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VERBATIM MINUTES OF MEETING OF SUBCOMMITTEE 1/2/6
Veterans Building, Room 314, May 29, 1945, 2:45 P.M.

DELEGATE OF THE UNITED STATES: Gentlemen, we have no chairman, no vice-chairman. We have no one else who can take the chair at this moment, the officers of the Secretariat and other members of the Committee are very, very occupied. We have a problem here to get through with if we can. We are wasting time. Might I informally suggest then that if ~~the~~ it meets with your concurrence, we ask someone of ourselves to sit in the Chair and keep order among us while we are discussing this matter. We need perhaps take no decisions. That isn't the point anyway. We can proceed as well as we can in the hope that the Chairman will arrive; for that purpose, I will pass Mr. Pierson, because in my opinion, he will have to speak a lot from the floor, the Greek delegate is between, and then we will have the advantage of two moderators and suggest, therefore, that Mr. _____ of Norway take the Chair as a matter of convenience to the rest of us so we can proceed to take the matter in hand.

DELEGATE OF NORWAY: (ACTING AS CHAIRMAN) I thank you very much and I think we should start right away. We have a new document from our Chairman, which the Secretary will give a little explanation on.

SECRETARY: I just want to explain that the Chairman kindly got this up for us and sent it down to us this morning and

we had it typed up in French, very quickly, and there might be a number of mistakes as there was no time to check on it.

ACTING CHAIRMAN: Fellow delegates, we have, as far as I can understand here, two ways to go. One way to start with the amendment by the four Sponsoring Powers, and the other thing, which might possibly save time, would be to start by discussing the Canadian Amendment, point by point, and if the Canadian amendments do not meet without approval, we can go back to that of the four Sponsoring Powers' amendment. If that meets with your approval, we will start with that right away. (None)

If no objection, we will start on the Canadian proposal and I recognize Ambassador Pierson who will explain the Canadian proposal.

DELEGATE FROM CANADA (MR. PIERSON): I will try, Mr. Chairman, to explain. I think the only advantage as you say in starting with our draft is it does include those of the New Zealand delegate and of the four Sponsoring Powers, plus one or two of our own. If you like, I can go through it sentence by sentence.

Paragraph 4. First sentence--merely reproduces it in slightly different form. The second sentence is based on the New Zealand amendment--the last two lines of their paragraph 4. Changed slightly to include details such as any public rules or regulations and not to be subject to

their own country or anyone else. In including a sentence on the New Zealand amendment, we put it in there because we thought that a statement of this kind was important enough to include in the charter. I quite realize that in many organizations, statements of this kind would be left to rules and regulations. In fact, this sentence of ours was taken almost verbatim from the old League Staff regulation, but with our experience and with this experience of the League, it was resolved and our judgment that it would be useful for them for for us to have these staff regulations included in the Charter.

It would strengthen the hand of the Secretary we thought in the future if they could refer to a sentence of this kind.

Then the third sentence is really taken from the Four Powers' amendment, plus the New Zealand amendment, but there is one slight difference. It is not so slight. You will notice in the Sponsoring Powers' amendment the last sentence reads:

"The members should undertake fully to respect the international character of the responsibilities of the Secretariat and not to seek to influence any of their nationals in the discharge of such responsibilities."

We go a little further than that--we shall say to take this responsibility and not to seek to influence them

whether their own nationals or not. The obligation is a little wider. Not to interfere with his own nationals--we thought that widening might be helpful.

ACTING CHAIRMAN: We will take four first and discuss that.

Mr. Chairman is here now, so I think we can leave the Chair for him and I hope he will stick to my rules.

CHAIRMAN: Recognized the Delegate from the United States.

DELEGATE FROM THE UNITED STATES: Mr. Chairman, on the whole, I wish to make two comments first. Let us try, and this would be my thought, to make it as brief and inclusive as to what we agree should be in there. It would mean use the ^{shortest} ~~simplest~~ wording. A simple drafting problem. On the second, let us not load it with details which are entirely discriminatory, etc., Let us put the main factors forward, the main restrictions. Consequently, on the first sentence of the three of the paragraph we are discussing. We have a simple drafting problem--whether the "other personnel of the United Nations" is what we want to say or "secretariat staff". No issue of policy is involved there.

On the second sentence--that was in the League and think even without discussing should be in there with reference to the staff and this much is not all that should be said. I would leave that to staff regulations. It is fundamentally of spelling out what comes later in the

whole of this thing. In the ~~int~~ undertaking of the international secretariat, we, of course, have the broadening which is conveyed in the amendment. If there is any risk that a nation will seek to influence those on the staff, then I think we should accept this amendment.

That would mean the first sentence leaves no problem. It is a drafting detail. The second left to staff regulation and ^{third} sentence should be accepted.

THE CHAIRMAN: I would like to explain that this document which was distributed to members of the Committee was prepared by me this morning in order to facilitate the work of the Committee. I have retained in it the complete text of all the proposals made by the delegation.

I see we have taken up the Canadian discussion of four and not that of the Sponsoring Powers.

THE DELEGATE FROM CANADA: I might say if we have done that, it is merely that our amendment is a little wider than the others and includes the ideas of the New Zealand amendment, and, therefore, thought it might be more inclusive. The Delegate of the United States has accepted the text with modifications. I think the difference is now --the difference in the text between the United States and ours is reduced to the second sentence. The first sentence might be a matter of drafting and possibly that of the Sponsoring Powers^{is} the better wording. As to the third sentence, the United States

delegation accepts our modification and, therefore, as far as those two delegations are concerned, the difference is only on the second sentence.

THE CHAIRMAN: Could the delegate of the United States hand to the Chairman the amendments which he suggests in written form?

THE DELEGATE FROM THE UNITED STATES: There is no motion. We were simply discussing this paragraph 4. The American position would be merely that the second sentence be left out. That the first sentence should be adjusted through drafting to make it more concise. That's all.

MR. CHAIRMAN: Do we accept the suggestion of the delegate of the United States?

THE DELEGATE FROM CANADA: I didn't mention why we put in the second sentence. That seems to be one point of difference. I don't want to be a member of the delegation who insists on cluttering up. I am the last person to want details which cannot be justified. It was put in for two reasons. First, do not think that the Chapter devoted to the Secretariat is even more detailed with our amendments or out of line in volume with the importance of this section of the Secretariat, but we don't feel that even with these paragraphs as they are would be overloading the Secretariat which is one of the principal agents; secondly, this is quite true--it is normally a subject that would be

dealt with in great detail and second it would be of assistance to the Assembly to have this statement of principle and we are confirmed in that view by the experience of those who have worked in international organization in the past, so we would rather like to have left that in. I think it might be shortened of its present wording. I think it better to take out the words "include any pronouncement" and take out the words, "in their own countries or elsewhere" and merely state, (quoted with those changes). That is the idea imposed in the New Zealand amendment and with all respect, we feel that the inclusion of a few words of that kind may be of help to the organization and to the secretary in the future and not result in the inclusion of details in the charter which should be left to regulations entirely.

THE DELEGATE FROM THE UNITED STATES: I am going to take a step which Mr. Pearson will enjoy, but I am going to make it contingent upon the very full feeling of other members of the Committee that it would be a good thing to do. I think Mr. Pearson has helpfully made the point of trying to cut out what is not pertinent and to favor and leave it in the broad and the principle is one which anyone can accept. Reading, then it would go: (read text) No objection in principle. Consequently, in order to speed matters up, if agreeable to the others, it will be agreeable to me.

THE CHAIRMAN: At present, I think we have a right to keep the text from the universal point of view as it is with only one amendment. The text now reads: (read text) Are you all agreed to this new text? ---Universally adopted.

INTERPRETER (FRENCH): The Chairman says that the amendment of the American delegation is very similar to the one from the New Zealand delegation. The amendment of the Canadian delegation sticks to the question, but since it has already been discussed, we could proceed to a vote. Shall we read each sentence and approve it without discussion? Do you want to study any question?

DELEGATE FROM CANADA: Mr. Chairman, I will be glad to approve or disapprove as quickly as possible, but I feel in reading over this paragraph we can or could shorten it. There is a repetition in the first sentence and in the last sentence. The first and last could be made into one and shorten the paragraph and in that case the first sentence would or might read:

"Appointment and conditions of service of the personnel of the Organization shall be such as to permit in the selection of it, due regard shall be paid to the importance of" , etc.,

that would be one sentence if desired to retain that idea.

THE CHAIRMAN: It is only a question of drafting and this can be taken care of by the Drafting Committee. I would like the delegates to approve the principles of the amendment.

DELEGATE FROM THE UNITED STATES: I have no objection to the principle we are considering and the words read by the delegate of Canada. I do feel the second sentence should not be there. We are misled into it by the thing reserved in what we have so far approved. I fear we are discussing the Secretariat, which may mean the same thing and in fact can be, but we should further remember I feel that the court will require it.... the military staff will have to be geared to a different kind of basis of selection perhaps; at least, have specialist qualifications which are not typical of the whole staff and for that reason we are binding ourselves too highly by being too broad, paradoxically; consequently, the thing we reserve in the second sentence of paragraph 4 is here, too.

This applies particularly now in a substantive way. There is nothing particularly gained by it. We are merely running the risk of throwing rigidity into the system that none of us want and may hamper the results of the Secretary-General through having his personnel under rules established for the General Assembly. I think we can rely upon the Secretariat and the General Assembly to take care of that. The third sentence of open ~~equality~~ equality I mention with great hesitation. I don't want any argument on this. If we have this thing anywhere, it is in a broader sense than here. Here is where it belongs. At Dumbarton Oaks, we thought it self-evident, that it was so well established it did not have to

be mentioned at all. Consequently, it was a greater distinction to the ladies than to mention it at all, but since they wanted it mentioned, we went along, but we don't want it in two places.

DELEGATE FROM MEXICO: Mr. Chairman, only want to say that the delegation of Mexico concurs with the views on Chapter 4 of women in our work; we need no second reference here in this charter.

DELEGATE FROM GREECE: Mr. Chairman, I believe,--I don't find the text now, but when we dealt with Chapter IV or III on the equality of men and women, it was only in respect to their position as organs--not the staff.

THE CHAIRMAN: I am sorry we cannot finish the discussion. It is now 3:30 and the committee is waiting for us. Meeting adjourned.

1/2/c
~~Minutes~~
SUMMARY OF SUBCOMMITTEE MEETING, May 22, 1945.

URUGUAY: (Translation) The Uruguayan Delegation is of the opinion, in order to carry out a rapid and methodical work that a special commission should give its opinion on these following two questions in a general way: First, can the organization exclude any member persistently violating the principles of the Charter, or can it simply suspend the exercise of privileges? Secondly, could it be possible to the members to denounce or leave the organization? If the right of expulsion is used, it logically follows that abandonment or denunciation become permissible because it should be admitted that a state threatened with expulsion will withdraw from the Organization without waiting for such a measure to be taken. The Uruguayan government is entirely opposed to the right of abandonment or denunciation or withdrawal for the reasons stated before the Committee which are as follows: a) Necessity of organizing the community juridically on a basis of permanent and compulsory universality; b) the experience acquired at the League of Nations; c) As soon as a great power is outside the organization, either by expulsion or by withdrawal, all nations not satisfied with the organization will group around that great power and it won't be, will not be, possible to dull this fact since the withdrawal will be juridically permissible. As soon as the community will have to face a great power and its satellites, a government will arise and the world will again enter a period of war. ~~In this respect,~~^{e)} withdrawal and expulsion will create very difficult and strange situations in the field of international law. Logically speaking, diplomatic, consular relations, etc. should not

only exist, should only exist as between members of the organization. If the clause is omitted the organism will be weakened up to the point of suicide; f) to claim that the organism can interfere in the activities of countries which are not members of the organization is neither juridical nor logical nor political.

Paragraph 6 of Chapter 2 of the Dumbarton Oaks Plan only has a meaning if it is based on the universality of the organism and this universality would not exist if the abandonment or withdrawal were omitted and if regulations were adopted regarding expulsion. Any organization is only competent as regards those who share part of it; g) It is the opinion of United States lawyers, which we appreciate very much, and is to be found in Proposal 1, Page 314, International Conciliation, April 1944, Number 399, Carnegie Endowment for International Peace, that for these reasons we are of the opinion that neither expulsion, nor right to withdraw should be established. These two questions are being settled; now it would be necessary to examine suspension. In the opinion of our delegation, this has a double scope: a) suspension of rights and privileges of active members, those forming the assembly, with legislative participation, forming a part of the Security Economic Council, etc., until they are admitted to activity, and until they are granted special prerogatives, being considered as peace-loving, or in the judgment of the organization, able to accept and carry out the obligation contained in the Charter. With a state fulfilling such legal requirements, except in the case where the Organization should decide otherwise, it should be possible to maintain diplomatic, consular and cultural relations, although it

doesn't participate in the government of the organization; b) Suspension of the same kind ordered by the Organization as essential against a member violating the Charter seriously, after the application to such member of preventive coercive measures. Suspension might be double, first simply from participation; two, suspension or interruption of diplomatic relations, three, suspension or total interruption of relations, three, suspension, the time-limit indefinite, until the reasons which gave rise to such matters, disappear, five, suspension and even effective interference of the community with actual coercive measures. Such are the essential lines of the doctrine or system of our organization, which is supported by the Government of Uruguay, and now we recommend a draft resolution which might be submitted to Commission I, Committee 2. First, delete from the Charter "the right of expulsion"; Second, deny explicitly the right of withdrawal or abandonment; three, settle the question of suspension -

CHAIRMAN: The Delegate from the United Kingdom.

UNITED KINGDOM: I hope the Committee will believe me when I say I approach this problem very objectively. My Delegation doesn't hold strong views, therefore perhaps I can put an impartial point of view. As it seems to me, the questions with which ^{we} are faced are these. Do we contemplate withdrawal - do we contemplate withdrawal, or in any case, do we wish to put in the Charter any mention of withdrawal? Now this, to me, appears to be a severely practical question. If we are to put in the Charter any prohibition of withdrawal, we do not, in practice, as the years pass, prevent any nation saying that it is going to withdraw. I have

no suggestion that the full sanctions provided in the Charter could operate against any power, great or small, that says, as the years pass, that it proposes no longer to take part in the activities of the organization. If any prohibition of withdrawal is to be effective, there must be sanctions attached thereto. I can not believe that the organization and the individual states composing the organization would, in the circumstances that are likely to exist five, ten, fifteen years hence, be ready to apply the full sanction of the organization in the extent of applying force to the state that proposes to withdraw. Clearly, if any state, great or small, proposed withdrawal from the organization, it would indicate one, or probably one of two things. It might be a warning to the other members of the organization that that state intended to act in contravention of the principles of the organization. It might be a preliminary for that state undertaking aggressive action, and I think the rest of the world would thereby be warned and would know from the circumstances of the moment whether the trend of policy in that state was towards aggressive action. But on the other hand, it might be that the state, not entirely without justification, declared this organization is not in the least fulfilling the intention for which it was founded, ~~and~~ the other members, the remaining members are not fulfilling their obligations so we don't feel we are getting full value with this club - we're going out. And, indeed, when we look back over the past, we are bound to agree that in many directions, the League of Nations did not fulfill the intentions of its founders, and, although no one did withdraw on the ground

that the League had failed to fulfill the intention for which it was founded, it might, on occasion, be a good ground for withdrawal. So far as I can see, it would be for one of those two things.....for an evil reason or because the organization was ineffective. That is why any such intention would have to be considered in the circumstances of the moment. Now, if no mention is made in the Charter of withdrawal, the implication is, I think, that withdrawal is not contemplated, and I think that all of us around this table would agree that we are all assembled endeavoring to devise the charter of an organization, which as the government of Uruguay says, shall be universal, although I was a little frightened by his phrase "compulsory universality", and shall be permanent, but while I think everyone whom I have heard speak have recognized, if there is to be a world organization that is to be effective, states must be prepared to surrender a degree of sovereignty - a definite declaration that there shall be no withdrawal. Demand a degree of surrender of sovereignty, but speaking for myself, speaking for the United Kingdom, demanding a degree of surrender might be ~~f~~righ~~t~~ening, and this charter, so far as my country is concerned, must be ratified by Parliament, and if I may say to my colleagues here, ratification would be a great deal easier if, while we in our hearts contemplated no withdrawal, there were no mention of it, than if there were specific mention in the Charter that withdrawal was to be ~~p~~rohibited. I don't want to delay the Committee, but I can imagine the debate in our own British Parliament. The first question would be: "What are the sanctions that are to be applied to us if we desire to

withdraw?" "What are the sanctions?" "What is going to happen to us?" I can see that the members of Parliament might be a little frightened. That is why, as I say, I have no strong feeling about this at all; I do feel, nevertheless, from a purely practical point of view, not from the juridical point of view, casting our minds forward ten or fifteen years when these circumstances might arise, we shall be wiser to leave the charter free of any mention of withdrawal, leaving it, by implication, to be understood that withdrawal is not contemplated, but not create a difficult situation for this organization if, for any of the reasons I have stated, any power, great or small, would propose to withdraw. In point of fact, I think no power would propose to withdraw unless it had some evil intent or unless the organization was so ineffective that other members were so failing to fulfill the obligations, they would say "we do not want to have anything to do with this any longer". Let us leave matters as they are. Let us understand in our hearts we do not contemplate withdrawal, but let's make no mention of it in the Charter itself.

CHAIRMAN: The Delegate from Belgium.

BELGIUM: (translation) Mr. Chairman, the Delegate of the United Kingdom has examined the matter from a practical, and not a legal, point of view, but in my opinion there is also another, third, motive for withdrawal - there might be, in fact, a number of motives for withdrawal which should be avoided in the future. The withdrawal of states which grow gradually disinterested in the organization, who consider that the risks to be taken are greater than the advantages, and they use that threat in order

to obtain advantages, literally poisoning the whole life of the organization by the use of this perpetual menace, but for my part I am not favorable to the mention of it in the Charter itself, this for various reasons - first because the question of sanction is a very delicate and difficult one. It is not possible (inaudible) and ask its members in their commercial and diplomatic relations with that state to act as if they considered that such act was null and void, and naturally if the withdrawal is not authorized by the Charter, such an act is null and void. Secondly, what we are doing is something which is very bold, especially if we do not contemplate the withdrawal. We might give the impression to the public opinion that we are doing something for eternity - that our situation will last indefinitely - and this must be confessed, is rather childish and I admit that various Parliaments might feel anxious about it. What should we do? I am of the opinion that we should state with the minimum of words possible, and if not in the Charter itself, at least what we have in mind, making reference to special circumstances, but special circumstances should be better defined. The Commission supports the opinion of the sponsoring powers that the fact of withdrawal of the members should not be provided, or indicated in the Charter. If the organization fulfilled its functions in the spirit of the charter it would be inadmissible that its authority could be weakened by certain members deserting which they have (?) by subscribing to the Charter. It is obvious, however, that withdrawals and other forms of dissolution of the organization would become ineffective for frustrating the hopes of mankind. The

organization should provide to maintain peace, and would not succeed, only succeed in doing so to the detriment of right and justice. It is especially on account of this risk, inseparable from every human enterprise, undertaking, that the Committee considers that a formal clause should not be inserted in the Charter.

CHAIRMAN: The Delegate from Ecuador.

ECUADOR: Mr. Chairman, in the report on the Committee meeting of May 11, the interpretation was "The subcommittee has examined the question of the possible withdrawal of members of the organization, a question to which certain delegates had referred. It took note of the fact that, if no mention of this subject is made in the Dumbarton Oaks Proposals, this is not due to an omission but rather to the decided desire of the four sponsoring governments to ~~an~~ eliminate that possibility. It was the unanimous opinion of the subcommittee that the members of the Organization should not have the right to withdraw.--"

UNITED KINGDOM: May I interrupt? My colleague was present at the meeting last night when the question of expulsion was raised and it was agreed that deliberate omission was, on the whole, a good thing.

ECUADOR: I understand that the general understanding, the unanimous understanding was that the very nature of the organization gives it a character of universality -

UNITED KINGDOM: Do you mean in the subcommittee?

ECUADOR: No, I mean in general. The organization was universal and as that is the basic principle underlining the organization

itself, I hope that it is probably unnecessary to mention the problem of withdrawal and expulsion because if it is universal it is logically resolved that withdrawal and expulsion were not possible and I agree with Mr. -- 's point of view regarding the matter of practicability. It is better not to say so or to mention it. It might not sound so well. We all agree with it but it might not sound well to our respective congresses and parliaments so if there is an understanding that the organization is universal that consolidates this very thought.

UNITED STATES: In order to bring this very interesting discussion to some practical end, I move that we accept the proposal of the distinguished representative of Belgium.

UNITED KINGDOM: I second the motion.

NETHERLANDS: Mr. Chairman, my Delegation is approaching this problem with a good deal of concern. Last night I had the opportunity to indicate the reasons for which we do not like-- had the opportunity for stating reasons we do not like the clause. There are a great number of arguments which very much run parallel to my own prediction. They might lead to the Charter without any mention of withdrawal and I fully agree that it is neither clear nor perfectly logical. Last night I listened to the text read by the delegate of the United States. At first hearing I had a fear that this text might create more confusion than by giving no text at all in the report. Today we have heard a text suggested by M. Rolin, which is almost an optical illusion. I would very much like

to see both texts in writing before us before we take a decision. It is perfectly clear the way we explain this matter might play a big part when it comes to parliament. The exact wording is very important. In principle, therefore, I agree with the proposal of the delegate from the United States that a text as suggested by M. Rolin is inserted in our proposal but I would like to see the text in its exact wording.

SYRIA: I have had an opportunity to consult my delegation as well as the delegations of the other Arab states represented here and I think that the text which M. Rolin has submitted to us conveys their point of view-- therefore, I second the motion submitted by the delegate of the United States.

CHAIRMAN: Does any one wish to speak?

BELGIUM: Mr. Chairman, I think that the meeting should be suspended for a few minutes to have M. Rolin's text typed and then we can resume our meeting and have the text which we can discuss.

UNITED KINGDOM: I would like to suggest that I think that a number of the delegates might want to give this text more time--not just a minute or two. It would be better if we studied the principle subject to the right of each to reserve in their capacity as delegates of the full committee. ~~The~~ In principle the adoption is continued with this committee before the full committee but after thinking it over overnight, we may have some valuable comments to make in the full committee.

BELGIUM: The subcommittee might accept as a principle a text along the lines submitted by M. Rolin.

SYRIA: We are not a drafting committee here-- we are not a drafting committee. We vote with every reservation to the text.

UNITED KINGDOM: We are getting ourselves into a muddle. It is very evident that we can accept here in principle the proposal of M. Rolin. We have an officer here whose job it is to make a report--it is not our job to make a report. We can do with it or he can say what he likes and I propose we accept in principle M. Rolin's proposal and leave it to the Rapporteur to report to the committee in such terms as he would like.

CONVERSATION IN FRENCH BETWEEN VARIOUS DELEGATES

INTERPRETER: We have had an exchange of views among the delegates and the committee will now examine the question of suspension.

UNITED KINGDOM: I have no objection. Chapter III was referred to the special drafting committee. I am a member of both committees and can't be offended but I would like to put in a word for the drafting committee who was charged with this duty.

BELGIUM: Chapter III would contain provision on suspension and possibly expulsion. So far such matters are referred to Chapter V Section 3 but in agreement with the Chairman of the first and second commissions, it has been decided by the Coordinating Committee that the principles of withdrawal and expulsion should be mentioned in Chapter III. It remains now to determine how we can deal with these matters or without trespassing on the field of action of the second commission, and

~~xx~~ in agreement with my British colleague, we have wholly reached the conclusion that we should take from the Dumbarton Oaks text conditions of suspension, leaving the question of voting on the suspension either by the Assembly or the Security Council to the second commission and I have, therefore drawn up a text which might appear in Chapter III if we change nothing in the text of Dumbarton Oaks and this text is as follows: "The Organization may at any time suspend from the exercise of the rights and ~~xxxx~~ privileges of members any member of the Organization against which preventive and enforcement action shall have been taken by the Security Council. The exercise of these rights and privileges may be restored in accordance with proposal laid down in Chapter -- paragraph --, the Organization might expell from the Organization any member which consistently violates the principles contained in the Charter." In my opinion we shall have to settle two different questions as regards suspension; first, would be the nature of suspension. Do we agree that suspension should bear on the rights and privileges and without affecting the obligations of a state suspended and more particularly, the obligation to continue to pay its contribution to the future Organization, and we might perhaps take into consideration the suggestion made by the delegate of Uruguay that suspension might be decided. The second question would be the question of continuous ~~/~~acts or actions for which suspension might be decided and in the Charter there is no mention of the violation of the principles of the Charter, in connection with suspension

while some mention of it is made in connection with expulsion. There are various amendments by different countries which suggest withholding of reasons for which suspension might be ordered. These are the two questions which we have to examine.

(Translation)

NETHERLANDS: ~~His~~ delegation is decidedly interested in this matter on which it has submitted an amendment but at 5:30 there is a meeting of the Coordinating Committee which he must attend. He would like to reserve his right to deal with this matter at a latter stage or should this discussion be closed in this meeting here, he would like to participate in the general discussion in the Committee.

BELGIUM: The proposal of the delegate from Ecuador is that the General Assembly, composed of two-thirds of its members, or upon recommendation of the Security Council, may suspend the exercise of any right or privilege inherent to membership by any state. The main idea is the idea in various circumstances such suspension be enforced. The same idea is expressed by New Zealand in Chapter V, the words, "of which in any way shall have violated the obligations of members" should be added.

UNITED KINGDOM: I would like to suggest that we rule out the New Zealand idea.

BELGIUM: The Norwegian amendment is any member, or whose government, consistently violates the principle contained in the Charter or fails to meet its financial obligations.

I think we all agree to say that this suspension should be limited to serious cases only. As already explained, the idea of a repetition of acts deserving expulsion had been omitted.

They inserted that they referred only to consistent action. In such a way we might also insert here that suspension will only apply in serious cases because independently if a state for instance refuses to act or share in any action of mutual aid or solidarity when there is a threat of conflict, then we ~~NEEX~~ might resort to suspension against that state; otherwise, it would seem paradoxical. The wording would be contained in the Charter. That is the spirit of the three amendments we have before us.

UNITED KINGDOM: Where do you propose that.

BELGIUM: After the first phrase, "had been taken by any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council and which violates the principle contained in the Charter."

UNITED KINGDOM: Suspension is a very powerful sanction to apply and I gather that the--I don't know but I should think that what is in the minds of the framers of this paragraph is a complete preventive -- you can see it--whereas,"gravely violates the principles of the Charter" is in the abstract and,clearly, any state with a grudge against another state might exaggerate some action in order to show it fell within those words. I can see the problem of the drafting committee but the reason for ^{action} which ~~xx~~ is taken out to be capable of obvious proof. While it might be difficult to recognize clearly a violation of the principles of the Charter, once, it ought not to be so difficult to recognize a persistent, continuous violation. That is the best we can do.

BELGIUM: We might perhaps say what we are meaning to do with expulsion. If we agree to delete expulsion then I think we shall also all agree that the words which refer to expulsion might be added; that is, a member which persistently violates the principles contained in the Charter. This ~~matter~~ might apply to suspension.

UNITED STATES OF AMERICA: I think that is the thing we should do.

URUGUAY: In principle the delegation from Uruguay is (inaudible) settle the question of violation of principles as cause for suspension which have been proposed by the Norwegian delegation. They want to have the guarantee of the individual rights included as one of the forces for suspension of members.

CHAIRMAN: The delegate from Belgium.

BELGIUM: (Translation) Mr. Chairman, Belgium is one of the eight countries which in their amendments, ask the deletion of expulsion from the Charter. Those eight countries are Belgium, Brazil, Dominican Republic, Ecuador, Egypt, Mexico, Uruguay and Venezuela. I should like first of all to draw your attention to a rather curious aspect of the present situation as results from the text of ~~the~~ Dumbarton Oaks. Caution has been provided for for cases less serious and cases for which suspension has been provided for ~~the~~ and it has consequences less grave; it also has different kinds of consequences in that it deprives a country not only of its rights and privileges, but also of its obligations and, therefore, a state against which a measure of expulsion has

been taken ⁱⁿis/much better condition if it has been expelled than if it has been suspended. There is ~~a~~also another difficulty that in order to be able to take a measure of suspension we ask that there must be some serious case of aggression in measures against the state concerned. Thirdly, with expulsion we reintroduce in fact the right of suspension or withdrawal. A member desiring to withdraw will do something to be expelled from the Organization and manage to be expelled from the Organization exactly as a pupil at school who wants to go out of the classroom for some reason or other will act in such a way that a teacher will expell him from the classroom. There is, apart from these various considerations, there is another one much more serious and which covers our question. We all wish that this Organization should one day become universal and we consider that expulsion necessarily creates a final obstacle to that end, that goal, that universality of organization. By means of suspension, the Security Council may restore its rights to a member. By means of (inaudible) rights expulsion in an individual case is provided and in any case (inaudible) a state should come back. While suspension affects a government, not a state, this is different. I may here mention ~~the~~ a fact which I wouldn't mention in a full committee and I should like to refer to the expulsion in the League of Nations. There has been only one case and that was Soviet Russia; in fact, it must be admitted that the League of Nations created an impossible situation. I think that this should not be done again. There should be no repetition of this. We, therefore, hope that we shall all be

unanimous to eliminate expulsion from the Charter and to give its full value to the concept of suspension which is a new idea -- a flexible plan and I think that we should give up the idea of expulsion which might be very harmful indeed.

ECUADOR: I have I think used up all my arguments. I might only add now that of course the idea of expulsion destroys the principal of universality and the same arguments that were used for not specifically mentioning the impossibility of withdrawal should be used in this case too and we should do away with paragraph 4 of the suggested draft before we continue the discussion of paragraph 3 on suspension.

CHAIRMAN: Is there any further discussion on the proposal of the Ecuadoran delegate to delete paragraph 4 of the proposed draft?

BELGIUM: I should like to make a point. If there is a country which might and should be excluded forever from the organization that country would be Germany which, in four years, has committed more crimes than history has ever seen. Nevertheless, myself, I would refuse to mention a clause to that sense, saying, for instance, that the organization will never be open to Germany, or that Germany will be permanently excluded from the International Organization because even as regards Germany, we must wish that some day, perhaps in fifty years, normal relations will be established with Germany under the control of the Security Council and the Assembly and that the Organization may some day be in position to admit Germany.

UNITED KINGDOM: It seems to me that the question has been fully

~~is~~ discussed. The question of the deletion of Paragraph 4 should go forward.

CHAIRMAN: Those for the deletion of Paragraph 4 please raise their hands.

(Translation:)

DELEGATE OF U'S'S'R':/ The Delegate of the U.S.S.R. would like to inform the Chairman that the question about expulsion in Paragraph 4 seems to him was not discussed in all its sides, and he wishes to discuss it further at the next meeting and the more so that the delegate of the United States reserves the right to discuss the question further, and the delegate of U.S.S.R. reserves the right too.

BELGIUM: What was the mention about M. Rolin?

U.S.S.R.: (Translation) That the proposal of M. Rolin to exclude Paragraph 4 from this text should not be right now put to vote.

UNITED KINGDOM: In that case, Mr. Chairman, I think that there is no point in going on with the drafting committee at all. There is no purpose in drafting if the important delegates desire to reopen the question. I move that we adjourn the whole thing.

CHINA: (Translation) The Delegate of China is opposed to the Delegate of the United Kingdom.

UNITED STATES OF AMERICA: My objection was that no arguments have been presented on the other side of the question. I believe it would be desirable to have a further discussion. In this committee, if possible, if not, then the only opportunity would be in the main committee.

UNITED KINGDOM: I should like to make it plain I made my motion with the greatest regret. I see no reason why we should not have a full discussion here, but if we can't--

BELGIUM: We can't really charge people to produce arguments for

the other side and we can not wait until such actions come forth. It is the suggestion of Professor - that the question of not only withdrawal, but expulsion and suspension - that the whole question be sent to a subcommittee where we can discuss it entirely. We have discussed for more than an hour - I don't know why we can't go on, we certainly would be quite happy to sit for a half an hour more - to hear the Russian Delegate's other views - as it is we are losing time.

UNITED KINGDOM: If there are any arguments we might have got to the arguments sooner and saved us a lot of time -

URUGUAY: The Uruguayan Delegate agrees that if there are two important delegations like those of the United States and the U.S.S.R. which reserve their right to vote, it is preferable to adjourn the meeting and have a vote taken at a later date. It might be preferable to adjourn.

UNITED KINGDOM: Will both the Delegations that wanted time be ready then to guide us with their views?

CHAIRMAN (Interpreted) The Chairman stated, summarizing the ~~discussion~~ ~~discussion~~ discussion, the question of withdrawal had been settled in principle in this meeting in accordance with M. Rolin's suggestion, and will be submitted tomorrow to the committee with the unanimous approval of the subcommittee. There remains the question of expulsions, and we might therefore meet at 9:30 tomorrow, before the meeting of the committee.

UNITED STATES OF AMERICA: I should like just to say a word or two. I am prepared to discuss the question. It is my belief that not all of us are prepared to discuss this question and as an act of courtesy

I feel we should (inaudible)

CHAIRMAN: The meeting is adjourned until tomorrow morning at 9:30.