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In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations stated in the Charter; and (2) limitations within which the Organization should exercise discretion in the admission of new members. The discussion on these problems centered about the adequacy and elasticity of the formula for membership. It was the unanimous opinion of the Committee that unqualified adherence to the Principles and assumption of obligations were essential to membership in the Organization.

Exponents of the view that the Charter should not unduly restrict the Organization in deciding on applications for admission argued that the Organization itself would be best qualified to judge the fitness of applicants for membership. Those in favor of mentioning in the Charter particular standards for membership concerning forms and policies of governments stressed the need for the members already participating to be assured that new members would be able and ready to meet their obligations under the Charter and would not pursue policies contrary to the principles of the Organization. It was the sense of the Committee that the Organization should be empowered to admit new members within limits indicated by the term "peace-loving" and permitting the Organization wide discretion to judge the fitness of applicants to carry out their obligations under the Charter.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, had been re^{tained}.

The expression is far from being inadequate, it reflected very well the ideal which animates the founders of the Charter and it even indicates the tendency towards universality.

But it was not enough to declare that a State was a peace-loving State. What nation has ever proclaimed contrary sentiments? It was necessary also to prove two things: that one is ready to accept and fulfil the obligations of the Charter, and furthermore that one is in a position to accept and fulfil them.

That is to say clearly that the admission of a new member would be subject to examination. But the Committee had not believed it necessary to ennumerate what factors would be considered in that examination. Sight had not been lost of the difficulties which must be taken into account in judging the political institutions of states and it was feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This did not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind could be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate declared that neutrality was inconsistent with membership.

This is what paragraph 2 in question implies, since a neutral state, if it is consistent, will not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.

It was pointed out to the Committee that Chapter III of the Dumbarton Oaks Proposals referred to membership of states. This reference, it was explained, might exclude from membership those nations participating in the Conference which had not yet achieved full statehood. The Committee felt that all nations participating in this Conference should be included as initial members of the Organization.

Paragraph 1 of the proposed text of Chapter III, it seems to us, should calm the apprehension of certain nations which participated in our work and which were not precisely States, but it will be noted that in the second paragraph mention of the word "State" did not satisfy those which foresee the future incorporation of other communities.

With respect to the distinction between original and subsequent members, the Committee decided to prevent any stigma arising out of this unavoidable distinction. However, in order to indicate that the nations participating in the Conference would be signatories to the Charter and that new members would subscribe to the principles and obligations of the Organization by a different method, it was agreed that paragraph 1 of the proposed Chapter III would include the word initial and read as follows: "The initial members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Chapter , Article .

To conclude our comments on Chapter II, we shall say that these provisions become more flexible. They express more clearly than in the original text of Dumbarton Oaks the desire of the

nations here assembled, and they close the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, has no juridical sense.

Withdrawal, Expulsion and Suspension.

The problems of withdrawal, expulsion and suspension led to the examination of the following questions:

1. Whether a member state can become a non-member, either by voluntary or imposed action.
2. Whether the concept of suspension can be adequately applied to serve the purposes intended to result from expulsion.

With regard to provision for withdrawal, it was argued that this concept would not only impair eventual universal membership but would also give recalcitrant members the opportunity both to menace the Organization and to avoid obligations by leaving the Organization. Furthermore, if a provision for withdrawal were included in the Charter, the act of withdrawal by any state would indicate either that the state intended to act in contravention to the principles of the Organization, or that the state felt that the Organization was not fulfilling the purpose for which it was created. Prohibition against withdrawal would make it necessary to provide for sanctions against members which attempted to withdraw, and such a provision in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.

The omission of any reference to withdrawal in the Dumbarton Oaks Proposal was recognized as deliberate on the part of the sponsoring governments. Some delegates cited the omission as evidence that the sponsoring governments opposed a provision for withdrawal, while others interpreted the purpose of this omission to be to permit the Organization to consider in the light of circumstances then existing any case of proposed withdrawal which might arise.

The subcommittee reported to the Committee on May 23, that no reference to withdrawal should be inserted in the Charter. The views of the subcommittee, in which the Committee concurred, were contained in the following statement:

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfil its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawal or some other form of 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. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

On this question of withdrawal, we should limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee did not have a definite solution to the divergent views which could arise on that point. That interpretation did not have any juridical weight and could never serve except to support an argument, the question not

having been settled by the wording of the Charter.

The question of expulsion and suspension evoked an extended exchange of views. A special subcommittee first studied the question of expulsion and suspension. On May 25, the subcommittee recommended that reference to expulsion be omitted from the Charter. The subcommittee also recommended that, if Committee I/2 sustained the view of the majority of the subcommittee on expulsion, then the Committee should change the draft of paragraph 3, Section B, Chapter V concerning suspension along the following lines:

"The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para ..."

This concept of suspension was considered sufficiently flexible to achieve the purposes that might be accomplished by expulsion. It was explained that suspension, which was tantamount to temporary expulsion, would avoid the undesirable features of expulsion.

When the matter was brought before the whole Committee, those in favor of omitting any reference to expulsion from the Charter argued that expulsion would be inconsistent with the concept of universality, which assumes the eventual membership in the Organization of all states; would release a member from its obligations under the Charter; would place the expelled state beyond law and therefore require member states to

take acts of war, instead of police action, against that state; might endanger the Organization more than the state concerned; would provide a nucleus of opposition to the Organization, around which other dissatisfied would collect; would cause member states to break diplomatic and other relations with the expelled state; would obstruct reconciliation between the Organization and any expelled state; and might prove less drastic in effect than suspension. Among the numerous arguments which had been presented in favor of omitting reference in the Charter to expulsion the one which appeared to have had the most weight was that suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligation, as expulsion would.

The supporters of expulsion explained that peace and security, not universality, was the aim of the Organization; expulsion would only apply to virtually incorrigible member states which persistently or gravely violated the principles of the Charter; with regard to such states, it was necessary to make absolutely clear what attitude the Organization would assume towards them; retention of membership under suspension might inhibit the Organization from acting drastically enough against such states; absence of the power of expulsion might allow a member state to act in collusion with a non-member state in obstructing the Organization and its purposes; the Organization would be capable of applying expulsion judiciously; expulsion would not release the expelled state from the obligations specified for non-members; and expelled states might be readmitted to the Organization.

The subcommittee, in discussing suspension, had felt that a Norwegian amendment providing for the suspension of rights

and privileges of members failing to pay their financial contributions was too severe and preferred the Netherlands amendment. On this matter the Norwegian delegate stated his willingness to withdraw the Norwegian amendment if the Netherlands amendment were brought officially to the attention of the competent technical committee of the Conference.

At its meeting on May 25, Committee I/2 voted 19 to 16, in favor of including a provision for expulsion in the Charter; this proposition was not sustained because it did not receive a two-thirds majority.

The Committee then voted on the proposed revision of paragraph 3, Section B, Chapter V concerning suspension. This proposal was almost unanimously adopted by the Committee.

Paragraph 3 is the text of Chapter V which has been transposed to Chapter III after having been amended.

At the outset, a statement of procedure has been avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend **" have been replaced by the words "the Organization shall at any moment have power to suspend **"

Then, it has been considered useful to add the words "or which have violated the principles of the Charter in a serious and persistent manner". The above constitutes a more precise wording of the text and needs no further comment.

As for suspension, the restoration of rights and privileges has been left to the consideration of another Commission.

Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to

bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion. We are ready to recognize that we may not have been able in every case to take into account the views expressed; also we beg our colleagues, whose ideas have not been translated with the complete accuracy that they would have the right to expect, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.