canada, Mexico and Belgium. Brazil defended its proposal for the fifth year, but subsequently joined with Canada to move that Conference be held between fifth and tenth years. Arguments against any fixed determination of the time were given by U. S., Norway, U. K., and U. S. S. R.

*(Amos, Fauce,
Norway)*
Decision: The Subcommittee voted 9-6 in
favor of the Canadian-Brazilian motion for
the calling of the Conference not sooner
than the fifth nor later than the tenth year.

Adjourned at 1:05 p.m. Next meeting at 3:30 p.m. on
same day.

PROGRESS REPORT

Seventh Meeting of Committee I/2/E (Ch. XI, Amendments)

Veterans Bldg., Room 219, June 13, 1945, 11:10 a.m.

Representatives of the following delegations were present: Belgium (President of Commission I), Costa Rica (Chairman of Committee I/2), Saudi Arabia (Rapporteur), Australia, Brazil, Canada, China, Ecuador, Mexico, Norway, U.K., U.S.A., U.S.S.R., Venezuela. France was absent.

Question of Withdrawal from Membership, as related to Amendments.

The delegate of Ecuador repeated the statement which he has made on numerous occasions in the past, that if the "veto" is retained in the amending process, the small powers will demand provision for the right of withdrawal. Belgium (Rolin) pointed out that the Committee should distinguish between withdrawal in general, and withdrawal in relation to the amending process. Brazil stated that in view of the way the Charter has developed, there must be provision for withdrawal, in event desired improvements are not made in the Charter.

The U.S. (Armstrong) stated that the Charter should not contain provision for withdrawal. He proposed that a sentence be added to the report of subcommittee I/2/C (Ch. III, Membership)(see Doc. 529) to the effect the Committee is of the opinion that the absence of any express right of withdrawal in the Charter does not preclude the right of any member to withdraw .

if Charter is changed by an amendment in which that member has not concurred and which amendment that member finds it impossible to accept.

The U.S.S.R. (Tsarapkin) then stated that the Charter should include a general provision for withdrawal.

Canada asked U.S. if his suggestion related to all amendments, including recommendations of special Conference, or merely to amendments by the regular process. U.S. answered that his suggestion applied to both. U.K. supported the U.S. proposal. Belgium worked out a redraft of the proposal with U.S.

It was agreed to give further consideration to this matter at the next meeting, to be held at conclusion of meeting of Committee I/2 at 10:00 p.m. tonight (June 13, 1945).

PROGRESS REPORT

Eighth Meeting of Committee I/2/E (Amendments)

Veterans Bureau, Room 219, June 13, 1945 10:15 p.m.

The eighth meeting of Committee I/2/E, the second on June 13, was held at the conclusion of the meeting of Committee I/2.

At the conclusion of the meeting in the morning, the United States had proposed a statement giving the Committee's interpretation of the matter of withdrawal as it relates to amendments. M. Rolin had suggested certain changes in the draft.

At the opening of the meeting, the Secretary read a new statement which was prepared by the United States. (see attached document). Canada (Pearson) suggested that Committee I/2/E report to the full committee on the decisions reached so far. The Chair replied that decisions in Committee I/2 required a recommendation by the subcommittee on the matter of withdrawal, and, therefore, suggested that the subcommittee proceed to a decision on withdrawal. Rolin supported Pearson but suggested that the Committee also report on the status of its consideration of withdrawal.

Australia (Evatt) then proposed that the statement on the interpretation of withdrawal might offer a solution to

the veto problem. He suggested that the second paragraph of the U.S. draft be amended to read somewhat as follows:

"Nor would it be the purpose of the Organization to compel a member to remain in the Organization if its rights and obligations as such were changed by charter amendment in which it has concurred and which it finds itself unable to accept, or if an amendment to the Charter duly adopted under paragraph 2, Chapter XI or paragraph 3, Chapter XI, fails to take effect by reason of the refusal of a permanent member to ratify such amendment."

There was further discussion of this matter of withdrawal and of whether or not the Committee should report at this stage. Pearson emphasized that he would accept the Evatt suggestion only as a third choice, the first and second choices being provision for revision of the Charter without the operation of the veto.

Rolin suggested the following statement for reference to the Committee:

"The Subcommittee took cognizance of the declaration of the delegates of the Sponsoring Powers and France to the effect that they are not able at the present moment to consent to a procedure by which the Special Conference should be able

to decide that amendments adopted by it should come into force without the unanimous consent of the Sponsoring Powers.

"The Subcommittee also took cognizance of the declaration of certain other delegations to the effect that in view of these circumstances they would favor broader terms than those the Committee had foreseen in its commentary on Chapter III concerning the conditions under which withdrawal would be admissible.

"Finally, the Subcommittee communicated to the Committee a draft declaration to be inserted in the report on Chapter XI."

It was agreed to hold a short meeting of Committee I/2/E before the meeting of Committee I/2 on June 14.

On several occasions at this and earlier meetings, the Delegate of Brazil (Lutz) has made strong statements against attempts to rush the work of this Subcommittee. She has pointed out that several of the earlier meetings were cancelled, and has contended that in spite of the anxiety of all delegates to complete the work of the Conference promptly, full consideration must be given to all matters under discussion. Other delegates have shown noticeable impatience with her remarks in this regard.

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PROGRESS REPORT

Second Meeting of Committee I/2/E (Chapter XI)

Veterans Building, Room 314, May 30, 1945, 8:35 p.m.

Costa Rica (Chairman), Belgium (President of Commission), Saudi Arabia (Rapporteur), Australia, Canada, Brazil, Ecuador, Mexico, U.S.S.R., U.K., U.S., Norway, Venezuela, China and France.

The second meeting of the subcommittee commenced with some disagreement over procedure. At the conclusion of the first meeting it had been agreed to vote on the question of whether a provision should be made in the Charter for a special Constitutional Convention to revise the Charter. Rolin now stated, however, that he was opposed to a special convention and suggested revision by the Assembly at a fixed date. Other Delegates offered other suggestions on procedure. Finally agreed to discuss the principle of a special Constitutional Convention--that is, the amendments of sponsoring powers and other countries to Chapter XI.

Mr. Armstrong (U.S.) took exception with the Chairman's statement that decisions of the subcommittee could be reached by a simple majority. He contended that a majority decision by this subcommittee, composed as it was of those countries opposed to the point of view of the sponsoring powers, would be open to serious question. He spoke of the subcommittee as "packed". The Chairman disagreed, and declared that the purpose of the subcommittee was not to debate, but to study and to provide a suitable formula of wide acceptance. Mr. Mabane (U.K.) said that he was not fearful of the decision of this subcommittee but relied upon its wisdom and good sense.

In answer to Norway, Mr. Pearson stated that Canadian proposal was for a single convention after a certain number of years.

Decision: The subcommittee voted 13 to 0 in favor of provision in the Charter for a Constitutional Convention to revise the Charter.

The next question was that of the timing of the convention. Canada suggested 7 to 10 years; Brazil, 5 years. U. S. argued that fixing of time limit would give the idea that Charter is provisional. Ecuador said that small states can accept Charter with all its defects, only with understanding that it is provisional, subject to changes in the

light of experience.

The Soviet Union (Zarapkin) supported the U. S. position. Norway, also, supported the sponsoring powers.

During the next half hour there was considerable by-play over the meaning of public opinion and of psychology.

Mr. Evatt (Australia) made a long speech, declaring that the Charter could be acceptable to his Country only if there was reasonable assurance that it could be revised. He demanded a mandatory provision for calling a special convention.

Venezuela supported the sponsoring powers' amendment, with the addition of a time limit.

Mabane, making it clear that he was in no way committing himself or his Delegation, suggested that a solution might be to add the following words to first sentence of sponsoring powers' amendment:

"But in any case such a Conference shall be held not later than "X" years after the Charter has come into force."

Evatt said real issue was voting procedure. He made a strong statement against the operation of the veto in the amending process.

Soviet Union spoke against the solution suggested by Mabane.

The Chairman expressed a wish to vote on this matter but there was general agreement that a vote should be postponed because of the lateness of the hour and to allow delegates an opportunity to consult their Delegations.

The meeting adjourned at 11:30 p.m.

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PROGRESS REPORT

Ninth Meeting of Committee I/2/E (Amendments)

Veterans Building, Room 219, June 14, 1945, 3:15 p.m.

The ninth meeting of Committee I/2/E was convened for the purpose of considering the Memorandum on Decisions (WD 301), and the draft declaration (job 4621) prepared by the U.S. delegation, prior to reporting these matters to Committee I/2.

With reference to part III of the Memorandum, Canada (Pearson) suggested that paragraph 2 be changed to read as follows:

"The subcommittee also took cognizance of the declaration of certain other delegations to the effect that if the recommendation of the subcommittee in section 5 above, were approved by the full committee, they would favor broader terms ... "etc.

There was no opposition, although the few informal words of the U.S. and U.K. seemed to indicate attitude that change was not necessary.

With reference to the draft declaration, Australia (Evatt) indicated that he looked with disfavor upon this reference to withdrawal. He thought it unfortunate to tell members at the outset that they are at liberty to withdraw. He suggested, accordingly that paragraph one of the draft declaration be deleted. U.S. (Stassen) explained that this paragraph was based upon the discussions of an earlier subcommittee (I/2/C),

and constituted a rephrasing of the report of that subcommittee on withdrawal.

With reference to the ratification of amendments proposed by the Special Conference (I,5) and by the regular process (II), Belgium (Rolin) pointed out that the subcommittee had recommended different provisions (permanent members plus a majority of other members in first case, two-thirds of all members in second). He suggested that the subcommittee reconsider its recommendation in the first case with view to making it the same as provision in the second. Mexico supported this position. U.S.S.R. (Tsarapkin) opposed this suggestion, and said that if anything is changed, both provisions should be brought back into agreement with the original Dumbarton Oaks Proposals. When the Chairman proposed a vote, Rolin withdrew his proposal in so far as the subcommittee was concerned.

After some discussion of the proper procedure to be followed in full committee, there appeared to be agreement between Evatt and Stassen that each item in the memorandum would be discussed and voted. Stassen emphasized that voting should be on a text in each case. Evatt and Brazil (Lutz), however, indicated that they would reopen consideration of their amendments concerning the regular amending process, if they were not satisfied with the results of provisions for Special Conference to revise the Charter.

The meeting was adjourned after 45 minutes to enable the participants to attend the meeting of Committee I/2. As the discussion in the full Committee demonstrated, the subcommittee

did not achieve a common understanding on how to proceed. The failure to achieve such an understanding, of course, was the result of fundamental differences of opinion regarding substance.

MEMORANDUM

OF DECISIONS OF COMMITTEE I/2/E (AMENDMENTS)

June 14, 1945

The subcommittee established by Committee I/2 on May 29 to consider Chapter XI (Amendments) met on May 30 and 31, June 8, 12, 13 and 14. According to the decision of Committee I/2, the subcommittee included representatives of those delegations which had submitted proposals for the amendment of Chapter XI. The subcommittee was composed of the following: Belgium (President of Commission I), Costa Rica (Chairman of Committee I/2), Saudi Arabia (Rapporteur, General), Australia, Brazil, Canada, China, Ecuador, France, Mexico, Norway, Soviet Union, United Kingdom, United States, and Venezuela.

I. SPECIAL CONFERENCE TO REVISE CHARTER

1. Provision~~ed~~ for special Conference

The subcommittee first voted unanimously to recommend a provision in the Charter for a special conference to revise the Charter.

2. Voting Procedure for Calling Conference

The Delegate of the United States stated that the Sponsoring Powers had agreed to amendment their proposal for paragraph 3, Chapter XI by providing for a two-thirds vote instead of a three-fourth vote by the General Assembly for calling the Special Conference.

The subcommittee voted unanimously to recommend the modified proposal that the Special Conference be called by a two-thirds vote of the General Assembly and of any seven members of the Security Council.

3. Time Limit for Calling Special Conference

The subcommittee voted 9 to 6 in favor of the joint motion of the Delegates of Canada and Brazil to recommend that the Special Conference be called not sooner than the fifth nor later than the tenth year after the coming into force of the Charter.

4. Voting Procedure at the Special Conference

The subcommittee rejected by a vote of 8 to 4 the motion of the Delegate of Mexico to recommend that no provision be made in the Charter for the voting procedure to be followed at the Special Conference or for

the ratification of amendments proposed by the Conference.

The subcommittee then voted unanimously in favor of the motion of the Delegate of Brazil that the Charter provide that decisions of the Special Conference be taken by a two-thirds vote.

4. Ratification of Amendments Proposed by Special Conference

The subcommittee voted 7 to 5 to recommend the last sentence of paragraph 3 (Amendment of Sponsoring Powers), providing that:

"Any alterations of the Charter recommended by a two-thirds vote of the Conference shall take effect when ratified in accordance with their respective constitutional processes by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization."

II. REGULAR AMENDMENTS TO THE CHARTER

The Delegate of Belgium proposed that paragraph 2, Chapter XI (the original text of Chapter XI, Dumbarton Oaks Proposals) be amended to provide that amendments come into force when ratified by two-thirds of all members, including all of the permanent members of the Security Council. The subcommittee voted 6 to 5 to recommend paragraph 2, Chapter XI, as modified by the Belgium motion.

III. WITHDRAWAL FROM THE ORGANIZATION

The Subcommittee took cognizance of the declaration

of the delegates of the Sponsoring Powers and France to the effect that they are not able at the present moment to consent to a procedure by which the Special Conference should be able to decide that amendments adopted by it should come into force without the unanimous consent of the Sponsoring Powers.

The Subcommittee also took cognizance of the declaration of certain other delegations to the effect that in view of these circumstances they would favor broader terms than those the Committee had foreseen in its commentary on Chapter III concerning the conditions under which withdrawal would be admissible.

Finally, the Subcommittee communicated to the Committee a draft declaration to be inserted in the report on Chapter XI.

ANNOUNCEMENT

(Few minutes following the Adjournment of Subcommittee I/2/E
on May 31, 1945)

THE CHAIRMAN: It is impossible to hold a meeting of Committee I/2/D now. This Committee will meet at six o'clock as scheduled.

Tomorrow at 10:30 there will be a meeting of the Full Committee to hear a report of Committee I/2/D on the Secretariat and in the afternoon at 3:30 or 6:00 o'clock, our subcommittee I/2/E will meet to continue the discussion on Chapter XI on the amendment. It is impossible now to say definitely what time our subcommittee will meet tomorrow, but delegates will be informed in due course.

ANNOUNCEMENT

(Few minutes following the Adjournment of Subcommittee I/2/E
on May 31, 1945)

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PROPOSED OUTLINE FOR DISCUSSION OF CHAPTER XI
(AMENDMENTS) BY COMMITTEE I/2

In order to expedite the consideration by Committee I/2 of Chapter XI, dealing with Amendments, it is suggested that the Committee proceed with its discussion according to the topical outline given below:

Topics Related to Amendments

Recommendations

Operation of Present Charter

Sponsoring Governments: The present Charter comes into effect after its ratification in accordance with their respective constitutional processes by the members of the Organization having permanent seats on the Security Council and by a majority of the other members of the Organization.

Normal Amending Procedure

Dumbarton Oaks Proposals: Adopted by two-thirds of members of General Assembly and ratifiedby members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.

Australia: Adopted by two-thirds majority of General Assembly, and confirmed by like majority at next session of the General Assembly; and concurred in on each occasion by at least three of the permanent members of the Security Council.

Brazil: Adopted by two-thirds of General Assembly, and ratified by two-thirds of countries represented on the Security Council and by two-thirds of all the members of the Organization.

Costa Rica: Suggests adoption of amendments by a majority of two-thirds of members.

Ecuador: Adopted, upon initiative of any member of Security Council, by two-thirds of members of General Assembly, and ratified by two-thirds of members.

Mexico: Adopted by two-thirds of members of General Assembly, and ratified by members of the Organization having semi-permanent membership on the Security Council.

Venezuela: Suggests that adoption of amendments by a majority of two-thirds of members would be preferable.

Special Amending Procedure

Sponsoring Powers: General Conference to be held at date and place to be fixed by three-fourths of the General Assembly with concurrence of Security Council voting in accordance with provisions of Chapter VI, Section C, 2, for purpose of reviewing Charter Alterations of Charter recommended by a two-thirds vote of the Conference to take effect when ratified by members of the Organization having permanent membership on Security Council and by a majority of the other members of the Organization.

Brazil: The General Assembly shall meet every five years with the object of revising the Charter, decisions being by a majority of two-thirds of the votes.

Canada: In the course of the tenth year.....a special Conference of the United Nations shall be convened to consider the general revision of the Charter

SPECIAL PROVISIONS

Norway: If the amendment concerns Chapter I (Purposes) or Chapter II (Principles) or Chapter VI, Section B, 2 (Rules of action for the Security Council) and has for effect to increase the obligations of a member state, such state, having voted against the amendment, may deposit a declaration, accompanied by reasons, not to be bound by such amendment.

Modifications Suggested to IV by M. Rolin.

- 1) Instead of "cooperate within the Organization for the preservation of international peace and security"

read "continue without interruption within the Organization the cooperation for the preservation ---" /u-

- 2) Instead of "for good and sufficient reasons"

read "on the ground of exceptional circumstances."

- 3) Insert between 1st and 2nd paragraphs the old phrase:

"It is obvious that withdrawal or some other form of the dissolution of the Organization would become inevitable if, deceiving the hopes of humanity the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice."

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

8th meeting 17/2/52 June 13 10:00.

Chair. - adj. next. This one to allow delay.
to consider prop. of U.S. with exp. Belg. delay.
no occasion for excl. of U.S.

Secy read US proposal -

Chair for benefit of those not here this am.
app. part of rep. sub by Com. to be approved
by Commission. IL part of rep. of Com.
2 statements

R #1 now → must be considered
to remain in seq.

As any who finds Ch. changed
without consent can be deprived of his
right to vote.

Conclude Secy: now reached in sub.
certain sec. in which could not be done.

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new & imp. of discuss 1 & pass 2 meeting -
& dis. could be in

Rep. Subcom. held at once & kept
rec. in this & take up at once in full
Comm.

Emador Succeeded.

Ch. Guffert: if take no action in relation
to this another imp. of cannot be
reported. Many members ^{had} want of
exp. put off.

Find up with every imp. of
exp. 2 of most imp. of before us -
neg. solution at once - 2 day delay.
Diff. of proceed. in sec. rep. of Canada.

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ON INTERNATIONAL ORGANIZATION

Polin - agree not finish work here - finish
~~Polin~~ today & report
Ecuador -

we cannot finish the work here -
moving out to Can. Exp. to Can. sooner
disposal of w/c - sooner rep. to D/C

Ch very busy. who argued should not
consider matter exp. - Es.

Ecuador - have to reach decision w/c
before exp - but not in sub - have
to be in Can - Can only see. give
thorough taking whole discussion over D/C

Ch ~~2~~ 

Polin 3rd prop.

misunderst. to reveal how tired we are.
Can. right - if cannot complete task - no
2nd sub.

Submit rep represent - day 7 days on

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ON INTERNATIONAL ORGANIZATION

His rep. should take cognizance of P.
not yet able to agree upon many far long
for retaining the - rep. to the in
form we agree now.

Several also cert. they w/c prod
would have the broadened. least
before us not yet raised - & considerably
further than in prop. earlier work.

would facilitate talk of them
if could agree: cognizance of
dept in temp of lines
& have feel on w/c

Const Apologize for how matter arose.

Some of us - endeavor to obtain
not 7 Const agreed without 5 -

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ON INTERNATIONAL ORGANIZATION

Any of Prime members - if sitting of
P be changed - must be clear such
Powers should have right to w/d.

Originally about in this way.

No decision - proceed tentatively

Then - those want any more feasible -
What about other Powers. They should
have right to w/d if can't be
diff or pos. - impossible.

In this document his possible
solution. Draw special attention
to it - good if such member would
be a prime member.

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ON INTERNATIONAL ORGANIZATION

Suppose wrote in "as if amendments to
Charter duly adopted under 187 P.O. draft
2/3 of Ass. voting or duly use by 2/3 vote
of Conf. ^{Conf.} would take effect ^{at once}
~~for failure~~ ~~ask for~~ are not amended in ^{any} ^{way}
not to go into Charter - ^{conclusion}
Require of vote - might be sanction -
Equally plus in other if voting were
changed.

Something of that character might be
means of solemnizing last part of
this Conf. (course. with it was a
peaceful settlement)

Those say may be think they will
be permanent. No. No. Same.

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ON INTERNATIONAL ORGANIZATION

7 wld by members might be one way
of protecting members. Last prob in
conf.

Looking for 7 w/c with change?
Ch - why not think w. failure to modify Cl.

Ch Raise pt. guard

instr. deleg. proposal indicates
adv. planning decision - subcom first

Canada w/c proposal - not debate key proposal
any longer.

Ch clear cannot come to agreement on
text today. Switz further discussion
for elimination

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ON INTERNATIONAL ORGANIZATION

Canada has wants to go into detail. Can. decy.
any ref. to it among them to go into ref.
would mean 3rd best procedure to
solve diff (rel-y veto p. to annex)
First solution cannot carry in letter as
veto implied
2nd: Cannot carry in the without ref to procedure.
Meaning implied
3rd: Solution now before us - emphasis on
ref to w/d
David likes to see of w/d enough to meet
in the or rep. David would to emphasize
essential clear. Ref. 15 2 -
by me to put ref to w/d in rep
Something along this line w. change
suff. Even already occurred.

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ON INTERNATIONAL ORGANIZATION

Two inspection of amendment. but
refusal of 5 P to allow amendment

on if ~~case~~ process - which it had
objected to see not amended
in course of time

or something like that.

US Agree. attends of no of day.
see too searching for answers.
Ask of for clarif.

to add: clear:

→ over note of H. X (2/3)
of area - Post v n. &
not to be regular of

~~And~~

Part in the inf. & perhaps C. Too

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ON INTERNATIONAL ORGANIZATION

US Sub. in Belg. reaction

Austr. Case came: case of many countries
desire to attain aimed. but fail by reason
of veto of GP

Belgium I-2 to meet tomorrow per. noting
to discuss if last is. beyond to meet in evening
Per. before us in pres. form could be
understood by Exalt & French satisfaction
tomorrow - could be dis. to be
Exph. that ~~camp~~ doc. dis. by. compromise

Propose: draft of his today

1st 9 on 2nd - 1st 10 3p 15

For n. h. p. c. to give way 24
b. C. 1. decide a ~~way~~ ^{place} for C
✓ on 1st 10 3p 15

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ON INTERNATIONAL ORGANIZATION

2. Cag. of del. of other deleg. to effect
they wish in these in other broader
terms than those ^{had} been in ^{commitment}
to the ^{could} ~~which~~ ^{would be} ~~admissible~~

3 - comm. day 4. of del. to be
inserted in rep.

Ch was there to try to come to dec. for
tom. afternoon. If maybe this
twilight just straight to come.

Used $\frac{1}{2}$ hr before ^{could} ~~be~~ ^{to} ~~the~~
agree.

Brazil run to get the done - 8-9 or 4
hrs - not so imp as to get work well
done - no doubt everyone trying
to agree. but have ~~not~~ ^{not} ~~yet~~ ^{back}

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ON INTERNATIONAL ORGANIZATION

reaching several weeks - better if have
another meeting of subcom^{tee} - cannot
do now - several drafts.

Delay another meet. of subcom.

U.S. most advisable course: accelerated
meeting to be before

Beard - not enough

Costs full meet.

U.S. ^{Chair} & Belg. matter has been discussed
in Com - also in Com - not in
terms of ref - (Costs in terms of ref)

If subcom can reach wide area
of agreement advance, but if
divided for days - will delay -
will still faced w. to remain sub

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ON INTERNATIONAL ORGANIZATION

no. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851.

Just before came - while how-
much to say. Will be moving forward.
Chr. Song 9 - Can En Belg.

the the before - as full up as can -

the book to be - it must be before -
hope they will feel and say -
new texts comprise ideas advanced
today.

Chd. Com Unit at 2.30 - have 1 hr
to consider prep.

Brail - Agnes on substantial matters in previous meetings. Sincerely desired to change method.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Confusion very recent. Urged abstaining
tomorrow - all things dis - headed to.
7 Dec. - Go back to orderly procedure.
Not sure fault if work not finished -
cancelled meetings. Decision tomorrow
to work.

the meet at 3-00 pm Tomorrow.

Come at 4.00

MEETING OF I/2/E (Amendments)

June 8, 10.30 a.m.

The U.S. Delegate thanked the Committee for having enabled the U.S. to consult the other sponsoring powers and France. He said he was only speaking for the U. S. After careful and prolonged study, it had been decided that it would have unfortunate results to fix the date now for a Conference to revise the Charter. To take such action would cast an air of uncertainty and impermanence upon the Charter. Any date chosen now might prove bad; it might be a time of high political tension or economic crisis. To be forced to undertake revision might be disastrous. The idea of setting a bracket of dates between which the Conference might be called--might be difficult to fix by majority of the Assembly. Also, if it were not decided to call a conference before the end of the period, the Conference would have to be convened at the end of the period, which amounts to fixing a date.

The U.S. delegate said his Delegation wished to leave the decision about calling the Conference to be made at time in the light of circumstances and by those men who would be grappling with the problem. He thought that the Conference here was not wise enough to set a date for the future and asked why the judgment today would be any better than of those coming after. He suggested that the method of calling the Conference should be as liberal and flexible as possible. The method suggested in the Four-Power amendment and recommended by Prime Minister Mackenzie King was already very liberal. It provides that whenever three-fourths of the members of the Assembly so agree, a special Conference should be called, subject to the approval of seven members of the Security Council. This provision does not even require all five permanent members to approve; in fact, it might result in calling a Conference when only one of the Five Powers approved. He stated that the Five Powers were willing to liberalize this provision still further, reducing the vote from three-fourths to two-thirds,

but that his Delegation did not wish to go beyond this. He said the United States and the other Four Powers had agreed that it was desirable to do everything within reason so as to assure having the General Assembly called whenever needed and desired. He hoped that Canada would be willing to accept this amendment with the proposed change. He added that he believed that if the general procedure was sufficiently liberal any further specification would act as a needless deterrent on the action of the General Assembly.

The Delegate of Ecuador on point of order suggested that there had been sufficient general discussion and that the Committee should now proceed to discuss four points; one, the vote procedure for calling a Constitutional Conference; two, the determination of the time limit for calling the Conference; three, the vote procedure in the Conference (which would include discussion on ratification); four, right of withdrawal based on the decision taken on point three.

The Chairman said that the Committee had followed the plan suggested by Mr. Mabane so far but that it might proceed along the lines indicated by Ecuador.

The Delegate of Brazil thought that the proposal of Mr. Mabane offered some advantage because if the time of the Constitutional Convention should be fixed now, the question of how to convene such a conference would not need to be discussed. She pointed out the necessity for having the point of the discussion ^{very}/clearly understood.

The Delegate of Ecuador said that his suggestion was only a revamp of Mr. Mabane's points and said that the decision on fixing the date had no affect on the determination of voting procedure. In case it became necessary to call a conference before the date limit, a two-thirds vote might be sufficient but this would need decision.

The Chairman recommended taking a vote on the proposal of Ecuador.

The Delegate of Brazil said she was not insistent on the order. She said, however, that the difficulty is the question of convocation dependent on time and asked for clarification on all points before trying to reach a decision.

The Delegate of the United States remarked that the Ecuadoran proposal was based on a question which was a general basic issue and if that were settled the Committee might proceed to discuss the time.

The Committee voted on the Ecuadoran proposal to fix the order of discussion and it was approved by a vote of ten.

The Chairman then remarked that the discussion of the voting procedure for calling a Conference would be opened.

The Delegate of Canada on a point of order said that he was willing to vote for two-thirds on the assumption that it would not affect the question of whether there should be periodic conferences or a specified time.

The Delegate of Brazil also asked the United States for a statement concerning conditions. She remarked that there had

been no reference to the Brazilian amendment. In answer to the United States's remarks at the opening of the meeting she said that the argument that a fixed date for a conference may turn out to be the wrong time, she had the impression that everything in the world is done at the wrong time and it would be quite possible to have the Conference called at a wrong time. As far as the remark that there was no reason to think the judgment of this Committee better than that of a future committee, she retorted that there was no reason to think that this Committee is worse; more important than the date and the world situation at that time was a condition of mutual respect and trust. She asked the United States under what circumstances the Conference should be called.

The United States delegate replied that any action taken by the Committee on the two-thirds or three-fourths question would be without prejudice to the next question on the time or area within which a Conference might be called. She also made clear the position of the United States which is that if a

flexible provision is made for the General Assembly to call a revisionary convention, then no time for such convention should be specified. He thought that the proposal for a two-thirds of the General Assembly which meets every year and which could, therefore, act in any year, clearly established flexibility of action; further, the requirement of only seven votes of the Security Council is the least number of votes that the Security Council can take in any important action. The United States felt that the calling of the convention was very important but they had put the least possible vote as far as the Assembly and the Security Council were concerned. His Delegation felt it important that it be possible to call such convention at any time by such a vote. Unless that many want it, it is important not to have it. He spoke of the special interests that the millions of men in the armed services have in this Organization. They have had no opportunity to participate in public discussion. It was to be hoped that before long all wars would be ended and these

millions returning to civil life will study the Organization while it is gaining experience. He appealed to the Committee to provide for an arrangement which would allow the Organization to function year after year and have the advantage of experience and public discussion. He urged that the Committee approve the new decision of the Five Powers requiring only two-thirds of the General Assembly in addition to seven members of the Security Council.

The Delegate of Canada said that as he understood the proposal, the United States was liberalizing in one sense the calling of the Conference; however, from the point of view of the Canadian proposal, it did not liberalize their proposal since they had only asked for assembly approval and had not included approval of the Council. He said he was willing to accept the United States proposal of two-thirds of the Assembly plus seven members of the Security Council for the calling of a Constitutional Convention of any kind.

The Delegate of Brazil, replying to Mr. Stassen, said that she entirely agreed that revision of the Charter should be as liberal as possible but pointed out that the Brazilian amendment allowed for still more flexibility since it called for only two-thirds of the General Assembly. She hoped that the Five Powers would reconsider their proposal and she emphasized again the need for mutual trust and confidence. She said that members knew that the main difficulty in the Conference here is that the Organization is based on an aristocracy of the Five Powers and that those Powers had been responsible for the winning of the war. She reminded them of the phrase of the Prime Minister of Great Britain that in victory one had to be magnanimous and she appealed to the Five for magnanimity. She asked the Big Five to think over the arguments and make the best offer based on mutual trust-- mutual trust and flexibility are needed in the Charter.

The Delegate of the United States said he appreciated the frankness of Brazil and would like to make a further

statement when the Committee discussed point four.

The Chairman took a vote on whether the Committee approved providing for two-thirds majority of the Assembly in calling a conference rather than three-fourths. The Committee approved the two-thirds majority by a unanimous vote. Discussion was then opened on the time of constitutional conferences.

The Delegate of Canada referred to the Canadian proposal that a Constitutional Conference be called not earlier than seven nor later than ten years. The United States had said that such a proposal would introduce an air of uncertainty into the life of the Organization. He thought there might be something in this but not much and that public opinion would be in favor of the Canadian proposal; furthermore, if the United States's argument were valid, it would apply more to the Four-Power amendment which provided for periodic conferences and which would, therefore, give a greater element of uncertainty. He thought there would be no feeling of uncertainty since in a given period the Charter could be revised in the light of

of experience, whereas periodic conferences would provide too fluid a Charter. He also suggested that it would be undesirable to have a single date set but it would be better to provide some latitude and the Canadian proposal would allow for a three-year period (seven to ten years). He thought that it would be easier to gain acceptance and public approval of the Charter if the Canadian amendment were accepted, particularly in view of the fact that the amending process provided for in the Charter is so rigid.

The Delegate of Norway said that he was not in favor of a specific date or even a proposal such as Canada's. He said that he was aware that the Charter would not be perfect but there were other means of improving the system. First of all, there were special amendments provided for. More important, the Organization will prove to be of benefit in the world according to the spirit in which it is practiced. According to the way the organs function will its worth be proved. Even

though there might be good clauses in the Charter, if the spirit were not there and the unanimity of the Big Powers in there, the clauses would mean little. The greatest effort would be required in the support of this Charter and it would be necessary to bring the forces of collaboration and mutual trust in support of the Organization's purposes. He thought it better not to fix a date for a revisionary convention.

The Delegate of Mexico agreed with the Canadian delegate and remarked that the proposal of the seven to ten-year period would remove the danger of pressure for revision in the first or second years.

The Delegate of the United Kingdom said that the appeal of Brazil for magnanimity deserved attention; however, he thought it ill-founded since it was based on the assumption that the Five Powers had interest different from the other Powers. This is not so since all are anxious to produce an

effective and powerful Organization in order to enable the peace of the world to be maintained. At Dumbarton Oaks anxious thought was given to find the means for creating an effective Organization which would gain confidence and not become rigid. The reasons for the United Kingdom approval of the amendment had been explained by the United States and by Norway. He said that the over-riding consideration, if the Organization is to be of any use, will have to be the establishing of the Organization at an early date so that it can acquire confidence. If it made a bad start it would never recover. He feared that if there were inserted in the Charter any provision which directed the attention of members in the early years to questions of alteration and reshaping, it would divert attention from the important question of making the Organization work and work quickly.

The Delegate of Brazil said that it would be impossible to avoid providing for revision at a fixed time; that it was human nature to put off action until the last moment and that

the final date for the Conference would undoubtedly be the last possible date; in other words, the tenth year. She said that the Charter was being made under difficult circumstances and no one felt that it was perfect; it would either have to be very good or it would need revision. If there were not provision in the Charter for a fixed time for the convention, the question would be raised at every meeting of the Assembly. To the United Kingdom she pointed out that the interests of the smaller countries were not different from those of the Five Powers but on the other hand, it was not a hundred per cent coincidence of interests. In Chapter II, the Charter recognizes the sovereignty of states but all members on joining this Organization will abdicate a certain amount of their autonomy.

The Delegate of Brazil continued that if the Charter is good, revision at the Conference would be small, while if it is not good, considerable revision would have to be made. She pointed out that every living organism must grow and that

the Charter must have opportunity for growth. She referred to the Brazilian amendment which provided for a five-year period which she thought was a safe period. By the end of five years the Organization would be stronger and she thought the public would be willing to wait that long. a time for revision and would not look so carefully for defects; therefore, the Organization might work better. She added that if nations must go into an Organization of which they did not entirely approve, they would be concerned with the possibility of withdrawal.

The Delegate of Belgium pointed out that there were three proposals before the Committee: The Four-Power amendment which provided for a conference at an unspecified time, the date to be fixed by the Assembly and the Security Council; two, the Brazilian amendment which provided for five years, and the Canadian providing for five to seven years. He thought the Committee should now proceed to vote on these

questions. As far as his own Delegation was concerned, they preferred the Canadian proposal. He said that they did not follow the reasoning of the Sponsoring Powers. He reminded the Committee that the United Kingdom delegate had said there would be no agitation for revision during the early years but if the question of the Conference were left open, the Belgium Government during the first year would suggest revisions since there was considerable hostility to certain proposals which they regarded as dangerous and unjust. If the Sponsoring Powers wish to give time for his country and others to come down, they should give public opinion a certainty that revision will take place at a specified time. He agreed that they should not impose upon the General Assembly any one specified year but should allow some latitude. He favored the Canadian proposal.

The Delegate of the U.S.S.R. thought that the argument that if no definite term is provided in the Charter there would be agitation from the first day the Charter goes into effect

for revision as a mere supposition. The Organization can be judged only by results. If it is successful, why would public opinion react against the Charter. It can not now be determined what public opinion will be and it is merely a theoretical argument. He said that he thought a definite period was unnecessary and he shared the views of the United States delegate. He went on to say that it was impossible to predict world events and to determine what the situation would be in two or three or seven or ten years and he asked that the Conference not bind the hands of the Organization by specific revisions--this would be asking them to work within an unjustifiably rigid framework. If the Organization is to be successful, no change will be necessary at first. If the situation requires change, there is provision in the Four-Power amendment for two-thirds of the Assembly and seven members of the Security Council to decide to call a convention. He said he could not agree with the Mexican position that unless a definite term is set for the Conference, there would be agitation for change in

the first or second year. He also added that if a definite term were set and the Assembly voted 50--50 for such convention, there could not be a convention and there would be a contradiction in the Charter itself. In order to maintain flexibility it was necessary to leave the decision to the Organization itself. He concluded by saying that the U.S.S.R. supported the United States's position and insisted that it was unnecessary to fix any specific date for the Convention.

The Delegate of Brazil said that she was willing to make a joint proposal with Canada providing for a five to ten-year period.

The Canadian delegate replied that he was willing to amend his proposal to read five to ten years instead of seven to ten and he thought that this might make a greater appeal to the Sponsoring Powers since it provided a more flexible procedure.

The United States delegate said that the proposal of

Canada and Brazil was an undemocratic infringement on the General Assembly in the Security Council since it would mean that they could not hold a conference before five years, that it must be between the fifth and tenth year and none after the tenth. He pointed out that in the Sponsoring Powers' amendment, there was no procedure for periodic review. The next Conference would be held at any time two-thirds of the Assembly and any seven of the Council decided; that at that Conference the conditions of the next one would be decided.

The Brazilian delegate answered that this was not an undemocratic infringement but a guarantee of flexibility.

A vote was taken to recommend to Committee I/2 the Canadian-Brazilian proposal. It was approved by a vote of nine to six.

MEETING OF I/2/E (Amendments)

June 8, 10.30 a.m.

The U.S. Delegate thanked the Committee for having enabled the U.S. to consult the other sponsoring powers and France. He said he was only speaking for the U. S. After careful and prolonged study, it had been decided that it would have unfortunate results to fix the date now for a Conference to revise the Charter. To take such action would cast an air of uncertainty and impermanence upon the Charter. Any date chosen now might prove bad; it might be a time of high political tension or economic crisis. To be forced to undertake revision might be disastrous. The idea of setting a bracket of dates between which the Conference might be called--might be difficult to fix by majority of the Assembly. Also, if it were not decided to call a conference before the end of the period, the Conference would have to be convened at the end of the period, which amounts to fixing a date.

The U.S. delegate said his Delegation wished to leave the decision about calling the Conference to be made at time in the light of circumstances and by those men who would be grappling with the problem. He thought that the Conference here was not wise enough to set a date for the future and asked why the judgment today would be any better than of those coming after. He suggested that the method of calling the Conference should be as liberal and flexible as possible. The method suggested in the Four-Power amendment and recommended by Prime Minister Mackenzie King was already very liberal. It provides that whenever three-fourths of the members of the Assembly so agree, a special Conference should be called, subject to the approval of seven members of the Security Council. This provision does not even require all five permanent members to approve; in fact, it might result in calling a Conference when only one of the Five Powers approved. He stated that the Five Powers were willing to liberalize this provision still further, reducing the vote from three-fourths to two-thirds,

but that his Delegation did not wish to go beyond this. He said the United States and the other Four Powers had agreed that it was desirous to do everything within reason so as to assure having the General Assembly called whenever needed and desired. He hoped that Canada would be willing to accept this amendment with the proposed change. He added that he believed that if the general procedure was sufficiently liberal any further specification would act as a needless deterrent on the action of the General Assembly.

The Delegate of Ecuador on point of order suggested that there had been sufficient general discussion and that the Committee should now proceed to discuss four points; one, the vote procedure for calling a Constitutional Conference; two, the determination of the time limit for calling the Conference; three, the vote procedure in the Conference (which would include discussion on ratification); four, right of withdrawal based on the decision taken on point three.

The Chairman said that the Committee had followed the plan suggested by Mr. Mabane so far but that it might proceed along the lines indicated by Ecuador.

The Delegate of Brazil thought that the proposal of Mr. Mabane offered some advantage because if the time of the Constitutional Convention should be fixed now, the question of how to convene such a conference would not need to be discussed. She pointed out the necessity for having the point of the discussion ^{very}/clearly understood.

The Delegate of Ecuador said that his suggestion was only a revamp of Mr. Mabane's points and said that the decision on fixing the date had no affect on the determination of voting procedure. In case it became necessary to call a conference before the date limit, a two-thirds vote might be sufficient but this would need decision.

The Chairman recommended taking a vote on the proposal of Ecuador.

The Delegate of Brazil said she was not insistent on the order. She said, however, that the difficulty is the question of convocation dependent on time and asked for clarification on all points before trying to reach a decision.

The Delegate of the United States remarked that the Ecuadoran proposal was based on a question which was a general basic issue and if that were settled the Committee might proceed to discuss the time.

The Committee voted on the Ecuadoran proposal to fix the order of discussion and it was approved by a vote of ten.

The Chairman then remarked that the discussion of the voting procedure for calling a Conference would be opened.

The Delegate of Canada on a point of order said that he was willing to vote for two-thirds on the assumption that it would not affect the question of whether there should be periodic conferences or a specified time.

The Delegate of Brazil also asked the United States for a statement concerning conditions. She remarked that there had

been no reference to the Brazilian amendment. In answer to the United States's remarks at the opening of the meeting she said that the argument that a fixed date for a conference may turn out to be the wrong time, she had the impression that everything in the world is done at the wrong time and it would be quite possible to have the Conference called at a wrong time. As far as the remark that there was no reason to think the judgment of this Committee better than that of a future committee, she retorted that there was no reason to think that this Committee is worse; more important than the date and the world situation at that time was a condition of mutual respect and trust. She asked the United States under what circumstances the Conference should be called.

The United States delegate replied that any action taken by the Committee on the two-thirds or three-fourths question would be without prejudice to the next question on the time or area within which a conference might be called. She also made clear the position of the United States which is that if a

flexible provision is made for the General Assembly to call a revisionary convention, then no time for such convention should be specified. He thought that the proposal for a two-thirds of the General Assembly which meets every year and which could, therefore, act in any year, clearly established flexibility of action; further, the requirement of only seven votes of the Security Council is the least number of votes that the Security Council can take in any important action. The United States felt that the calling of the convention was very important but they had put the least possible vote as far as the Assembly and the Security Council were concerned. His Delegation felt it important that it be possible to call such convention at any time by such a vote. Unless that many want it, it is important not to have it. He spoke of the special interests that the millions of men in the armed services have in this Organization. They have had no opportunity to participate in public discussion. It was to be hoped that before long all wars would be ended and these

millions returning to civil life will study the Organization while it is gaining experience. He appealed to the Committee to provide for an arrangement which would allow the Organization to function year after year and have the advantage of experience and public discussion. He urged that the Committee approve the new decision of the Five Powers requiring only two-thirds of the General Assembly in addition to seven members of the Security Council.

The Delegate of Canada said that as he understood the proposal, the United States was liberalizing in one sense the calling of the Conference; however, from the point of view of the Canadian proposal, it did not liberalize their proposal since they had only asked for assembly approval and had not included approval of the Council. He said he was willing to accept the United States proposal of two-thirds of the Assembly plus seven members of the Security Council for the calling of a Constitutional Convention of any kind.

The Delegate of Brazil, replying to Mr. Stassen, said that she entirely agreed that revision of the Charter should be as liberal as possible but pointed out that the Brazilian amendment allowed for still more flexibility since it called for only two-thirds of the General Assembly. She hoped that the Five Powers would reconsider their proposal and she emphasized again the need for mutual trust and confidence. She said that members knew that the main difficulty in the Conference here is that the Organization is based on an aristocracy of the Five Powers and that those Powers had been responsible for the winning of the war. She reminded them of the phrase of the Prime Minister of Great Britain that in victory one had to be magnanimous and she appealed to the Five for magnanimity. She asked the Big Five to think over the arguments and make the best offer based on mutual trust-- mutual trust and flexibility are needed in the Charter.

The Delegate of the United States said he appreciated the frankness of Brazil and would like to make a further

statement when the Committee discussed point four.

The Chairman took a vote on whether the Committee approved providing for two-thirds majority of the Assembly in calling a conference rather than three-fourths. The Committee approved the two-thirds majority by a unanimous vote. Discussion was then opened on the time of constitutional conferences.

The Delegate of Canada referred to the Canadian proposal that a Constitutional Conference be called not earlier than seven nor later than ten years. The United States had said that such a proposal would introduce an air of uncertainty into the life of the Organization. He thought there might be something in this but not much and that public opinion would be in favor of the Canadian proposal; furthermore, if the United States's argument were valid, it would apply more to the Four-Power amendment which provided for periodic conferences and which would, therefore, give a greater element of uncertainty. He thought there would be no feeling of uncertainty since in a given period the Charter could be revised in the light of

of experience, whereas periodic conferences would provide too fluid a Charter. He also suggested that it would be undesirable to have a single date set but it would be better to provide some latitude and the Canadian proposal would allow for a three-year period (seven to ten years). He thought that it would be easier to gain acceptance and public approval of the Charter if the Canadian amendment were accepted, particularly in view of the fact that the amending process provided for in the Charter is so rigid.

The Delegate of Norway said that he was not in favor of a specific date or even a proposal such as Canada's. He said that he was aware that the Charter would not be perfect but there were other means of improving the system. First of all, there were special amendments provided for. More important, the Organization will prove to be of benefit in the world according to the spirit in which it is practiced. According to the way the organs function will its worth be proved. Even

though there might be good clauses in the Charter, if the spirit were not there and the unanimity of the Big Powers in there, the clauses would mean little. The greatest effort would be required in the support of this Charter and it would be necessary to bring the forces of collaboration and mutual trust in support of the Organization's purposes. He thought it better not to fix a date for a revisionary convention.

The Delegate of Mexico agreed with the Canadian delegate and remarked that the proposal of the seven to ten-year period would remove the danger of pressure for revision in the first or second years.

The Delegate of the United Kingdom said that the appeal of Brazil for magnanimity deserved attention; however, he thought it ill-founded since it was based on the assumption that the Five Powers had interest different from the other Powers. This is not so since all are anxious to produce an

effective and powerful Organization in order to enable the peace of the world to be maintained. At Dumbarton Oaks anxious thought was given to find the means for creating an effective Organization which would gain confidence and not become rigid. The reasons for the United Kingdom approval of the amendment had been explained by the United States and by Norway. He said that the over-riding consideration, if the Organization is to be of any use, will have to be the establishing of the Organization at an early date so that it can acquire confidence. If it made a bad start it would never recover. He feared that if there were inserted in the Charter any provision which directed the attention of members in the early years to questions of alteration and reshaping, it would divert attention from the important question of making the Organization work and work quickly.

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