

UNESCO - Working Papers - Commissions & Technical Committees - Rapoport's Report (3 Files)

10 June 1945
20 June 1945

Clear

UN ARCHIVES

SERIES	<u>1018</u>
FILE	<u>04</u>
ACC.	<u>05</u>

be able to decide that amendments adopted by it should come into force without the unanimous consent of the permanent members of the Security Council.

39. The Subcommittee rejected by a vote of 8 to 4 a proposal of the Delegate of Mexico that no provision be made in the Charter for the voting procedure to be followed by the special conference, or for the method of ratification of amendments. The Subcommittee recommended by a vote of 7 to 5 the last sentence of paragraph 3 of the sponsoring governments amendment, for ratification by the permanent members of the Security Council and by a majority of the other members of the Organization.

40. The Subcommittee also took cognizance of the statements of certain other delegations to the effect that if the recommendations of the Subcommittee on the ratification amendments proposed by the special conference were approved by the full Committee, 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.

41. When the question of ratification was discussed in Committee I/2, the Delegate of Mexico, being assured that the United States Delegation still supported the Subcommittee declaration on withdrawal, withdrew the Mexican proposal that the Charter contain no provision for voting procedure at the special conference or for the method of ratification of amendments.

42. The Delegate of Belgium moved that the last sentence of paragraph 3 of the amendment of the sponsoring governments be modified to provide that amendments come into force when ratified by two-thirds of all members of the Organization, including all the permanent members of the Security Council. The Belgian Delegate made this motion for the same reasons which prompted him to propose a similar change in paragraph 3. The Delegates of the United States, the United Kingdom, and the Soviet Union indicated that they were prepared to support this motion.

43. Prior to the vote on the amendment of the sponsoring governments, as amended by the Belgian Delegate, thorough consideration was given by the Committee to the application of the requirement of unanimity of the permanent members of the Security Council to the amendment process.

44. The Committee adopted, by a vote of 29 in favor to 14 opposed, with 3 abstentions, the text of paragraph 3, as follows:

"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 two-thirds of the members of the Organization, including all the permanent members of the Security Council."

VII. Withdrawal From the Organization

45. In the course of reaching the conclusions indicated in the previous paragraph, the Subcommittee had also indicated the wish expressed by many delegates to provide for a wider admission of the faculty of withdrawal than those indicated in the draft report adopted by Committee I/2, and suggested to that end an amended text of the terms used on this subject in the draft report. The Committee proceeded to a consideration of the declaration on withdrawal which was recommended by the Subcommittee, in the event that the Committee should maintain, as a condition for the coming into force of amendments, the requirement of ratification by all of the permanent members of the Security Council.

The Delegate of Ecuador stated that in view of the decision, specific reference should be made in the Charter to the right of withdrawal under limited circumstances related to amendments. He moved, therefore, that the following paragraph be included in Chapter XI:

"Nothing in this Charter should preclude the right of a member to withdraw from the Organization if its rights and obligations as such were changed by Charter amendments in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect."

46. The Committee rejected by a vote of 19 in favor to 24 against, with 7 abstentions, the motion that provision be made in the Charter for withdrawal from the Organization.

47. The Committee then adopted by a vote of 38 in favor to 2 against, with 3 abstentions, the declaration on withdrawal recommended by the Subcommittee, with certain modifications suggested by the Delegate of Belgium.

48. The text of the declaration follows:

"DECLARATION ON WITHDRAWAL

"The Committee adopts the view that the Charter should not make express provision either to permit or

to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

"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.

"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 not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

"It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal."

VIII. Voting Procedure at the Special Conference

49. The Subcommittee had voted unanimously in favor of a motion by the Delegate of Brazil that the Charter provide that decisions of the special conference be taken by a two-thirds majority.

50. The Delegate of Australia explained that this decision had been taken after the Subcommittee had rejected the motion of the Mexican Delegate that no provision be made in the Charter for the voting procedure at the conference or for ratification of amendments proposed by the conference. He stated that it was his opinion, however, that the decision on the voting procedure at the special conference had been covered by the decision of the Committee on ratification.

The Committee agreed unanimously that its decision on ratification had included the method of voting at the special

conference and that it was the opinion of the Committee that decisions of the conference should be taken by a two-thirds vote.

ANNEX

AMENDMENTS TO CHAPTER XI

2. Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization including all of the permanent members of the Security Council.
3. A general conference of the members of the United Nations may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of the Security Council voting in accordance with the provisions of Chapter VI, Section C, paragraph 2, for the purpose of reviewing the Charter. Each member shall have one vote in the conference. 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 two-thirds of the members of the Organization including all of the permanent members of the Security Council.
4. If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly, and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Note:

Editorial original

to be returned
after checking T-38,39,40
to Documents Office
for Archives

MWD.

June 19-'45

Corrected 57
COMMISSION I General Provisions

Committee 2 Membership, Amendment, and Secretariat

PROVISIONAL TEXT OF REPORT OF THE RAPPORTEUR OF
COMMITTEE I/2 ON ~~AMENDMENTS TO THE CHARTER~~ **CHAPTER XI (AMENDMENTS)**

*Insert 1
Preamble*

I. Preliminary Considerations

1. Committee I/2 was charged with the responsibility of preparing and recommending to Commission I draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter XI of the Dumbarton Oaks Proposals on amendments. *(Insert 2)*

2. The text of Chapter XI in Dumbarton Oaks read as follows:

"Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the members of the General Assembly and 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."

3. Two additional paragraphs were suggested by the sponsoring governments providing for the coming into force of the Charter

Insert 2

to be inserted on 1st page

~~This was a most important part of the assignment of Committee~~

~~1/2 and the Committee gave it comprehensive and serious consideration.~~

no 77 It should be emphasized that this involved one of the

most important provisions of the Charter. The Committee gave it

comprehensive and serious consideration.

Insert 1 to be
inserted on 1st page

PREAMBLE

← c + lc underscored, centered

~~to the Rapporteur's Reports on 1/2~~

NOTE:

The following report has not been discussed in the Committee. It is submitted to the Members of the Commission in order that the comments of the Delegations may be communicated in writing or verbally.

Due attention will be paid to such observations by the Commission's Rapporteur in his report to the Conference as shall be submitted for approval at the final meeting of Commission I.

AVERTISSEMENT: Le présent rapport n'a pu être discuté par le Comité. Il est communiqué aux Membres de la Commission en vue de recueillir les observations écrites ou orales des Délégations. Il sera tenu compte des dites observations par la Rapporteur de la Commission à la Conférence dont le rapport sera soumis à l'approbation de la Commission au cours de sa dernière séance.

for
French
version
only

and providing for a general conference for the purpose of reviewing the Charter. The text of these paragraphs read as follows:

- " 1. The present Charter comes into force 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."

[The existing text of Chapter XI would thus become paragraph 2.7]

- " 3. A general conference of the members of the United Nations may be held at a date and place to be fixed by a three-fourths vote of the General Assembly with the concurrence of the Security Council voting in accordance with the provisions of Chapter VI, Section C, paragraph 2, for the purpose of reviewing the Charter. Each member shall have one vote in the Conference. 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 process by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization."

4. Australia, Brazil, Canada, Costa Rica, Ecuador, Mexico, Norway, and Venezuela had also submitted amendments on the amending procedure, provision for revision and ratification of amendments.

5. The Committee held eight meetings on May 28, May 29, June 15, and June 16, to discuss that part of its work relating to amendments.

6. At its second meeting on this subject, Committee I/2 agreed to appoint a subcommittee to consider amendments to Chapter XI of the Dumbarton Oaks Proposals, the Subcommittee to include representatives of those delegations which had submitted proposals for amendment of Chapter XI.

7. The Subcommittee was composed of the President of Commission I (Belgium), Chairman of Committee I/2 (Costa Rica), Rapporteur (Saudi Arabia) and Delegates of Australia, Brazil, Canada, China, Ecuador, France, Mexico, Norway, the Soviet Union, the United Kingdom, the United States, and Venezuela.

8. The Subcommittee held nine meetings on May 30, May 31, June 8, June 12, June 13, and June 14, and reported the result of its considerations to Committee I/2 on June 14. The Committee then took up the discussion of the recommendations of the

Subcommittee on the following points:

Regular amendments

- I. Regular Amendments to the Charter
- II. Special Conference To Revise the Charter
 1. Provision for Special Conference
 2. Voting Procedure for Calling Conference
 3. Time-Limit for Calling Special Conference

to the Charter, special conference
to revise the Charter, and withdrawn
from the Organization.

run on

~~4. Ratification of Amendments Proposed by~~

~~Special Conference~~

~~5. Voting Procedure at Special Conference~~

~~III. Coming Into Force of Amendments and Withdrawal~~

~~From the Organization~~

~~IV. Withdrawal from the Organization~~

II. ~~REGULAR AMENDMENTS TO THE CHARTER~~

*C+Lc
underscore*

9. Paragraph 2, Chapter XI, providing for the regular amending process of the Charter, was the subject of very little discussion ^{at} and disagreement in the meetings of the Subcommittee and Committee. The Subcommittee had accepted by a vote of 6 to 5 the motion of the Delegate of Belgium to modify this paragraph to provide that amendments come into force when ratified by two-thirds of all members of the Organization,

including all members of the Security Council, rather than by the permanent members and a majority of the members.

10. The Belgian Delegate suggested that this modification tended to equalize to a certain extent the difference between the permanent members of the Council and the other members of the Organization and that it reduced the risk of each of those other members of being placed in the dilemma of having to accept as valid an amendment not ratified by it or to withdraw from the Organization.

Several delegates opposed paragraph 2, on the grounds that the modification rendered ratification more difficult than the requirement of the simple majority. The answer was that the amendment would not have such a consequence, experience of the League having indicated that the delay in coming into force of amendments was not due to the relatively small number of ratifications but to the difficulty of obtaining some of those which the Covenant had declared indispensable.

11. Although the representatives of the sponsoring governments had first ^{opposed} approved this modification in the Subcommittee, they announced to the full Committee that they would give it their support.

12. The Committee adopted by a vote of 32 to 1, with 12 abstentions, the following text of paragraph 2:

run on

including all members of the Security Council, rather than by the permanent members and a majority of the members.

10. The Belgian Delegate suggested that this modification tended to equalize to a certain extent the difference between the permanent and non-permanent members and that it assured each of the non-permanent members a higher degree of certitude that it would be among those ratifying an amendment. Although the representatives of the sponsoring governments opposed this modification in the Subcommittee, they announced to the full Committee that they would give it their support.

11. Several delegates opposed paragraph 2, on the grounds that the modification rendered ratification more difficult than the requirement of the simple majority.

12. The Committee adopted by a vote of 32 to 1, with 12 abstentions, the following text of paragraph 2:

"Amendments shall come into force for all members of the Organization when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization, including all members having permanent membership on the Security Council."

III. SPECIAL CONFERENCE TO REVIEW THE CHARTER

13. The Dumbarton Oaks proposal had not provided for the calling of a special conference to review the Charter but the sponsoring governments had presented an amendment providing for such a Conference and a number of other members had also suggested such a provision. The Committee voted 44 to 1 in favor of a provision in the Charter for a special conference to revise the Charter.

IV. VOTING PROCEDURE FOR CALLING THE CONFERENCE

14. The Subcommittee reported that the Delegate of the United States reported that the sponsoring governments had agreed to amend their proposal for paragraph 3 of Chapter XI by providing for a two-thirds vote instead of a three-fourths vote by the

General Assembly for calling the special conference. The Subcommittee had voted unanimously to recommend the modified proposal to Committee I/2. The Committee also voted unanimously in favor of this provision.

V. TIME LIMIT FOR CALLING CONFERENCE

15. The Committee debated the question of whether or not a specific time should be set for the calling of the constitutional conference. The amendment proposed by the sponsoring governments had not provided for a specific date but left the decision to be made by the Organization. Amendments providing for a definite time were proposed by a number of other countries.

16. The Subcommittee had voted by 9 to 6 in favor of a joint motion by 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.

17. The members of the Committee favoring a specific time limit for the calling of the conference felt that if the Organization were to endure, it should be scrutinized after a number of years and modified, if necessary, in the light of its experience and the situation then prevailing. It was emphasized that provision for a ~~regional~~ ^{special} conference did not mean that the Organization established now would be temporary but, on the contrary, that in order to be an effective and lasting mechanism it should be inspected and revised in those parts which had not proved efficient.

18. It was pointed out that provision for a specific time for reviewing the Charter might assist in reducing the pressure for revision at an earlier date and before the Organization had been given a fair trial. It would also have a tremendous psychological effect on public support for the Charter, since it would mean that certain provisions which may not have the whole-hearted support of members could be reexamined.

19. The provision of a specific date ^{or period} would not preclude the *modification of the Charter* ~~calling of a conference~~ before that time, since it would not prejudice the ordinary method of amendment.

20. The opponents of the proposal thought there was no need for setting a time limit for such a conference, since the General Assembly and ~~any members of~~ the Security Council could call for such a conference at any time. A revisional conference might be needed within a short time but, on the other hand, it might not be needed for fifteen or twenty years. They did not oppose the holding of the conference, but they felt that if the decision were left to the judgment of the Assembly and the Council, a conference would be called whenever the need arose. If a specific revision were written into the Charter, it might result in the calling of a conference at a time when the Organization thought it unwise or unnecessary. This would constitute a contradiction in the Charter and would be contrary to the judgment of the governments.

21. The Committee voted on the motion to provide for the calling of a special conference between the fifth and tenth years. Twenty-three voted in favor, 17 against, one abstention. Since a two-thirds majority was not achieved, the motion was not passed.

22. The Delegate of South Africa then moved that there be inserted in the Charter a provision that "The special conference be called not later than the tenth year after the coming into force of the Charter." It was explained that according to this proposal if a conference had not been called by a vote of two-thirds of the General Assembly plus seven members of the Security Council, by the end of ten years, then the Conference must take place automatically.

23. The Committee voted 28 in favor and 15 opposed, 5 not voting, on the South African proposal. Since a two-thirds majority was ^{not attained,} ~~required,~~ the motion was rejected.

24. Following this action, the United States Delegate moved the following addition to paragraph 3 of Chapter XI of the sponsoring governments amendment:

"If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly."

It was explained that the Secretary-General would place the item on the agenda and the Assembly would act in accordance with the procedures prescribed in the Charter.

25. Many delegates commented that this proposal was offered in a spirit of conciliation and was evidence of a desire for constructive change.

26. It was pointed out ^{however,} _{in} that a special provision was not needed for an item to be placed on the agenda, since any member state has the right at any time to have such a subject included. The amendment would not insure the convening of such a conference since it would still require the approval

of two-thirds of the Assembly and seven members of the Security Council.

27. Several modifications of the proposal were suggested. The Delegate of New Zealand suggested adding a provision that if no conference had been held by the end of ten years, it should be held then unless the Assembly and Security Council decided otherwise. The Delegate of Australia suggested that only the approval of two-thirds of the Assembly be required but not the approval of any members of the Council. The Delegate of Greece suggested that the vote be by simple majority of the Assembly.

28. The Delegate of the United States explained that his Delegation considered the method of calling the special conference democratic and liberal. The original amendment calling for a three-fourths majority of the Assembly had been modified to a two-thirds majority. The vote in the Council was any seven of the members. He added that it would be difficult and certainly undemocratic to bind the future Assembly to act against its judgment in the circumstances prevailing at the time.

29. It was pointed out that requiring a two-thirds majority of the General Assembly and seven members of the Council would mean that the proposal would have substantial support. The fact that it was formally provided in the Charter would have ^{a good} ~~an~~ effect on public opinion since it would insure that, subject to the approval of the Assembly, there would be a conference at a certain time and an opportunity afforded to review the Charter.

30. At a later meeting, the Delegate of the United States amended his motion in an attempt to meet the request of many delegates for an assurance that a revisional conference would be called by the end of the tenth year. The amended proposal read:

"If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a conference shall be placed on the agenda of that meeting of the Assembly, and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council."

31. The Delegate of the United States explained that the proposal fixed a definite time in which the members of the General Assembly would have to face the question of calling a conference. However, the conference would not be required unless the governments wished to have it.

32. The Delegates of Australia, New Zealand, Ecuador, the United Kingdom, Peru, Canada, France, Chile, Brazil, the Union of South Africa, China, Argentina, and Greece spoke in support of the amended proposal.

33. The Delegate of the Soviet Union announced his opposition to the proposal, explaining that the sponsoring governments had suggested an amendment to the Dumbarton Oaks Proposals which provided for the calling of such a conference on the demand of three-fourths of the Assembly. Later another concession to the demands of other nations was made by reducing the majority to two-thirds. To make it still easier would be to provide for reexamination when there was no need for it. He stated that his Delegation was supporting

the original Dumbarton Oaks amendment. The Delegate of the Ukrainian S.S.R. proposed that the United States proposal be amended by requiring a two-thirds majority of the Assembly and any seven members of the Security Council, instead of a simple majority. The Byelorussian S.S.R. Delegate supported this proposal. The ^{Subcommittee} amendment was rejected, by a vote of 3 in favor, 40 against, 3 abstentions.

34. The Committee then voted, and adopted by a vote of 42 in favor, 1 against, and 3 abstentions, the proposal of the United States.

35. The complete text for the special conference on the revision of the Charter, adopted by the Committee by a vote of 32 in favor, 1 against, and 12 abstentions, reads:

"A general conference of the Members of the United Nations may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of the Security Council voting in accordance with the provisions of Chapter VI, Section C, paragraph 2, for the purpose of reviewing the Charter. Each member shall have one vote in the Conference. 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 two-thirds of the Members of the Organization including all of the permanent Members of the Security Council.

"If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to ~~call~~ call such a general conference shall be placed on the agenda of that meeting of the Assembly, and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council."

The Australian Delegate ^{had} announced ^{before the vote} that he would abstain from voting since the objectionable feature of the veto still remained.

VI RATIFICATION OF AMENDMENTS PROPOSED BY SPECIAL CONFERENCE

36. The discussions of the Subcommittee and the Committee on the method of ratification of amendments proposed by the special conference centered on the contention of those delegates who opposed the sponsoring ^{governments} ~~powers~~ that this matter should be left to the Conference itself to decide. It was argued ^{by the delegates} that the provision in the Charter for voting procedure in the Security Council would render ratification of the Charter by the parliaments of their countries difficult and even questionable, but that ratification would be facilitated if assurance were given that a special conference to revise

the Charter could itself decide on the method of ratification of such amendments as it might suggest. If such an arrangement were not possible, then it might be necessary to provide for withdrawal from the Organization.

37. In answer to this position, representatives of the sponsoring ^{governments} ~~powers~~ declared that these powers could not enter upon the great responsibilities and obligations of membership which they were prepared to accept if forced ^{to Take} the risk that these responsibilities might be increased without their consent.

insult [38 The Subcommittee Took cognizance of

(A) 39. The Subcommittee rejected by a vote of 8 to 4 a proposal of the Delegate of Mexico that no provision be made in the Charter for the voting procedure to be followed by the special conference, or for the method of ratification of amendments. The Subcommittee recommended by a vote of 7 to 5 the last sentence of paragraph 3 of the sponsoring ^{governments} ~~powers~~ amendment, for ratification by the permanent members of the

Security Council d by a majority of the ot , members of
the Organization.

39. ~~Subsequent to this decision, the Subcommittee drafted~~
~~for inclusion in this report a declaration on withdrawal~~
~~from the Organization with reference to the coming into force~~
~~of amendments. In preparing this draft the subcommittee took~~
~~cognizance of~~ [the statements of the delegates of the
sponsoring ^{governments} ~~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 permanent members of the Security
Council.]

40. The Subcommittee also took cognizance of the state-
ments of certain other delegations to the effect that if the
recommendations of the Subcommittee on the ratification amend-
ments proposed by the special conference were approved by the
full Committee, 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.

41. When the question of ratification was discussed in Committee I/2, the Delegate of Mexico, being assured that the United States Delegation still supported the Subcommittee declaration on withdrawal, withdrew the Mexican proposal that the Charter contain no provision for voting procedure at the special conference or for the method of ratification of amendments.

42. The Delegate of Belgium moved that the last sentence of paragraph 3 of the amendment of the sponsoring ~~powers~~ *governments* be modified to provide that amendments come into force when ratified by two-thirds of all members of the Organization, including all the permanent members of the Security Council. The Belgian Delegate made this motion for the same reasons which prompted him to propose a similar change in paragraph 3.

The Delegates of the United States, United Kingdom and the Soviet Union ^{indicated that they were prepared to} ~~supported this motion before the Committee.~~
support this motion.

43. Prior to the vote on the amendment of the sponsoring ~~governments,~~ ^{governments,} as amended by the Belgian Delegate, thorough consideration was given by the Committee to the application of the requirement of unanimity of the permanent members of the Security Council to the amendment process.

44. The Committee adopted, by a vote of 29 in favor to 14 opposed, with 3 abstentions, the text of paragraph 3, as follows:

"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 two-thirds of the members of the Organization, including all the permanent members of the Security Council."

VII. WITHDRAWAL FROM THE ORGANIZATION ← (c + lc underscored)

45. ~~The Committee~~ In the course of reaching the conclusions indicated in the previous paragraph, the Subcommittee had also indicated the wish expressed by many delegates to provide for a wider admission of the faculty of withdrawal than those

indicated in the draft report adopted by Committee I/2,
and suggested to that end an amended text of the terms used on
this subject in the draft report. The Committee proceeded to
a consideration of the declaration on withdrawal which was
recommended by the Subcommittee, in the event that the Com-
mittee should maintain, as a condition for the coming into
force of amendments, the requirement of ratification by all
of the permanent members of the Security Council.

run on

27-1

9 The Delegate of Ecuador stated that in view of the decision, specific reference should be made in the Charter to the right of withdrawal under limited circumstances related to amendments. He moved, therefore, that the following paragraph be included in Chapter XI:

"Nothing in this Charter should preclude the right of a member to withdraw from the Organization if its rights and obligations as such were changed by Charter amendments in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect."

run on

46. The Committee rejected by a vote of 19 in favor to 24 against, with 7 abstentions, the motion that provision be made in the Charter for withdrawal from the Organization.

47. The Committee then adopted by a vote of 38 in favor to 2 against, with 3 abstentions, the declaration on withdrawal recommended by the *S* subcommittee, with certain modifications suggested by the Delegate of Belgium.

48. The text of the declaration follows:

" DECLARATION ON WITHDRAWAL

*← (all caps etc.
no underscore*

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of

maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

"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.~~

"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 not concurred and which it finds itself unable to

accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

"It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal."

VIII. VOTING PROCEDURE AT THE SPECIAL CONFERENCE

49. The Subcommittee had voted unanimously in favor of a motion by the Delegate of Brazil that the Charter provide that decisions of the special conference be taken by a two-thirds majority.

50. The Delegate of Australia explained that this decision had been taken after the Subcommittee had rejected the motion of the Mexican Delegate that no provision be made in the Charter for the voting procedure at the conference or for ratification of amendments proposed by the conference. He stated that it was

his opinion, however, that the decision on the voting procedure at the special conference had been covered by the decision of the Committee on ratification.

The Committee agreed unanimously that its decision on ratification had included the method of voting at the special conference and that it was the opinion of the Committee that decisions of the conference should be taken by a two-thirds vote.

new page

2. Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization including all of the permanent members of the Security Council.
3. A general conference of the members of the United Nations may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of the Security Council voting in accordance with the provisions of Chapter VI, Section C, paragraph 2, for the purpose of reviewing the Charter. Each member shall have one vote in the ~~Conference~~. 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 two-thirds of the members of the Organization including all of the permanent members of the Security Council.
4. If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly, and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council.

I/2
RESTRICTED
Doc. 1074 (ENGLISH)
I/2/76
June 18, 1945

Committee 2 Membership Amendment and Secretariat

REPORT OF THE RAPPORTEUR OF COMMITTEE I/2 ON CHAPTER III (MEMBERSHIP)

NOTE: This report could not be discussed by the Committee. It is communicated to Members of the Commission with a view to collecting the written or verbal comments of the Delegations. These comments will be taken into account by the Rapporteur of the Commission, whose report will be submitted to the Commission at its last meeting for approval.

Chapter III of the Dumbarton Oaks Proposals read as

follows:

"Membership of the Organization should be open to all peace loving states."

Committee I/2 desires to present to Commission I this text, which was amplified during the course of our discussions, in the following form:

5035

"The initial members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Chapter , Article .

"Membership of the Organization is open to all peace-loving States which accept the obligations contained in the Charter and which, in the judgment of the Organization, are able and ready to carry them out."

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

"The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter."

The work of Committee I/2 covered the following questions which we shall examine separately, establishing wherever necessary, the natural connection between them: (a) right of membership of nations participating in this Conference, (b) admission of new members, (c) withdrawal, (d) suspension and expulsion.

Membership and admission of new members

As regards membership the Great Powers did not propose amendments to Chapter III, although the following Governments have submitted amendments, suggestions and proposals to the Committee: Australia, Bolivia, Brazil, Chile, Costa Rica, Ecuador, Egypt, France, Guatamala, Honduras, Mexico, Netherlands, Norway, the Commonwealth of the

Phillippines, Uruguay and Venezuela.

1. Original members of the Organization

Let us consider the first paragraph of the text which we suggest in connection with the phrasing of the second paragraph. It will be noted that a distinction is made between original members and future members. As regards original members their participation in the Organization is considered as acquired by right while that of future members is dependent on the fulfillment of certain conditions. It was, however, clearly understood that this distinction did not imply any discrimination against future members but that the normal course of events required it. Before new members can be admitted the Organization must exist, which in turn implies the existence of original members. On the other hand the definition adopted would serve to calm the fears of certain nations participating in our deliberations which, properly speaking, are not States and which for this reason might be denied the right of membership in the Organization.

We must only recognize that, in the second paragraph the use of the word "State" is not satisfactory to those who foresee the future incorporation of other communities.

2. Admission of New Members

Let us explain immediately the position taken in the debate by the Delegation of Uruguay and in a smaller degree by other delegations. Faithful to the principle of the universality of the Organization it arrives at the conclusion that all communities should be members of the Organization and that their participation is obligatory, that is to say that it will not be left to the choice of ^{any nation} whether to become a member of the Organization or to withdraw from it; in such a way the question of expulsion will not be raised.

Other delegations believed that universality in this sense was an ideal toward which it was proper to aim, but to which it was not necessary to adhere unswervingly.

Moreover, the Committee was to consider two other fundamental problems: (1) the relation existing between membership and the observance of the principles and obligations mentioned in the Charter and (2) the extent to which it was desirable to establish the limits within which the Organization would exercise its

discretionary power with respect to the admission of new members.

Let us hasten to state that the unanimous opinion of the Committee was that adherence to the principles of the Charter and complete acceptance of the obligations arising therefrom were essential conditions to participation by States in the Organization.

Nevertheless, two principal tendencies were manifested in the discussions. On the one hand, there were some who declared themselves in favor of inserting into the Charter specific conditions which new members should be required to fulfill especially in matters concerning the character and policies of governments. On the other hand, others maintained that the Charter should not needlessly limit the Organization in its decisions concerning requests for admission, and asserted that the Organization itself would be in a better position to judge the character of candidates for admission.

The term "all peace-loving States," generally deemed inadequate, was retained but defined. The expression is far

5035

from being inadequate; rather it reflects the ideal which animates the creators of the Charter.

It is not sufficient, however, to declare oneself "peace-loving." What nation has ever professed ^{any} other sentiments?

It is also necessary to prove two things: that a nation is ready to accept and fulfil the obligations of the Charter and that it is able to accept and fulfil them.

It was clearly stated that the admission of a new member would be subject to study, but the Committee did not feel it should recommend the enumeration of the elements which were to be taken into consideration. It considered the difficulties which would arise in evaluating

WITHDRAWAL

Suggestion for Revised Text for Insertion in the Report
of Committee I/2

The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to cooperate within the Organization for the preservation of international peace and security. If, however, a Member for good and sufficient reasons feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

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 not concurred and which it finds itself unable to accept.

It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal.

M. Friedman

REPORT OF THE RAPporteur (MEMBERSHIP) OF
COMMITTEE I/2 ON CHAPTER III

Committee I/2 began its discussion on Chapter III concerning membership on May 8, 1945. The terms of reference of the Committee pertaining to this Chapter included the following subjects: membership of the nations participating in the Conference, admission of new members, withdrawal, suspension, and expulsion of members.

Chapter III of the Dumbarton Oaks Proposals read as follows:

"1. Membership of the Organization should be opened to all peace-loving states."

Reference to admission, suspension, and expulsion appeared in Paragraphs 2 and 3, Section B of Chapter V. These paragraphs read as follows:

"2. The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council.

"3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter."

The subject of withdrawal was not mentioned in the Dumbarton Oaks Proposals.

The sponsoring powers have not offered amendments to Chapter III on membership or on admission, withdrawal, suspension, or expulsion of members.

The following governments participating in the Conference have offered comments or amendments on Chapter III including withdrawal, suspension and expulsion: Australia, Belgium, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Egypt, France, Guatemala, Honduras, Mexico, Netherlands, New Zealand, Norway, Philippine Commonwealth, Uruguay and Venezuela.

Membership and Admission of New Members

In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations of the Organization; and (2) limitations within which the Organization may 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 excessively 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.

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.

With respect to the distinction between initial and subsequent members, the Committee desired to avoid associating any stigma with this unavoidable distinction.

A subcommittee on Chapter III was established on May 10 and recommended an English text for Chapter III, which the Committee adopted unanimously on May 12 (the French text was prepared a few days later). The English text as adopted by the Committee reads as follows:

"Members of the Organization are the signatories of the Charter whose ratification has become effective in accordance with Chapter XI.

"Membership of the Organization is open to all peace-loving states which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter."

In order to eliminate any misunderstanding concerning the method by which new members would subscribe to the principles and obligations of the Organization, the Committee accepted on May 25 a modification of the original text proposal by Committee I/2. These paragraphs of Chapter III were consequently modified to 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 .

"Membership of the Organization is open to all peace-loving states which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter."

Withdrawal, Expulsion and Suspension.

The problems of withdrawal, expulsion and suspension required the Committee to examine the following questions:

1. Whether a member state will be permitted to cease membership voluntarily or will be deprived of membership by the Organization;
2. Whether the concept of suspension can adequately serve the purposes intended for expulsion.

With regard to provision for withdrawal, it was argued that this concept not only would impair the intention of

universal membership but would give recalcitrant members the opportunity to menace the Organization as well as 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 controvension to the principals 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 which attended to withdrawal, 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 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 Organisation 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 Organisation would become inevitable if, deceiving the hopes of humanity, the Organisation 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."

The question of expulsion and suspension evoked an extended exchange of views. 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.

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.

A special subcommittee 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.

The subcommittee, in discussing suspension, 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.

Having passed on Chapter III, withdrawal, suspension, and expulsion, Committee I/2 concluded its discussion on these subjects.

Committee I/2 recommends that Chapter III 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 .

"Membership of the Organization is open to all peace-loving states which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter."

"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..."

RAPPORT DU RAPPORTEUR (MEMBRES) DU COMITE I/2
SUR LE CHAPITRE III

Le mandat du Comité I/2, lorsqu'il ^{sa} commença ~~la~~ discussion du Chapitre III, relatif aux membres, le 8 mai 1945, comprenait les sujets suivants: participation des nations représentées à la Conférence, admission de nouveaux membres, retrait, suspension et exclusion de membres.

Le Chapitre III des Propositions de Dumbarton Oaks a la teneur suivante:

"1. Devrait pouvoir être membre de l'Organisation tout Etat épris d'un idéal de paix."

^{est fait} La mention de l'admission, ^{d. la} suspension et ^{de} l'exclusion ~~figure~~ aux paragraphes 2 et 3 de la Section B du Chapitre V. Ces paragraphes ^{Sont ainsi conçus:} ont la teneur suivante:

" 2. L'Assemblée Générale devrait avoir le pouvoir d'admettre de nouveaux membres dans l'Organisation, sur la recommandation du Conseil de Sécurité."

" 3. L'Assemblée Générale devrait, sur la recommandation du Conseil de Sécurité, avoir le pouvoir de suspendre l'exercice de tous les droits et privilèges conférés aux membres de l'Organisation pour tout membre contre lequel auraient été prises des mesures préventives ou coercitives par le Conseil de Sécurité. L'exercice des droits et privilèges ainsi suspendu, pourrait être restitué par décision du Conseil de Sécurité. L'Assemblée Générale devrait avoir le pouvoir sur recommandation du Conseil de Sécurité, d'exclure de l'Organisation tout membre qui persisterait à violer les principes de la Charte."

La question du retrait ^{n'est pas prévue} ~~n'est pas mentionnée~~ dans les Propositions de Dumbarton Oaks.

Les puissances invitantes n'ont pas soumis d'amendements au Chapitre III relativement ^{à la question de} ~~à l'admission~~ aux membres ou à ^{elles} ~~à l'admission, le retrait, la suspension ou l'exclusion de membres.~~

Les Gouvernements suivants, participant à la Conférence, ont soumis des commentaires ou des amendements ^{concernant le} ~~au~~ Chapitre III ~~ou~~ ^{et} ~~relativement~~ au retrait, la suspension et l'exclusion: Australie, Belgique, Bolivie, Brésil, Chili, Costa-Rica, République Dominicaine, Equateur, Egypte, France, Guatemala, Honduras, Mexique, Pays-Bas, Nouvelle-Zélande, Norvège, Commonwealth des Philippines, Uruguay et Vénézuéla.

Membres et ^a Admission de nouveaux membres

En préparant ses recommandations relatives au Chapitre III, le Comité avait deux problèmes fondamentaux à examiner: (1) la relation entre la qualité de membre et les principes et obligations stipulés dans la Charte; et (2) les limites ^{mises à la} ~~dans lesquelles~~ ^{l'attitude donnée à} ~~l'Organisation devrait se prévaloir de sa liberté d'action lors~~

de l'admission de nouveaux membres. La discussion de ces problèmes ^{a souvent porté sur la question de savoir si la formule exprimant la} ~~s'est concentrée sur la justesse et l'élasticité de la condition d'admission et sur la formule relative de qualification au titre de membre.~~

L'avis ^{adhesion} ~~unanime~~ du Comité est qu'une ^{adherence} ~~adherence~~ sans réserve aux principes et ^{aux engagements de la Charte} ~~le respect des obligations de l'Organisation~~ ^{est} ~~sont~~ essentielles ^{à cet égard} ~~à la qualification en qualité de membre.~~

Selon les avis ^{préconisant} ~~en faveur de ce~~ que la Charte ne devrait ^{restreindre par} ~~pas restreindre~~ l'Organisation en statuant sur les demandes d'admission, c'est l'Organisation elle-même qui serait le ^{meilleur} ~~mieux~~ qualifiée pour juger des qualifications des candidats au titre de membre. ^{En} ~~En~~ ^{favor de la mention dans la Charte des} ~~les opinions émises~~

Certains d'ailleurs qui sont d'avis que la Charte devrait porter sur les obligations de l'Organisation et qu'il s'agit pour elle de statuer sur les demandes d'adhésion, font valoir que personne ne saurait prêter avec des de justesse que l'Organisation elle-même, la plus fondée de elle de demander

3
Ces qui estiment, au contraire, que la Charte devrait imposer certaines conditions

qualifications au titre de membre, dans la Charte, en ce qui touchant la forme et la politique des gouvernements, ~~mais on~~ ^{insistent} sur le besoin pour les membres déjà participants d'être ~~désireux d'accepter les obligations découlant de la~~ ^{des} ~~apte et résolu~~ Charte et ne ~~face aux obligations qui découlent de la Charte et ne poursuivra~~ ^{sentiments du Comité et qu'on devrait laisser à} ~~de politiques contraires aux principes de l'Organisation. La~~ ^{pas} ~~tendance du Comité est~~ ^{fait} que l'Organisation devrait avoir le droit

d'admettre des nouveaux membres dans les limites tracées par le terme "éprises d'un idéal de paix" et ~~laisser à l'Organisation une~~ ^{lui avoir une grande latitude} ~~grande discrétion de juger l'aptitude des candidats~~ ^à ~~à accomplir~~ ^{les} ~~leurs~~ obligations qui ~~découlent~~ ^{découlent} de la Charte.

L'attention du Comité fut attirée sur le fait que ~~l'Annuaire~~ ^{Il a été signalé} le Chapitre III des Propositions de Dumbarton Oaks mentionne ~~à la participation d'Etats. Cette formule pourrait avoir pour effet~~ ^{fait allusion} des états en tant que membres. Cette mention, il fut expliqué, ~~dénier l'existence de membres la qualité de membre à~~ ^{pouvait} ~~certaines nations qui participent à la Conférence mais n'ont pas encore atteint un degré complet d'autonomie.~~ ^{d'empêcher l'adhésion de nations présentes à la Conférence et qui n'ont cependant pas encore pleinement acquis la qualité d'Etat.}

Le Comité a estimé que toutes les nations qui participent à ~~la~~ ^{présente} cette Conférence devraient être ~~inclus~~ ^{admis} comme ~~des~~ ^{originaux} membres ~~fondateurs~~ ^{originaux} de l'Organisation.

En ce qui concerne ~~la distinction~~ ^{précisément} entre membres ~~fondateurs~~ ^{autres} et membres ~~ultérieurs~~ ^{postérieurs}, le Comité désire éviter qu'un ~~stigmata~~ ^{pourcentage} ne résulte de cette ~~distinction~~ ^{différence} ~~inévitables~~.

Un Sous-Comité chargé de s'occuper ~~du~~ ^{constitué} du Chapitre III, ~~est~~ ^{avant redigé} ~~formé~~ le 10 mai, recommanda un texte anglais du Chapitre III ~~qui~~ ^{a été} ~~fixé~~ ^{adopté} que le Comité ~~adopta~~ ^{adopté} à l'unanimité, le 12 mai (le texte français ~~fut~~ ^{est} préparé quelques jours plus tard). Le texte anglais adopté par le Comité ~~est~~ ^{est} la teneur suivante:

"Sont membres de l'Organisation les signataires de la Charte qui l'auront ratifiée conformément aux dispositions du Chapitre XI.

"L'Organisation est ouverte à tous les Etats épris d'un idéal de paix, qui, au jugement de l'Organisation, sont aptes et résolus à accepter et exécuter les obligations contenues dans la Charte."

Afin d'^{écarter} éliminer tout malentendu sur la méthode selon laquelle les nouveaux membres souscriraient aux principes et obligations de l'Organisation, le Comité ^{a approuvé} ~~accepta~~, le 25 mai, une modification du texte ~~original~~ proposé par le Comité I/2. En conséquence, ~~les~~ ces paragraphes du Chapitre III ^{ont été} ~~furent~~ ^{modifiés de la façon suivante:} modifiés de façon à se lire comme suit:

"Sont membres originaires de l'Organisation les Etats signataires de la Charte dont la ratification sera devenue effective conformément aux termes du Chapitre _____ Article _____."

"L'Organisation est ouverte à tous les Etats épris d'un idéal de paix, qui, au jugement de l'Organisation, sont aptes et résolus à accepter et exécuter les obligations contenues dans la Charte."

Retrait, Exclusion et Suspension.

Les questions ~~auxquelles~~ du retrait, ^{de} l'exclusion et ^{de} la suspension ^{ont amené le Comité à examiner les} entraînent l'examen des questions suivantes:

1. ~~Est-il possible qu'un état membre devienne~~ ^{Est-il} ~~soit de son propre chef, soit en vertu d'une décision~~ ^{soit de son propre chef, soit en vertu d'une décision} non-membre à la suite d'une ~~action~~ ^{qui lui aura été imposée} prise de son propre chef soit imposée;

2. ~~Le principe de la suspension peut être appliqué~~ ^{il} ~~de façon adéquate pour atteindre les~~ ^{satisfaisante} ~~résultats attendus~~ de l'exclusion.

^{Quant au retrait,} En ce qui concerne les dispositions visant le retrait, ^{on a} ~~il~~ fut avancé que ce principe non seulement ^{fait valoir} ~~entraînerait~~ ^{celui-ci} ~~la participation~~ ^{nuirait à l'ensemble}

de l'universalité finale de l'Organisation) qu'
 universelle ultérieure finale, mais offrirait aussi aux
 membres récalcitrants la possibilité ^{et} à la fois de ^{faire pression sur} menacer
 l'Organisation et de se dérober à leurs obligations en quittant
 l'Organisation. En outre, si une disposition prévoyant le retrait
~~xxxxxx~~ était incluse dans la Charte, l'action ^{de départ} de se retirer,
~~indiquerait~~ de la part d'un
 État quelconque, indiquerait soit que cet État s'apprête à
 agir ^{contrairement aux} en ~~contravention~~ des principes de l'Organisation, ^{soit} ou qu'il
 estime que l'Organisation ne remplissait le rôle pour lequel
 elle a été créée. L'interdiction ^{du retrait} de se retirer rendrait néces-
 saire ~~de prévoir~~ des sanctions contre des membres qui tenteraient
 de se retirer, et ^{par suite} de telles dispositions ^{en compliqueraient} rendrait difficile,
 pour des ^{motifs} raisons d'ordre pratique, ^{l'acceptation de la Charte par le} d'obtenir que les parle-
 ments nationaux acceptent la Charte.

^{par suite} dans les Propositions de Dumbarton Oaks,
 L'omission de toute référence au retrait fut reconnue comme

intentionnelle de la part des gouvernements invitants. Quelques
 délégués ^{ont vu dans} citèrent cette omission comme preuve ^{la} que les
 gouvernements invitants ~~xxxxxx~~ étaient ^{opposés} à une
 disposition visant le retrait, alors que ~~xxxx~~ d'autres,

^{l'ont} interprétèrent comme ~~xxxxxx~~ ^{visant à} ayant le but de permettre à
 l'Organisation d'examiner tout ^{proposition de retrait} cas d'intention de se retirer.

, à la lumière des circonstances, présentes,

Le Sous-Comité ^{ne devait pas être fait} rapporta au Comité, le 23 mai, ^{exprimé au Comité d'avis} qu'aucune il
~~mention~~ du retrait ne devrait être insérée dans la Charte.
 L'opinion ^{Cet avis} du Sous-Comité, ^{au quel} à laquelle le Comité ^{s'est} se rallia, était
 contenue dans la déclaration suivante:

ainsi que le Comité
 d'a reconnu,
 c'est intentionnelle-
 ment que les
 gouvernements
 invitants ont
 passé sans s'en
 rendre compte
 la question du
 retrait dans les
 Propositions de
 Dumbarton
 Oaks

selon les explications qui furent données, Atzen.
ne présenterait pas, caractéristiques fâcheuses de l'exclusion pure et simple.

Cette notion de la suspension fut considérée suffisamment flexible pour ^{répondre aux} atteindre les buts ^{assignés à} qui pourraient être réalisés par l'exclusion, elle-même. La suspension, qui équivaut à une exclusion temporaire,

Lorsque la question fut portée devant le Comité, ^{les} ~~ceux qui~~ ^{partisans} ~~de la Charte~~ ^{étaient en faveur de} l'omission de toute référence à l'exclusion firent valoir que ^{cette mesure} l'exclusion ~~était~~ incompatible avec le principe de l'^{universalité} ~~unanimité~~, ^{qui suppose, finalement,} la participation ~~mixte~~ ^{générale} de tous les états à l'Organisation; elle ^{dégageant le} libérerait un membre ^{de} de ses obligations découlant de la Charte; elle mettrait hors-la-loi les membres exclus et, de ce fait, obligerait les états membres à se ~~livrer~~ ^{plutôt que} à des opérations militaires, ^{au lieu d'} actions ~~de~~ policières, contre cet état; elle mettrait ^{en} ~~plus~~ ^{pour} en danger l'Organisation ^{plutôt que pour} que l'état en question; ^{entraînerait la constitution d'} elle engendrerait un noyau d'opposition à l'Organisation ^{autour duquel} ~~autour~~ d'autres mécontents se ^{réuniraient} ~~joindraient~~, elle provoquerait la rupture de relations, diplomatiques et autres, entre les états membres et ^{les} ~~les~~ états exclus; elle ferait obstacle à la réconciliation entre l'Organisation et tout état exclu; et elle pourrait se révéler moins ^{efficace} ~~draconienne~~, dans ses effets, que la suspension.

^{Les partisans d'une disposition visant} ~~Ceux qui se déclareront en faveur de~~ l'exclusion soulignent ^{ont} les buts de l'Organisation étaient que la paix et la sécurité, ~~et non~~ l'universalité, ~~étaient~~ ^{étaient} que l'exclusion ne s'appliquerait ^{virtuellement} ~~virtuellement~~ qu'aux états membres ^{virtuellement inévitables} incorrigibles, qui violent, de façon ~~grave~~ ^{grave} persistante ou grave, les principes de la Charte; que dans le cas de ~~ces~~ tels états, il était nécessaire d'établir sans équivoque l'attitude que l'Organisation adopterait à leur égard; que ~~la~~ ^{la} ~~retention du~~ ^{la} titre de membre, dans le cas d'un état suspendu, pourrait ~~être~~

si un état suspendu conserve ~~l'existence~~ la qualité de membre,
 l'Organisation pourrait hésiter à agir ~~fermement~~ ^{catégorique} de façon ~~décisive~~
 à son égard, que l'absence du droit d'expulsion pourrait permettre
 à un état membre d'agir de connivence avec un état non-membre
^{pour contrecarrer l'activité et le but de}
~~en faisant obstacle à l'Organisation et à ses buts, que l'Organi-~~
^{celle-ci}
~~sation~~ ^{serait} capable d'appliquer ^{de façon judiciaire} ~~judicieusement~~ la mesure d'exclu-
^{cette mesure ne dégageant pas}
~~sion, que l'exclusion ne libérerait pas l'état exclu des~~
 obligations prévues pour les états non-membres et que les états
 exclus pourraient être ~~re~~ ^{à nouveau} admis dans l'Organisation.

Le ~~Sous-Comité~~, en discutant la question de la suspension,
^{jugé trop sévère}
~~a~~ ~~proposé~~ ~~un~~ amendement ~~Norvégien~~ ^{Norvégien} prévoyant la suspension
 des droits et privilèges des membres qui ne verseraient pas ~~leurs~~
 leurs contributions financières, ^{lui a} et préféré l'amendement des
 Pays-Bas. Sur ce point, le Délégué de la Norvège a ~~manifesté~~
 accepté de retirer son amendement si l'amendement ^{Néerlandais} ~~des Pays-Bas~~
 était soumis officiellement à l'examen du comité technique
 compétent de la Conférence.

A la séance du 25 mai, lorsque la question d'inclure ^{dans la Charte} une
 disposition visant l'exclusion fut présentée, le Comité I/2 ~~ne~~ ^{n'a}
^{pas adopté cette}
~~n'appuya pas la disposition qui n'obtint pas l'appui requis~~
^{n'avait pas recueilli}
~~de la majorité des deux-tiers des voix des délégués présents et~~
 votants.

Le Comité ^{avait} ~~vota~~ alors sur la revision proposée du paragraphe 3,
 Section B, Chapitre V, relative à la suspension. Cette proposi-
 tion fut adoptée, ^{sur ce qu'il en est} ~~presqu'à l'unanimité~~, par le Comité.

En ~~conséquence~~ ^{conséquence}, le Comité I/2 recommande que le
 Chapitre III ait la ~~teneur~~ ^{teneur} suivante:

^{Après avoir examiné le Chapitre III et les questions du retrait de la suspension}
 et de l'exclusion, ayant été ainsi examinés, la discussion sur ces objets est terminée.