

UNCIO - Working papers - commissions & technical committees  
- Committee 1/2 declaration of delegations

01 June 1945  
30 June 1945

clear - NK  
7/05

S-1018  
Box-3  
File-6

(PAGE 5/2.2-3)

HOTEL ST. FRANCIS  
UNION SQUARE  
SAN FRANCISCO - CALIFORNIA

BRAZILIAN DELEGATION  
TO THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

Urgent

URGENTE

Miss Elisabeth Armstrong

Secretary Commission I committee 2

Room 459 Veteran's Building

BRAZILIAN DELEGAT  
TO THE UNITED NATIONS C  
ON INTERNATIONAL ORC

NE

NE



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

June 19 1945

Miss Elisabeth Armstrong  
Secretary, Commission I committee 2

Dear Miss Armstrong,

In connection with the President's statement that corrections asked for would be accepted and of my conversation with you this afternoon, I ask you as Brazilian Delegate for the following corrections:

Report on Chapter IV June 18. ( read in open meeting)

Paragraph 3 of Chapter IV, as figured in this report, has been made into art.8 of Chapter III now called Organs, by the Coordination Committee. The blank space has been filled in by the name of the Organisation, so that it reads thus:

" The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in the principal and subsidiary organs."

The next report of our Committee and Commission should take cognisance of that change.

In connection with a report, which I have not at hand on the discussion in Committee at the last but one session, it is stated that I " suggested" that the veto was not in agreement with the principles of the preamble. What I did mention would be better covered by " said" or " stated", than by suggested. Even so it is very much ~~red~~ shorter than the statement as a whole of which this was a part.

Report on Chapter XI June 18. ( read in open meeting)

This report makes no mention of the Brazilian amendment and that of Canada about total revision. The Brazilian delegation would like to have its amendment mentioned in the report. You will find it either on the Guide to amendments, in the publication on amendments to Commission I committee 2 or in Doc. 2 G 7 (e) (3) of May 6 1945, as Brazilian amendment 7 in the bound volume of amendments. This should be mentioned in page 4 in regard to the Special Conference and in n. 21 it should <sup>be id</sup> said that the motion voted on was based on the fusion of the Brazilian-Canadian amendments.

I should very much appreciate it if you would make the necessary changes and make the part played by Brasil in securing revision a little more ample and thus nearer to fact.

Please forgive me for troubling you and believe in the sincerity of my appreciation for your patience and tact.

very sincerely yours

*Bernard L. Kahn*



CONFERENCIA DE LAS NACIONES UNIDAS  
SOBRE ORGANIZACION INTERNACIONAL  
DELEGACION DEL PERU

COMISION I, COMITE <sup>2</sup> ~~1~~.

DECLARACION DE LA DELEGACION DEL PERU EN LA CUESTION DEL VETO

La Delegacion del Peru tuvo oportunidad en diferentes sesiones de expresar los fundamentos de su posicion contra el veto que se referian principalmente a la inconveniencia de paralizar la accion conciliadora. Se abstuvo de votar dicha formula en el Comité subordinando su decision final a la seguridad de que la Carta pudiera enmendarse.

Acordada hoy la reunion de una asamblea para la reforma de la Carta al cabo de 10 anos por la simple mayoria de votos, y establecido al mismo tiempo por la declaracion interpretativa del informe del Comité 11-I el derecho de cada Estado para retirarse de la institucion, la Delegacion del Peru, consecuente con su actitud anterior, ha decidido aprestar su voto al informe integral del Comité 1-3. Ha tenido en consideracion al mismo tiempo las declaraciones de las Potencias invitantes sobre la imposibilidad de encontrar, por ahora, otra forma de votacion para el Consejo de Seguridad y el compromiso moral que ellas han contraido de no ejercitar el veto sino en las circunstancias excepcionales.

La Delegacion del Peru cumple con reafirmar su convencimiento de que, despues de este debate de tan profundo significado moral, el llamado derecho de veto viene a ser practicamente una obligacion para las grandes potencias de buscar la unanimidad asegurando por medio de ella la paz y la seguridad internacionales. La Delegacion del Peru se inspira para tomar esta actitud, en una doble confianza: en las Grandes Potencias que sabran cumplir el compromiso moral contraido y en las Pequeñas Potencias unidas espontanea y significativamente en el ideal de la paz y de la organizacion juridica del mundo, y dispuestas a hacer pesar la influencia de la opinion publica a favor de todas las medidas que aseguren la paz por el reinado de la justicia.

San Francisco Junio 22 de 1945.

Miss Armstrong

DELEGACIÓN DEL URUGUAY  
A LA  
CONFERENCIA DE LAS NACIONES UNIDAS  
SOBRE ORGANIZACIÓN INTERNACIONAL  
—  
SAN FRANCISCO

17 de junio de 1945.

Señor Secretario General de la Conferencia de las Naciones  
Unidas sobre Organización Internacional,  
ALGER HISS,  
Presente.

Señor Secretario General:

Con referencia a las declaraciones  
formuladas por el señor delegado del Uruguay, D. Juan F. Guichón,  
en la sesión realizada en la tarde del día de ayer por el Comité  
2 de la Comisión I, al tratarse los temas contenidos en el docu-  
mento WD 344, - I/2/E/2, - la Delegación del Uruguay desea pre-  
sentar, por esta nota, expresa constancia de que el Uruguay no  
podrá aceptar ninguna obligación que contraríe o no se ajuste a  
sus disposiciones constitucionales.

Agradeciéndole al señor Secretario  
General quiera dar a esta comunicación el trámite correspondien-  
te, me es grato reiterarle las seguridades de mi alta considera-  
ción.

*José Serrato*

José Serrato  
Presidente de la Delegación del  
Uruguay.



The UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

La Commission se rallie à l'avis <sup>des</sup> F.I.  
qu'il n'y a pas <sup>lieu</sup> de prévoir ou <sup>des</sup>  
intervenir la faculté de résiliation des membres.  
Si l'O.N.U. remplit sa fonction sans respect  
qui donne la charte il serait inadmissible  
que son autorité puisse être affaiblie par  
certains membres résiliant l'accord auquel  
ils ont obéi en souscrivant à la charte, ou  
même la faussent par les Etats agresseurs  
ou sur la point de le devenir.

Il va de soi pourtant que les réticences  
ou autres formes de simulation de l'O.  
deviendront inévitables si, désempant les espoirs  
de l'humanité, elle se révèle impuissante  
à maintenir la paix ou ne parvenait à la  
faire qu'au détriment du droit ou de la  
justice. C'est à raison notamment de ce risque  
insurmontable de toute entreprise humaine, que  
le Comité recommande d'insérer dans la charte  
une clause formelle d'interdiction de retrait

DELEGATION BELGE

COMITE 2 DE LA COMMISSION I 27

NOTE DE M. ROLIN

SUR LES QUESTIONS DE RETRAIT, SUSPENSION, EXPULSION DES  
MEMBRES DE L'ORGANISATION.

Le Comité me paraît devoir se prononcer sur  
les points suivants:

RETRAIT: 1) Faut-il prévoir expressément  
l'interdiction du retrait? Dans l'affirmative, le  
Comité estimera sans doute devoir renvoyer au C.R.  
l'examen du texte à insérer au Chapitre III, car il  
ne pourrait retenir l'amendement de la délégation  
du Venezuela, liant la question à l'universalité de  
la Société, déjà écartée par le Comité.

2) Dans la négative, le Comité  
est-il d'accord pour que le rapporteur reproduise  
dans son rapport à la Commission l'interprétation  
déjà donnée par lui au texte de Dumbarton Oaks dans  
le rapport présenté au nom du Comité de Rédaction?

SUSPENSION: 1) Le Comité est-il d'avis que  
la suspension doit porter, comme prévu dans le projet



de Dumbarton Oaks, sur les droits et privilèges, et non sur la qualité de membre, avec ce résultat que le Membre frappé de suspension demeure tenu de toutes les obligations, y compris celle de payer sa part des dépenses de l'organisation.

2) Le Comité est-il d'avis que la suspension doit être limitée au cas où un Membre fait l'objet de mesures coercitives, ou étendue à d'autres cas de manquement grave aux obligations de la Charte, comme proposé dans les amendements de l'Equateur, la Nouvelle Zélande, la Norvège?

EXPULSION: 1) Le Comité est-il d'avis de maintenir la faculté d'expulsion, même si le retrait n'est pas autorisé et malgré la contradiction qui semble exister entre ces deux décisions? (Amendements en sens contraire des délégations de Belgique, Brésil, République Dominicaine, Equateur, Egypte, Mexique, Uruguay, Venezuela).

2) Si la faculté d'expulser est maintenue, faut-il la limiter au cas de récidive dans le manquement aux obligations ou l'étendre à tous les cas de violation grave? (amendement australien).

3) Si la faculté d'expulsion est maintenue, comment éviter le reproche que l'expulsion a, à certains égards, des effets moins durs que la suspension, puisqu'elle libère le Membre expulsé de ses obligations, en tous cas de celle de contribuer aux dépenses de l'Organisation,

DELEGATION BELGE

**COMITE 2 DE LA COMMISSION I**

**NOTE DE M. ROLIN**

**SUR LES QUESTIONS DE RETRAIT, SUSPENSION, EXPULSION DES  
MEMBRES DE L'ORGANISATION.**

Le Comité me paraît devoir se prononcer sur  
les points suivants:

**RETRAIT:** 1) Faut-il prévoir expressément  
l'interdiction du retrait? Dans l'affirmative, le  
Comité estimera sans doute devoir renvoyer au C.R.  
l'examen du texte à insérer au Chapitre III, car il  
ne pourrait retenir l'amendement de la délégation  
du Venezuela, liant la question à l'universalité de  
la Société, déjà écartée par le Comité.

2) Dans la négative, le Comité  
est-il d'accord pour que le rapporteur reproduise  
dans son rapport à la Commission l'interprétation  
déjà donnée par lui au texte de Dumbarton Oaks dans  
le rapport présenté au nom du Comité de Rédaction?

**SUSPENSION:** 1) Le Comité est-il d'avis que  
la suspension doit porter, comme prévu dans le projet



de Dumbarton Oaks, sur les droits et privilèges, et non sur la qualité de membre, avec ce résultat que le Membre frappé de suspension demeure tenu de toutes les obligations, y compris celle de payer sa part des dépenses de l'organisation.

2) Le Comité est-il d'avis que la suspension doit être limitée au cas où un Membre fait l'objet de mesures coercitives, ou étendue à d'autres cas de manquement grave aux obligations de la Charte, comme proposé dans les amendements de l'Equateur, la Nouvelle Zélande, la Norvège?

EXPULSION: 1) Le Comité est-il d'avis de maintenir la faculté d'expulsion, même si le retrait n'est pas autorisé et malgré la contradiction qui semble exister entre ces deux décisions? (Amendements en sens contraire des délégations de Belgique, Brésil, République Dominicaine, Equateur, Egypte, Mexique, Uruguay, Venezuela).

2) Si la faculté d'expulser est maintenue, faut-il la limiter au cas de récidive dans le manquement aux obligations ou l'étendre à tous les cas de violation grave? (amendement australien).

3) Si la faculté d'expulsion est maintenue, comment éviter le reproche que l'expulsion a, à certains égards, des effets moins durs que la suspension, puisqu'elle libère le Membre expulsé de ses obligations, en tous cas de celle de contribuer aux dépenses de l'Organisation,

COMITE 2 de la COMISION I

Nota del Señor Rolin,

SOBRE LAS CUESTIONES DE RETIRO, SUSPENSION Y EXPULSION  
DE MIEMBROS DE LA ORGANIZACION.

El Comité deberá pronunciarse sobre los siguientes puntos:-

RETIRO: 1) ?Será necesario <sup>contemplar</sup> ~~prevenir~~ expresamente la interdicción del Retiro? En caso afirmativo, el Comité resolverá sin duda devolver al C. R. el examen del texto a insertarse en el Capítulo III, pues no podría ya retener la enmienda de la Delegación de Venezuela ligando la cuestión a la universalidad de la Sociedad, ya separada por el Comité.

2) ?En caso negativo, está el Comité de acuerdo con que el relator <sup>reproduzca</sup> ~~reprodujera~~ en su informe a la Comisión la interpretación ya dada por él al texto de Dumbarton Oaks en el relato presentado en nombre del Comité de Redacción?

SUSPENSION: 1) ?Opina el Comité que la suspensión deberá descansar, tal como está previsto en el proyecto de Dumbarton Oaks, sobre los derechos y privilegios y no sobre la calidad de <sup>miembro,</sup> ~~los Miembros~~, con el resultado de que el Miembro afectado por suspensión quedara sujeto a todas las obligaciones, comprendida entre ellas la de pagar su parte en los gastos de la organización.



2.- ¿Estima el Comité que ~~la suspensión que~~ la suspensión deberá ser limitada al caso en que un Miembro sea objeto de medidas coercitivas, o extendida a otros casos de falta grave en contra de las obligaciones de la Carta, como se ha propuesto en las enmiendas del Ecuador, Nueva Zelandia y Noruega?

EXPULSION: 1) ¿Opina el Comité mantener la facultad de expulsión, aún cuando el Retiro no fuera autorizado y no obstante la contradicción que parece existir entre esas dos decisiones? (Enmiendas en sentido contrario de las Delegaciones de Bélgica, Brasil, República Dominicana, Ecuador, Egipto, México, Uruguay, Venezuela).

2).- Si ~~la facultad de expulsar es sostenida,~~ *se mantiene la facultad de expulsión,* ¿será necesario limitarla al caso de reincidencia en ~~la falta~~ *en el futuro* ~~de~~ *reincidencia* las obligaciones o extenderla a todos los casos *graves* de violación? ~~de gravedad.~~ (Enmienda Australiana).

3).- Si la facultad de expulsión es conservada, ¿cómo evitar el reproche de que la expulsión tiene, en cierto aspecto, efectos menos duros que la suspensión, desde el momento que libera al Miembro expulsado de sus obligaciones, en todo caso de la de contribuir a los gastos de la organización?

COMITE 2 DE LA COMISION I

NOTA DEL SEÑOR ROLIN,

SOBRE LAS CUESTIONES DE RETIRO, SUSPENSION Y EXPULSION  
DE MIEMBROS DE LA ORGANIZACION.

El Comité deberá pronunciarse sobre los siguientes puntos:

RETIRO: 1)? Será necesario contemplar expresamente la interdicción del Retiro? En caso afirmativo, el Comité resolverá sin duda devolver al C. R. el examen del texto a insertarse en el Capítulo III, pues no podría ya retener la enmienda de la Delegación de Venezuela ligando la cuestión a la universalidad de la Sociedad, ya separada por el Comité.

2)? En caso negativo, está el Comité de acuerdo con que el relator reproduzca en su informe a la Comisión la interpretación ya dada por él al texto de Dumbarton Oaks en el relato presentado en nombre del Comité de Redacción?

SUSPENSION: 1)? Opina el Comité que la suspensión deberá descansar, tal como está previsto en el

proyecto de Dumbarton Oaks, sobre los derechos y privilegios y no sobre la calidad de miembro, con el resultado de que el Miembro afectado por suspensión quedara sujeto a todas las obligaciones, comprendida entre ellas la de pagar su parte en los gastos de la organización.

2. Estima el Comité que la suspensión deberá ser limitada al caso en que un Miembro sea objeto de medidas coercitivas, o extendida a otros casos de falta grave en contra de las obligaciones de la Carta, como se ha propuesto en las enmiendas del Ecuador, Nueva Zelandia y Noruega?

EXPULSIÓN: 1) Opina el Comité mantener la facultad de expulsión, aún cuando el Retiro no fuera autorizado y no obstante la contradicción que parece existir entre esas dos decisiones? (Enmiendas en sentido contrario de las Delegaciones de Bélgica, Brasil, República Dominicana, Ecuador, Egipto, México, Uruguay, Venezuela).

2). Si se mantienen la facultad de expulsión será necesario limitarla al caso de reincidencia en el cumplimiento de las obligaciones o extenderla a todos los casos graves de violación? (Enmienda Australiana).



3). Si la facultad de expulsión es conservada, como evitar el reproche de que la expulsión tiene, en ciertos aspectos, efectos menos duros que la suspensión, desde el momento que libra al Miembro expulsado de sus obligaciones, en todo caso de la de contribuir a los gastos de la organización?

COMMITTEE 2 OF COMMISSION I

- - - - -

MEMORANDUM BY M. ROLIN

ON QUESTIONS OF THE WITHDRAWAL, SUSPENSION, AND EXPULSION  
OF MEMBERS FROM THE ORGANIZATION

The Committee should, it seems to me, express an opinion on the following points:

WITHDRAWAL: 1) Should there be a special provision for the prohibition of withdrawal? If so, the Committee will probably deem it necessary to refer back to the Drafting Committee the examination of the text to be inserted in Chapter III, inasmuch as it could not retain the amendment of the Delegation of Venezuela, linking the question to the universality of the Organization, already set aside by the Committee.

2) If not, would the Committee agree that the rapporteur should reproduce in his report to the Commission its interpretation of the text of Dumbarton Oaks already given in the report presented in the name of the Drafting Committee?

SUSPENSION: 1) Is the Committee of the opinion that suspension, as provided in the Dumbarton Oaks Proposals, should concern the rights and privileges, and not the status of membership, with the result that a suspended member would continue to be bound by all the obligations, including that of contributing its share of the expenses of the Organization?

2) Is the Committee of the opinion that suspension should be limited to cases where a member resorts to enforcement measures, or be extended in other cases of serious neglect of the obligations of the Charter, as has been proposed in the amendments of Ecuador, New Zealand and Norway?

EXPULSION: 1) Is the Committee in favor of maintaining the power of expulsion, even if withdrawal is unauthorized, and in spite of the contradiction that seems to exist between these two decisions? (Amendments in opposition to those of the Delegations of Belgium, Brazil, the Dominican Republic, Ecuador, Egypt, Mexico, Uruguay and Venezuela).

2) If the power of expulsion is maintained, should it be limited to cases of relapse in the failure to meet obligations or should it be extended to all cases of serious violation? (Australian amendment).

3) Should the power of expulsion be maintained, how can we avoid the criticism that expulsion has, in certain respects, less severe effects than suspension, since it frees the expelled member from its obligations, in any event from that of contributing to the expenses of the Organization?



### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.



### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
  
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which <sup>e</sup>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.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.



### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which <sup>a</sup>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.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which <sup>preventive</sup> 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.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

BELGIAN DELEGATION

- 3 -

from the exercise of the rights or privileges members of the Organization against which it shall have taken preventive or enforcement action. If there is persistent violation of the principles contained in the Charter, it may even decide expulsion.

Chapter V, Section B 3:

"The Assembly is similarly empowered to decide upon recommendation of the Security Council expulsion of Members or suspension of the exercises by them of the rights or privileges of Membership. The Council of Security may restore the exercise of rights thus suspended."

Chapter V, Section C 2:

No changes.

CONCLUSION: It is suggested that Committee 2 of Commission I proceed now with the discussion of the two sentences indicated in the addendum to Chapter III and that Committees 1 and 2 of Commission either discuss the remaining text of Chapter V, <sup>or adjourn the question</sup> it being clear that final adjustments will have to be brought to the text of Chapter V, in order to bring it in conformity with Chapter III - the same observation applying also to paragraph 2 of Chapter V B concerned with deliberations of the Assembly on admission of new <sup>members</sup>.

May 17, 1945

Sub-Committee of Committee I/2

MEMORANDUM  
MEETING OF SUB-COMMITTEE OF COMMITTEE I/2 May 17, 1945

Sub-Committee B, Committee I/2, met on May 17, 1945, at 9:30 a.m. in Room 316, Veterans Building.

Present were the Chairman of Committee I/2, the Rapporteur and the following Delegates:

Mrs. Jessie Street--Australia  
Dr. Bertha Lutz--Brazil  
Mr. Edvard Hambro--Norway  
Mrs. Isabel P. de Vidal--Uruguay  
Mr. Carlton Savage--United States of America

The Sub-Committee had been charged by the Committee to prepare a draft for a new Paragraph 3 of Chapter IV on Principal Organs which would specifically refer to the participation and representation of men and women on an equal basis in the proposed International Organization.

The Sub-Committee proceeded to examine various proposals submitted by several delegations. The representatives of Australia and Uruguay suggested modifications in wording to a text proposed by the Delegate of Canada.

The Committee accepted unanimously the following wording in English and French which it submits for the approval of Committee I/2:

The Organization shall place no restrictions on the representation and participation of men and women on an equal basis in its principal organs and subsidiary agencies.

Aucune restriction ne sera apportée par l'organisation à la représentation et à la participation des hommes et des femmes sur un pied d'égalité dans ses organes principaux et subsidiaires.

The recommendation for Chapter IV now reads as follows:

1 The Organization has as its principal organs:

- a. A General Assembly
- b. A Security Council

- c. An Economic and Social Council (Note: It was also agreed in this Committee on May 15 that this action was taken without prejudice to the addition of any subsequent organs which this Conference may create.)
  - d. An International Court of Justice; and
  - e. A Secretariat
- 2. The Organization should have such subsidiary agencies as may be found necessary.
- 3. The Organization shall place no restrictions on the representation and participation of men and women on an equal basis in its principal organs and subsidiary agencies.



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

Agenda

1. Suspension and expulsion.

This has been recognized by presidents of  
~~Chapt + Co-1-2~~ & that the ~~propos.~~  
have ~~ought to be~~ ~~submitted~~ ~~in~~ ~~the~~ ~~form~~  
in the the object of some ~~sub-~~  
stantiation of principle in Chap 3.

If the substance of D O propo-  
by the 2<sup>nd</sup> Co of Co 1  
Sals is approved the provisions  
to be inserted in Chap III  
might read as follows

The ~~above~~ text <sup>has been</sup> <sup>to draft</sup> drafted by  
~~State~~ with reservation of his own  
observations. ~~with~~ ~~are~~ ~~submitted~~  
to 1<sup>st</sup> Co is basis of discussion

The above text will be the  
basis of discussion.

CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.

### CHAPTER III, Membership

(Draft based on the exact text of the Dumbarton Oaks Proposals,  
Chapter V, B.3)

- (3) 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter.....para.....
- (4) The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter.



En la sesión del 23 de mayo el Segundo Comité de la Primera Comisión aprobó por mayoría un informe de su Relator en el cual se recomienda adoptar la opinión de las potencias invitantes de que no hay lugar a prever o reglamentar en la Carta la facultad de retiro de Miembros de la Organización. La Delegación Venezolana creyó oportuno abstenerse de votar porque consideró que la recomendación tal como fué presentada no plantea ni resuelve con claridad la cuestión; y se reservó expresar por escrito su punto de vista sobre el particular, que es el siguiente:

La Delegación acepta, según ya lo ha manifestado, que, conforme al texto de las Propuestas de Dumbarton Oaks, nada exprese la Carta sobre duración de la unión o sobre retiro de los Estados Miembros.

En nuestra opinión la noción de perpetuidad es sin duda incompatible con la naturaleza de tratados o convenios de asociación como el que contendrá la Carta, y que ésta constituirá una obligación internacional de duración indefinida con las consecuencias que de tal carácter se derivan respecto a eventual terminación del compromiso por desistimiento de las partes.

En tal virtud, la Delegación de Venezuela acoge la interpretación de que el silencio de la Carta deja enteramente a salvo el principio de derecho común según el cual se considera implícita la facultad de retiro voluntario de Miembros de la Organización.

Debe entenderse que esta declaración de principios en nada menoscaba la firme voluntad del Gobierno y del pueblo de Venezuela de cooperar de buena fé en el mantenimiento estable de la Organización, en su futuro desarrollo y en el logro cabal de sus propósitos.

In the meeting of May 23 Committee 2 of Commission I approved by majority vote a report of its Rapporteur, recommending the adoption of the opinion of the sponsoring powers, that there is no occasion to contemplate or regulate in the Charter the right of withdrawal of members of the Organization. The Delegation of Venezuela believed it opportune to abstain from voting because it considered that the recommendation as presented neither states nor resolves the question clearly; and it reserved the right to express in writing its point of view on the matter, which is the following:

The Delegation accepts, as has already been stated, that, in agreement with the text of the Dumbarton Oaks Proposals, the Charter should say nothing regarding the duration of the union or withdrawal of the member states.

In our opinion, the notion of perpetuity is undoubtedly incompatible with the nature of treaties or agreements of association such as the Charter will contain, constituting an international obligation of indefinite duration, with the consequences resulting therefrom with regard to possible termination of the obligation by desistance of the parties.

Therefore, the Delegation of Venezuela accepts the interpretation that the silence of the Charter leaves entirely unimpaired the principle of common law according to which the power of voluntary withdrawal of members from the Organization is considered as implied.

It should be understood that this declaration of principles in no way impairs the firm will of the Government and the people of Venezuela to cooperate in good faith in the stable maintenance of the Organization, in its future development and in the just attainment of its purposes.



In the meeting of May 23 Committee 2 of Commission I approved by majority vote a report of its Rapporteur, recommending the adoption of the opinion of the sponsoring powers, that there is no occasion to contemplate or regulate in the Charter the right of withdrawal of members of the Organization. The Delegation of Venezuela believed it opportune to abstain from voting because it considered that the recommendation as presented neither states nor resolves the question clearly; and it reserved the right to express in writing its point of view on the matter, which is the following:

The Delegation accepts, as has already been stated, that, in agreement with the text of the Dumbarton Oaks Proposals, the Charter should say nothing regarding the duration of the union or withdrawal of the member states.

In our opinion, the notion of perpetuity is undoubtedly incompatible with the nature of treaties or agreements of association such as the Charter will contain, constituting an international obligation of indefinite duration, with the consequences resulting therefrom with regard to possible termination of the obligation by desistance of the parties.

Therefore, the Delegation of Venezuela accepts the interpretation that the silence of the Charter leaves entirely unimpaired the principle of common law according to which the power of voluntary withdrawal of members from the Organization is considered as implied.

It should be understood that this declaration of principles in no way impairs the firm will of the Government and the people of Venezuela to cooperate in good faith in the stable maintenance of the Organization, in its future development and in the just attainment of its purposes.

In the meeting of May 23 Committee 2 of Commission I approved by majority vote a report of its Rapporteur, recommending the adoption of the opinion of the sponsoring powers, that there is no occasion to contemplate or regulate in the Charter the right of withdrawal of members of the Organization. The Delegation of Venezuela believed it opportune to abstain from voting because it considered that the recommendation as presented neither states nor resolves the question clearly; and it reserved the right to express in writing its point of view on the matter, which is the following:

The Delegation accepts, as has already been stated, that, in agreement with the text of the Dumbarton Oaks Proposals, the Charter should say nothing regarding the duration of the union or withdrawal of the member states.

In our opinion, the notion of perpetuity is undoubtedly incompatible with the nature of treaties or agreements of association such as the Charter will contain, constituting an international obligation of indefinite duration, with the consequences resulting therefrom with regard to possible termination of the obligation by desistance of the parties.

Therefore, the Delegation of Venezuela accepts the interpretation that the silence of the Charter leaves entirely unimpaired the principle of common law according to which the power of voluntary withdrawal of members from the Organization is considered as implied.

It should be understood that this declaration of principles in no way impairs the firm will of the Government and the people of Venezuela to cooperate in good faith in the stable maintenance of the Organization, in its future development and in the just attainment of its purposes.



In the meeting of May 23 Committee 2 of Commission I approved by majority vote a report of its Rapporteur, recommending the adoption of the opinion of the sponsoring powers, that there is no occasion to contemplate or regulate in the Charter the right of withdrawal of members of the Organization. The Delegation of Venezuela believed it opportune to abstain from voting because it considered that the recommendation as presented neither states nor resolves the question clearly; and it reserved the right to express in writing its point of view on the matter, which is the following:

The Delegation accepts, as has already been stated, that, in agreement with the text of the Dumbarton Oaks Proposals, the Charter should say nothing regarding the duration of the union or withdrawal of the member states.

In our opinion, the notion of perpetuity is undoubtedly incompatible with the nature of treaties or agreements of association such as the Charter will contain, constituting an international obligation of indefinite duration, with the consequences resulting therefrom with regard to possible termination of the obligation by desistance of the parties.

Therefore, the Delegation of Venezuela accepts the interpretation that the silence of the Charter leaves entirely unimpaired the principle of common law according to which the power of voluntary withdrawal of members from the Organization is considered as implied.

It should be understood that this declaration of principles in no way impairs the firm will of the Government and the people of Venezuela to cooperate in good faith in the stable maintenance of the Organization, in its future development and in the just attainment of its purposes.

May 22, 1945

TO: Miss Elizabeth Armstrong  
Secretary of Committee I/2

FROM: William A. Brown  
Secretary of Committee II/1

#### I. Loss of Voting Rights

At its meeting of May 18 (see Doc. 454), Committee II/1 voted to add an amendment to Chapter V, Section C, paragraph 1 of the Dumbarton Oaks text incorporating the principle that a Member State should be deprived of all voting rights in the General Assembly if it is in arrears on the payment of contributions to the Organization.

The Committee further agreed that the period of grace to be allowed before this penalty is imposed should be stipulated in the Charter, but that what this period of grace should be, should be decided upon by another technical committee.

The Chairman of the Drafting Subcommittee of Committee II/1 feels that the appropriate technical committee to decide this question is Committee I/2.

At the same meeting Committee II/1 discussed an amendment proposed by the Australian Delegation that a Member should be deprived of its voting rights in the General Assembly if it has failed to carry out its obligations as contemplated in Chapter VIII, Section B, paragraph 5.

This amendment is on the active agenda of Committee II/1 and will be taken up again as soon as the text of Chapter VIII is established.

Committee II/1 would like to know definitely whether Committee I/2 will deal with the question referred to it above.

#### II. Expulsion

Committee II/1 has not approved the inclusion of expulsion of members among the questions requiring a special majority vote in the Assembly mentioned in



Chapter V, Section C, paragraph 2. Many members of the Committee advocate the elimination of all references to expulsion from Chapter V, or the elimination of this matter from the list of important questions.

Committee II/2 suspended discussion of this question until it learns what action will be taken by your Committee on the question of expulsion.

Will you please advise me as soon as this question has been dealt with in your Committee, so that Committee II/2 may resume its discussion of Chapter V, Section C.

### III. Revision of the Charter

At its meeting of May 22, Committee II/1 considered an amendment proposed by the Brazilian Delegation providing that the General Assembly should meet in quinquennial session for the purpose of revising the Charter. The Committee considered that it was not the competent committee to deal with this proposal and refer it to Committee I/2.

The Brazilian Delegate asked that in referring this amendment to your Committee a reservation made by the Brazilian Delegation should be noted. The Brazilian Delegation considers that the Four-Power amendment to Chapter XI, which provides for the convoking of a special conference for the purpose of revising the Charter by a vote of three-fourths of the members of the Organization and with the concurrence of the Security Council, should not result worded so as to permit a veto by any one of the permanent members. The Brazilian Delegation considers that such a veto against the views of three-fourths of the members of the entire Organization would be a strange provision and wishes to reserve its own position on this point.

May 22, 1945

TO: Miss Elizabeth Armstrong  
Secretary of Committee I/2

FROM: William A. Brown  
Secretary of Committee II/1

I. Loss of Voting Rights

At its meeting of May 18 (see Doc. 454), Committee II/1 voted to add an amendment to Chapter V, Section C, paragraph 1 of the Dumbarton Oaks text incorporating the principle that a Member State should be deprived of all voting rights in the General Assembly if it is in arrears on the payment of contributions to the Organization.

The Committee further agreed that the period of grace to be allowed before this penalty is imposed should be stipulated in the Charter, but that what this period of grace should be, should be decided upon by another technical committee.

The Chairman of the Drafting Subcommittee of Committee II/1 feels that the appropriate technical committee to decide this question is Committee I/2.

At the same meeting Committee II/1 discussed an amendment proposed by the Australian Delegation that a Member should be deprived of its voting rights in the General Assembly if it has failed to carry out its obligations as contemplated in Chapter VIII, Section B, paragraph 5.

This amendment is on the active agenda of Committee II/1 and will be taken up again as soon as the text of Chapter VIII is established.

Committee II/1 would like to know definitely whether Committee I/2 will deal with the question referred to it above.

II. Expulsion

Committee II/1 has not approved the inclusion of expulsion of members among the questions requiring a special majority vote in the Assembly mentioned in



Chapter V, Section C, paragraph 2. Many members of the Committee advocate the elimination of all references to expulsion from Chapter V, or the elimination of this matter from the list of important questions.

Committee II/2 suspended discussion of this question until it learns what action will be taken by your Committee on the question of expulsion.

Will you please advise me as soon as this question has been dealt with in your Committee, so that Committee II/2 may resume its discussion of Chapter V, Section C.

### III. Revision of the Charter

At its meeting of May 22, Committee II/1 considered an amendment proposed by the Brazilian Delegation providing that the General Assembly should meet in quinquennial session for the purpose of revising the Charter. The Committee considered that it was not the competent committee to deal with this proposal and refer it to Committee I/2.

The Brazilian Delegate asked that in referring this amendment to your Committee a reservation made by the Brazilian Delegation should be noted. The Brazilian Delegation considers that the Four-Power amendment to Chapter XI, which provides for the convoking of a special conference for the purpose of revising the Charter by a vote of three-fourths of the members of the Organization and with the concurrence of the Security Council, should not result worded so as to permit a veto by any one of the permanent members. The Brazilian Delegation considers that such a veto against the views of three-fourths of the members of the entire Organization would be a strange provision and wishes to reserve its own position on this point.

May 22, 1945

TO: Miss Elizabeth Armstrong  
Secretary of Committee I/2

FROM: William A. Brown  
Secretary of Committee II/1

I. Loss of Voting Rights

At its meeting of May 18 (see Doc. 454), Committee II/1 voted to add an amendment to Chapter V, Section C, paragraph 1 of the Dumbarton Oaks text incorporating the principle that a Member State should be deprived of all voting rights in the General Assembly if it is in arrears on the payment of contributions to the Organization.

The Committee further agreed that the period of grace to be allowed before this penalty is imposed should be stipulated in the Charter, but that what this period of grace should be, should be decided upon by another technical committee.

The Chairman of the Drafting Subcommittee of Committee II/1 feels that the appropriate technical committee to decide this question is Committee I/2.

At the same meeting Committee II/1 discussed an amendment proposed by the Australian Delegation that a Member should be deprived of its voting rights in the General Assembly if it has failed to carry out its obligations as contemplated in Chapter VIII, Section B, paragraph 5.

This amendment is on the active agenda of Committee II/1 and will be taken up again as soon as the text of Chapter VIII is established.

Committee II/1 would like to know definitely whether Committee I/2 will deal with the question referred to it above.

II. Expulsion

Committee II/1 has not approved the inclusion of expulsion of members among the questions requiring a special majority vote in the Assembly mentioned in .



Chapter V, Section C, paragraph 2. Many members of the Committee advocate the elimination of all references to expulsion from Chapter V, or the elimination of this matter from the list of important questions.

Committee II/2 suspended discussion of this question until it learns what action will be taken by your Committee on the question of expulsion.

Will you please advise me as soon as this question has been dealt with in your Committee, so that Committee II/2 may resume its discussion of Chapter V, Section C.

### III. Revision of the Charter

At its meeting of May 22, Committee II/1 considered an amendment proposed by the Brazilian Delegation providing that the General Assembly should meet in quinquennial session for the purpose of revising the Charter. The Committee considered that it was not the competent committee to deal with this proposal and refer it to Committee I/2.

The Brazilian Delegate asked that in referring this amendment to your Committee a reservation made by the Brazilian Delegation should be noted. The Brazilian Delegation considers that the Four-Power amendment to Chapter XI, which provides for the convoking of a special conference for the purpose of revising the Charter by a vote of three-fourths of the members of the Organization and with the concurrence of the Security Council, should not result worded so as to permit a veto by any one of the permanent members. The Brazilian Delegation considers that such a veto against the views of three-fourths of the members of the entire Organization would be a strange provision and wishes to reserve its own position on this point.

San Francisco

Cop 9

AU SOUS COMITE DE REDACTION DU CHAPITRE III

Resumant et mettant au point notre exposition initiale, nous disons:

1. Le probleme a resoudre, - en vue de ce qui a été établi aujourd'hui par le comité au point de vue de l'envoi a la Commission II des themes: "expulsion, - ajournement, - et possible denotiation ou abandon", - est le suivant:

- a) Quels pays sont déjà membres;
- b) Quels pays pourraient etre admis.

2. La délégation de l'Uruguay croit que sa formule (no.1) est techniquement bonne et supérieure à celle du plan de D.O.

Elle donne une définition des membres fondateurs - ce qui est nécessaire, - tout en établissant l'engagement qu'ils prennent. Il ne suffit pas qu'on parle de "All peace loving states" dans le sens international, si dans l'ordre intérieur on ne maintient pas des régimes de droit et de liberté, favorables à la justice sociale, base de tout ordre politique.

Il semble plus exact d'employer le terme "Nations et non "Etats".

3. La formule uruguayenne "d'universalité avec la distinction de membres actifs (les fondateurs) et membres ajournés", au point de vue technico-juridique et au point de vue des réalités politiques, est inobjectable.

Si cette these n'était pas acceptée, quel sens aurait la partie finale du no. 6 du chapitre II du plan de D.O.?

Si cette these n'était pas acceptée, l'immediate rupture diplomatique s'ensuivrait logiquement, apres signature du pacte, avec tous les pays qui ne forment pas partie de l'Organisme (par exemple la Suède, la Suisse,



l'Irlande, l'Espagne, le Portugal, etc.) Est-on dans cette disposition?

Si l'idéal est l'universalité, pourquoi ne l'établit-on pas dans le Pacte, en ajournant l'activité effective, mais pas la qualité juridique passive des pays qui ne sont pas encore avec les Nations Unies et des intégrants de l'Axe? Quel est le danger?

4. L'observation du Délégué de la France sur "prohibition de la neutralité" n'a pas de logique juridique. Si un Etat Membre, malgré une résolution de l'Organisme se niait collaborer à des actions compulsives il ne se déclarerait pas "neutre", il violerait ses engagements et le Pacte même. Il correspondrait envers cet acte d'appliquer les mesures prévues dans le Pacte.

5. Les résolutions sur la levée des suspensions devraient être accordées par l'Assemblée quand la Nation sujet de telle résolution, offre des caractéristiques d'action qui soient d'accord avec celles du Pacte. "S'engager à soutenir la paix universelle, dans des régimes internes de droit et de liberté, réalisateurs de justice."

La règle de conduite de l'Assemblée, sera-t-elle de faire un tel examen d'ordre interne parfait à chaque pays?

6. En résumé: la Délégation de l'Uruguay maintient la formule proposée, avec la suppression, dans l'alinéa 2, des mots "empêche son abandon et".

11 Mai 1945

(s)

Dr. Hector Paysse Reyes

Délegue de l'Uruguay

STATEMENT BY  
HONORABLE CHARLES A. EATON  
U.S.A. DELEGATE

JUNE 18, 1945

We are now nearing the close of this historic Conference. The Delegates and Advisers of fifty sovereign nations have worked side by side with complete devotion and diligence, personally and in various committees, to resolve a multitude of technical problems of vital importance in the writing of a sound and workable charter.

Since in this great Commission and Committee meeting here today we have been so long occupied with these individual issues, it might be well to unify our thinking by a brief survey of those central realities of life and destiny out of which this conference was born and which endow with immeasurable importance conclusions reached by this and other Committees.

It is well within the truth to say that this conference may, and probably will, become the most fateful event in history. Upon the success or failure of what we do here hangs the fate for good or ill of all mankind. We have been carried here by the inexorable tides of destiny which from the dawn of time have been sweeping the human race either towards final failure and extinction; or towards a golden age of freedom, justice and peace in which, as envisioned by the immortal Burns, "Man to man the world o'er, Shall brothers be for a that".

Let us be clear as to why we are here and what we are trying to do.

We are not here to determine terms of peace with the brutal and bestial enemies of all fundamental freedoms. Nor are we here to find a solution other than upon an international basis for the multitudinous social, economic and spiritual problems which now vex and baffle every



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

- 2 -

peace loving society.

We are not here to set up a super world government to which all  
sovereign states and peoples must give <sup>humble</sup> allegiance.

We are here first of all to find ways and means to maintain peace  
and security throughout the world.

But above and beyond that most desirable objective, we are here to  
lay the first foundation of a new world civilization in which international  
relations shall be determined by law and justice <sup>based upon</sup> and fair dealing <sup>brotherhood</sup> rather than  
by brute force.

We can in the charter we are writing only make a beginning. It will  
take generations and perhaps centuries before by trial and error and free  
cooperation among all peoples there will be evolved the new world civilization.  
But the great reassuring fact remains that here and now men and women from  
fifty peace loving <sup>states</sup> nations, in their united wisdom as represented in this  
Committee today, are making that beginning.

This in my judgment <sup>for the</sup> is the greatest event in the public history of  
man. And this is why, regardless of whatever imperfections the charter we  
are now writing may develop in its application to future unpredictable  
conditions, we can each one go back to our people and <sup>fully</sup> ask their commendation  
and support of what we have <sup>tried to accomplish here</sup> accomplished.

We must never forget that the great ideals embodied in our charter  
of the United Nations can never be achieved simply by the writing of laws,  
nor by the organizations of <sup>military</sup> force. The last court of appeal in human  
affairs is the moral sense and trained intelligence of the whole people.  
There have been great empires in the past - and they are buried beneath the

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

- 3 -

dust of ages because there came a time <sup>in this history</sup> when their mental and spiritual resources were unequal to the task of supporting their material super-structure.

As we go back to our people from this great mountain top experience of cooperation and understanding and true fellowship in a <sup>this</sup> great emprise, my message to every Delegate and Adviser and Helper would be - HAVE FAITH.

<sup>Have</sup> Faith in ourselves and in our fellow men as torch bearers and builders in the new and better age that lies before.

<sup>Have</sup> Faith in the great immutable moral forces upon which all human-institutions are foundationed and by which they are preserved.

In this faith - and in this spirit of human brotherhood, understanding and cooperation <sup>notwith</sup> - we shall be able to say with a liberated and restored humanity, "WE HAVE SEEN THE MORNING BREAK."



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

STATEMENT BY  
HONORABLE CHARLES A. EATON  
U.S.A. DELEGATE

*Will read at Commission June 14.*  
JUNE 18, 1945

We are now nearing the close of this historic Conference. The Delegates and Advisers of fifty sovereign nations have worked side by side with complete devotion and diligence, personally and in various committees, to resolve a multitude of technical problems of vital importance in the writing of a sound and workable charter.

Since in this great Commission and Committee meeting here today we have been so long occupied with these individual issues, it might be well to unify our thinking by a brief survey of those central realities of life and destiny out of which this conference was born and which endow with immeasurable importance conclusions reached by this and other Committees.

It is well within the truth to say that this conference may, and probably will, become the most fateful event in history. Upon the success or failure of what we do here hangs the fate for good or ill of all mankind. We have been carried here by the inexorable tides of destiny which from the dawn of time have been sweeping the human race either towards final failure and extinction; or towards a golden age of freedom, justice and peace in which, as envisioned by the immortal Burns - "Man to man the world o'er, Shall brothers be for a that".

Let us be clear as to why we are here and what we are trying to do.

We are not here to determine terms of peace with the brutal and beaten enemies of all fundamental freedoms. Nor are we here to find a solution other than upon an international basis for the multitudinous social, economic and spiritual problems which now vex and baffle every

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

- 2 -

peace loving society.

We are not here to set up a super world government to which all sovereign states and peoples must give allegiance.

We are here first of all to find ways and means to maintain peace and security throughout the world.

But above and beyond that most desirable objective, we are here to lay the first foundation of a new world civilization in which international relations shall be determined by law and justice and fair dealing rather than by brute force.

We can in the charter we are writing only make a beginning. It will take generations and perhaps centuries before by trial and error and free cooperation among all peoples there will be evolved the new world civilization. But the great reassuring fact remains that here and now men and women from fifty peace loving nations, in their united wisdom as represented in this Committee today, are making that beginning.

This in my judgment is the greatest event in the public history of man. And this is why, regardless of whatever imperfections the charter we are now writing may develop in its application to future unpredictable conditions, we can each one go back to our people and ask their commendation and support of what we have accomplished.

We must never forget that the great ideals embodied in our charter of the United Nations can never be achieved simply by the writing of laws, nor by the organizations of force. The last court of appeal in human affairs is the moral sense and trained intelligence of the whole people. There have been great empires in the past - and they are buried beneath the

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

- 3 -

dust of ages because there came a time when their mental and spiritual resources were unequal to the task of supporting their material superstructure.

As we go back to our people from this great mountain top experience of cooperation and understanding and true fellowship in a great emprise, my message to every Delegate and Adviser and Helper would be - HAVE FAITH.

Faith in ourselves and in our fellow men as torch bearers and builders in the new and better age that lies before.

Faith in the great immutable moral forces upon which all human institutions are foundationed and by which they are preserved.

In this faith - and in this spirit of human brotherhood, understanding and cooperation - we shall be able to say with a liberated and restored humanity, "WE HAVE SEEN THE MORNING BREAK."



*Let's 20 page - The fact is with the interpreter.*

Since my country was one of the first and most ardent advocates of flexibility, through the possibility of revising the Charter, I now speak on behalf of the Brazilian Delegation, as the delegate on the Committee that covered that subject.

This document is being written at a very critical and unusual time. Though the war in Europe is won and that in Asia is drawing to its close, the shadow of the conflict still rests on a <sup>weary</sup> very and disillusioned world. By its very nature and the circumstances attendant on its birth, the Charter is an admixture of a multiple Treaty and of a document of international law, of a constitutional nature, aiming towards a Union of Nations. It is ambivalent and will probably need considerable readjustment according to which trend ultimately prevails.

Very early in the Conference Brazil presented an amendment permitting periodically revision and later ~~it~~ fused it with a Canadian amendment which called for a total revision within a given period of time. During all the debates in the subcommittee and the committee it was only the Brazilian and Canadian proposals and later the Brazilian-Canadian amendment which were discussed. At a much later stage, South Africa offered a new text which was acceptable to <sup>both</sup> us since it also set a maximum period of ten years without revision of the Charter as a whole. It was only after these two amendments failed to receive a total majority of the 2/3 required that the present text came before the Committee. We were very near attaining the required majority, which in this Conference has proved to be unusually difficult to get. Our proposal which was supported by New Zealand and Australia and favoured by all South America and by Cuba would have been victorious had two more South American countries been present. <sup>when the vote has taken</sup> The South African amendment was <sup>also</sup> within victory by 2/3 and lacked but two more votes.

Failing by a vote of two to secure the ample revision which Brazil felt necessary to give the Charter the necessary flexibility, we had perforce to accept the next best possibility, the present text. This makes <sup>revision</sup> ~~ratification~~ possible by a majority just after the 10th year

year but only provided it is asked for. It also surrounds the change with the restrictions prevalent during the initial period.

We greatly regret this, the more so, as even the League of Nations which first began to desintegrate after Japan's attitude on the Manchukuo question, derogated the suave diplomatic rule of unanimity where amendments were concerned and permitted explicitly withdrawal when the Covenant no longer merited the approval of the Nation concerned.

But as Chief Justice Holmes said, revision of constitutional law is more a question of experience than of logic. Is it possible that permanent unanimity will prove feasible and even wise. Should it not do so, there will be two trends open to the Charter in the course of its evolution. It may gradually work towards a five Power pact with the assentment of the small nations especially of Europe, who being directly threatened by War will accept whatever form of protection by the great powers is open to them. Or the veto will show itself unpracticable. Should that be so, <sup>call</sup> ~~once~~ it will be found necessary to convene a special Conference for Revision. It is no use to try to foreshadow the shape of things to come. When they are upon us, then, and then only, shall we be able to decide. I pray that the right decision will be made at that time.

However, as two great jurists and statesmen present at the Conference have said to me, on different occasions: it is not necessarily those who make the Charter who will have to supervise it in action. Once a legal institution is created it acquires a life of its own. Given sufficient time, and the Organization will reveal the virtues and defects of its structure and indicate the readjustment necessary. <sup>to make survival possible</sup> ~~possible~~



Corrected text of Brazilian delegates thanks on  
behalf of the Latin American women delegates - to  
Mr. Guggenbuhl of France and Mr. Right Hon. Premier  
N. Zealand

This article, of the Charter is a Latin American contribution to the Constitution of the World, It was written by the women on the delegations of Uruguay, Brazil the Dominican Republic and Mexico and placed among the amendments by the Governments they represent. <sup>and presented by Senator Isabel Vidal of Uruguay.</sup> It is not a ~~diff~~ mere revalidation of the rights of women, though I am a firm believer in such rights. It is more than this, <sup>at</sup> The women delegates to this Conference <sup>are</sup> were the forerunners of women's contributions to world affairs. The fact that they have been able to play a part in the drafting of the Charter shows <sup>is a consequence of the fact</sup> that they are already full fledged citizens. The intent however, was different. The men of the different parts of the world and the most diverse civilisations have understood the full import. Otherwise we would not have had the support of nearly every one of the delegations from smaller countries, which we have had, together with the <sup>former</sup> support of Russia and France. <sup>New Zealand, Australia</sup> /I/ <sup>in</sup> On behalf of the Women of Latin America and Australia I thank them, everyone of them. And I am sure I am translating the thought in the minds of all when I say: that there will never be inbreakable Peace in the World until we women <sup>help</sup> make it. The Gods of War feed on the blood of their children and some day the Mothers of human beings will put a stop to ~~to War.~~ <sup>blood like this holocaust.</sup>



For the Secretary  
Commission I

Uruguay  
June 19, 1945  
3:30

*se refiere a la idea de mantener el statu quo*  
El gobierno del Uruguay <sup>está</sup> de acuerdo con la fijación en el texto de la regla de respeto <sup>al</sup> <sup>autónoma</sup> "llamada" jurisdicción doméstica, necesaria aun <sup>en</sup> la etapa <sup>particular que franchit</sup> evolutiva que vive el orden internacional.

También apoya la excepción a esa regla, propuesta por las cuatro potencias invitantes y limitada por la iniciativa de Australia, - y que hace posible la acción del Consejo de Seguridad para mantener la paz <sup>en presencia de</sup> frente a amenazas o actos de agresión.

Pero para la delegación del Uruguay, en el texto proyectado, se cometen dos errores técnicos de enorme trascendencia, con los cuales no desea solidarizarse.

En primer lugar, - ¿Cómo se define la materia de jurisdicción doméstica? En segundo lugar, ¿Quién define la materia de jurisdicción doméstica?

Ambos aspectos son fundamentales tanto para la Comunidad como para cada Estado miembro, - y además, <sup>de potent</sup> encierran enorme gravedad de un punto de vista doctrinario y en un sentido moral y psicológico para los pueblos.

Primera Cuestión: ¿Qué se entiende por materia <sup>relevant exclusiva de la</sup> [librada a la exclusiva] jurisdicción doméstica? - La delegación del Uruguay ha apoyado y votado dos mociones concretas presentadas por los delegados de Grecia y de Bélgica que hacen referencia a "las reglas del derecho internacional".

El plan Dumbarton Oaks también respetaba este criterio referente al derecho internacional, ya consagrado por la Sociedad de las Naciones en el párrafo 8 del artículo 15. *In Pacti*

<sup>en face de</sup> Frente a esta tesis, ahora se quiere afirmar el criterio de que toda cuestión podrá ser de carácter interno, si así lo creyera y resolviera el estado interesado.



Se afirma por el muy ilustrado representante de los Estados Unidos, Mr. John Foster Dulles que los criterios del derecho internacional en esta materia son vagos e imprecisos y que <sup>la cuestión de los criterios</sup> ~~darian~~ <sup>serían</sup> ~~merito~~ <sup>de</sup> a cuestiones muy complicadas. Nosotros decimos que tiene razon el señor delegado, pero afirmamos que <sup>el criterio impregnado o señalado</sup> ~~siempre serán~~ en el orden internacional, ~~mas inseguro e impreciso, el~~ <sup>en cada caso concreto</sup> ~~serpenteo~~ <sup>que en cada caso concreto señalará, - bajo la presión</sup> ~~de sus propios intereses, el~~ <sup>impulso</sup> ~~Estado comprometido en la controversia, con la presión~~ <sup>de sus propios intereses.</sup>

En este punto pues, el Uruguay defiende la norma del plan Dumbarton Oaks.

Segunda cuestion: En caso de conflicto de criterios, ¿Quién determinará, qué organo de <sup>calificación</sup> autoridad fijará el caracter interno, domestico, o reservado de la cuestion?

De Versailles en adelante, y al aceptarse la iniciativa del Presidente Wilson sobre el respeto de la jurisdiccion domestica, - inspirada por el ex-presidente Taft y el criterio del partido Republicano, - se creó el regimen de la definicion jurisdiccional de la excepcion, por el Consejo, - <sup>consultación</sup> ~~pero~~ con el necesario asesoramiento de la Corte de Justicia o de comisiones ad-hoc de juristas.

En sintesis, dos enormes conquistas en el campo del orden internacional: <sup>reemplazamiento</sup> ~~substitucion~~ del criterio antijuridico, <sup>de</sup> "juez y parte" por el organo jurisdiccional; - luego, substitucion del criterio politico, por el técnico juridico, ~~y-bien-señor-presidente~~

Y bien, Mr. Chairman; ahora, con el regimen propuesto, se dará un salto enorme para atras: definicion de la cuestion, segun el derecho interno; - hecha por el propio interesado; - con criterio politico y no juridico.

El Uruguay, por ello, votó la proposicion ~~vieja~~ <sup>griega</sup> y luego la Belga,

~~menos perfecta.~~

Debe señalarse, que en el seno del comité tanto la referencia del <sup>las</sup> normas del derecho internacional, como <sup>de</sup> la jurisdicción de la corte, merecieron la mayoría de los votos, sin lograr los dos <sup>tercios</sup> ~~terminos~~. Y que ~~este~~ <sup>en consecuencia</sup> pensamiento que exponemos, fue la tesis sostenida por Mexico, Peru, Argentina y Brasil en los trabajos del comité.

Frente al artículo 8 en debate, <sup>que</sup> implica un desgraciado retroceso y que le señala al mundo un estado de desconfianza respecto al imperio del derecho internacional y de los órganos de justicia internacionales, el Uruguay junto con Belgica, Grecia y Noruega <sup>que</sup> <sup>resulta de la</sup> <sup>referencia</sup> ~~dió su voto contrario a~~ <sup>esta</sup> <sup>esta</sup> disposición.

Ahora ~~se~~ <sup>horne a declarar</sup> la delegación del Uruguay se limita a establecer que se abstendrá de votar esta disposición con la firme convicción de que ningún estado pequeño y débil puede renunciar a las normas del derecho internacional y a las jurisdicciones judiciales, que son sus mas firmes garantías.



June 19-1945

Copy of Declaration by delegation of  
Venezuela - Commission I Plenary Session  
on Committee 2 Report: Chapter on Membership

En lo relativo al problema de consignar en la Carta una disposición expresa que permita o prohíba el retiro de los miembros de la Organización, la Delegación de Venezuela entregó una declaración escrita a la Secretaría del Comité I/2. Ni en los resúmenes de las sesiones del Comité ni en el informe del Relator, se hace ninguna referencia o alusión a esta declaración, por lo cual la delegación cree necesario reiterarla en la Comisión, a fin de que sea insertada en el acta de la sesión de hoy.

La Delegación acepta que, conforme al texto de las Propuestas de Dumbarton Oaks, nada exprese la Carta sobre duración de la unión o sobre retiro de los Estados Miembros.

En su opinión la noción de perpetuidad es sin duda incompatible con la naturaleza de tratados o convenios de asociación como el que contendrá la Carta, y ~~que esta~~ <sup>esta</sup> constituirá una obligación internacional de duración indefinida con las consecuencias que de tal carácter se derivan respecto a eventual terminación del compromiso por desistimiento de las partes.

En tal virtud, la Delegación de Venezuela acoge la interpretación de que el silencio de la Carta deja enteramente a salvo el principio de derecho común según el cual se considera implícita la facultad de retiro voluntario de Miembros de la Organización.

También sobre la ratificación y la entrada en vigor de las enmiendas la Delegación de Venezuela, en el seno del mismo Comité I/2 y en diversas oportunidades expresó su criterio de que en virtud de disposiciones de la Constitución de la República no puede aceptar el principio de que cualquier enmienda eventual pueda entrar en vigor, en lo que concierne a Venezuela, mientras no haya sido ratificada por ésta. Por consiguiente, dada la redacción del párrafo 2 del Capítulo XI, la delegación declara expresamente y pide que así conste en el acta de la Comisión, que acepta ese texto en el explícito entendimiento de que tanto la Carta, como las enmiendas que se le hicieren, cualquiera que



fuere el método empleado para adoptarlas, no obligan a Venezuela sino cuando hayan sido ratificadas de acuerdo con el procedimiento que establece su Constitución Nacional.

Debe entenderse que esta declaración de principios en nada menoscaba la firme voluntad del Gobierno y del pueblo de Venezuela de cooperar de buena fé en el mantenimiento estable de la Organización, en su futuro desarrollo y en el logro cabal de sus propósitos.

DÉLÉGATION DU MEXIQUE  
DÉCLARATION D'INTERPRÉTATION

( Procédure )

1-Mr.le Président donne la parole à Mr.Quintanilla pour qu'il fasse, au nom de sa Délégation, une Déclaration d'interprétation.

2-Après la lecture de cette Déclaration, dont l'auteur lira lui même le texte anglais, français et espagnol, le Président de la Commission, en s'appuyant sur le paragraphe 6<sup>ème</sup> des Recommandations de la Conférence en matière de procédure, demandera à la Commission si, comme il le croit lui même, cette Déclaration d'interprétation mérite d'être incorporée au rapport de la Commission.

3-Si la Commission vote en faveur de l'inclusion de cette Déclaration dans son rapport, le Délégué X. demandera au Délégué du Mexique de bien vouloir éclaircir le sens de la Déclaration que vient d'être adoptée.

4-Le Président de la Commission donnera la parole à Mr.Quintanilla pour qu'il puisse répondre à la question posée par le Délégué X..

5-Mr.Quintanilla lira son discours, dont il a déjà les traductions française et espagnole.

6-Après cela, plusieurs Délégués demanderont la parole pour ajouter les commentaires favorables à la proposition mexicaine.

(1) "Individual interpretations stated by delegates at commission meetings will not be incorporated in the report of the commission rapporteur unless they are in accord with the sense of the meeting."  
(Texte du paragraphe 6<sup>ème</sup>)

(2)-Si la proposition n'est pas acceptée Mr.Quintanilla demandera la parole.

1 <sup>expi. l'avis de</sup> décl. <sup>sur la procédure</sup>

2 <sup>décl. interpr.</sup> après <sup>peu compréh.</sup> <sup>"comme que"</sup>

- 1 Mexique le décl.
- 2 Pris <sup>le décl.</sup> <sup>le rapp. répl.</sup>
- 3 <sup>discours</sup>
- 4 Conclusion: <sup>discours</sup> <sup>après cela</sup>



DECLARATION DE M. LUIS QUINTANILLA,  
Ambassadeur du Mexique,  
à la ~~première~~ séance publique de la Commission I  
de la Conférence des Nations Unies  
sur l'Organisation Internationale.

---

Monsieur le Président,

Je prends la parole au nom de la Délégation du Mexique.

Nous tenons à signaler qu'en acceptant le texte de <sup>du Paragraphe</sup> l'Article  
2, du Chapitre III, le Mexique entend que ni les gouvernements de  
l'Axe, qui ont été vaincus, ni les gouvernements de facto imposés  
par les forces militaires de l'Axe peuvent aspirer à devenir des  
membres de l'Organisation Mondiale.

Nous avons en vue, non seulement le gouvernement fantoche  
du Mandchoukouo, mais celui de l'Espagne, qui est plus proche des  
Républiques de l'Amérique latine.

Monsieur le Président, c'est un fait bien établi que les forces  
militaires de l'Italie fasciste et de l'Allemagne nazie sont  
intervenues ouvertement pour mettre Franco au pouvoir. Et puisque  
la guerre que nous menons a pour but d'anéantir les derniers  
vestiges de l'Axe--dont deux membres ont déjà été battus et le troi-  
sième, le Japon, est sur le point d'être écrasé--il nous paraît  
raisonnable d'insister ici pour qu'aucun gouvernement, imposé à  
une nation par des forces militaires de l'Axe, puisse prendre part  
à une Conférence, ou à une Société, des Nations Unies.

Il fut un temps, au cours de cette lutte si sanglante, où cer-  
taines Puissances, directement responsables des opérations militaires,  
placèrent des raisons d'ordre pratique au-dessus des engagements

...

d'ordre logique ~~et, permettez-moi d'ajouter, d'ordre moral.~~

Heureusement, grâce aux énormes sacrifices des grandes nations représentées à cette Conférence, la guerre en Europe a été gagnée. Mussolini n'est plus; et Hitler lui-même a disparu. Nous pouvons enfin parler sans ambages et, sans mettre en péril les opérations militaires en Europe, dire toute la vérité.

La vérité historique, Monsieur le Président, c'est que l'aide militaire portée à Franco par les légions de Mussolini et par les avions de Hitler est bien la seule raison pour laquelle la République espagnole ne se trouve pas représentée parmi nous aujourd'hui.

Il est, en outre, ironique ~~de penser~~ que la défaite de Hitler et de Mussolini puisse ~~se prêter à une manœuvre tendant à~~ consolider la situation de Franco dans le monde d'après-guerre.

L'intervention des armées ~~italiennes~~ et allemandes en Espagne constitue une violation flagrante et criminelle du principe de la "non-intervention", auquel le Mexique et toutes les nations du monde attachent une si grande importance. Il s'agit là d'un principe si essentiel au maintien d'un ordre mondial régi par la justice que, pensons-nous, si l'on faisait ici une seule exception, de la sécurité la structure ~~collective~~ et du droit international, toute entière, s'en verrait profondément menacée.

Nous serions les derniers à vouloir intervenir dans les affaires ~~intérieures~~ de l'Espagne. C'est bien pourquoi nous demandons que, dans les assemblées des Nations Unies, on ne fasse aucun cas des groupes qui ont profité de l'intervention militaire des Puissances de l'Axe.



Mussolini et Hitler, protecteurs militaires de Franco, ont cessé d'exister. Mais nous maintenons que leur disparition ne doit pas, automatiquement et rétrospectivement, effacer les péchés de l'homme qu'ils ont aidé à mettre au pouvoir.

Monsieur le Président, l'Espagne fut une des premières victimes du fascisme international. Les centaines de milliers de héros qui ont lutté et qui sont morts, en Espagne, pour la cause de la démocratie, furent en vérité les premiers alliés des Nations Unies. Les millions <sup>qui</sup> ~~qui~~ restent ont le droit de partager notre victoire: une victoire qui est également leur victoire.

Avec la Chine et l'Ethiopie, l'Espagne républicaine fut notre première alliée dans le combat. Elle ne doit pas devenir, au moment du triomphe, l'amie qu'on abandonne...

Dans un télégramme de félicitations, envoyé à Mussolini au mois d'août 1937, à l'occasion de la prise de Santander--bataille ~~et~~ <sup>qui</sup> coûta la vie à des milliers de citoyens épris de liberté--Franco s'adressa à Mussolini en ces termes: "Je me réjouis tout particulièrement de ce que les troupes italiennes, en dix jours de dur combat, aient fortement contribué à la victoire de Santander..." Et Mussolini de répondre: "Cette victoire vient de couronner l'héroïsme des légionnaires italiens; héroïsme reconnu et loué non seulement en Italie, mais dans le monde entier."

En 1938, à l'occasion d'une cérémonie officielle organisée pour décorer des membres des légions italiennes qui avaient combattu en Espagne, Franco s'écria: "Légionnaires d'Italie, soldats de l'Italie impériale, Croisés de la Foi et de la civilisation occidentale, je vous salue avec l'amour d'un commandant et la confiance d'un



chef--amour et confiance nés de notre camaraderie de guerre. J'ai été témoin de vos actes, j'ai senti la chaleur de votre sang versé sur la terre d'Espagne. J'ai conscience du fait que vous avez quitté vos foyers pour suivre les drapeaux de vos Légions Romaines...

Nous pourrions citer à l'infini des déclarations dans lesquelles Franco reconnaît, par des expressions de gratitude du même genre, l'intervention des légions italiennes dans sa lutte contre la démocratie. Permettez-moi seulement d'ajouter qu'il exprima, avec la même chaleur, ses remerciements à Hitler pour l'aide militaire que celui-ci accorda au fascisme espagnol. En 1937, s'adressant à l'Allemagne, Franco s'exprima en ces termes: "Je vous donne l'assurance", dit-il, "de ma gratitude profonde et durable. J'exprime l'ardent désir que l'amitié entre l'Espagne et l'Allemagne s'enracine à jamais dans le coeur de nos peuples."

L'Ambassadeur allemand à Madrid, confirma cette collaboration lorsqu'il décora Franco en Septembre 1941. Il prononça à cette occasion les paroles suivantes: "Le Fuehrer, Chef Suprême des armées allemandes victorieuses, tient à rehausser, en conférant cette croix au Généralissime, à l'invincible Caudillo espagnol, le lien intime qui unit non seulement nos deux peuples, mais surtout nos deux armées, dont les commandants, les officiers et les soldats ont combattu, côte à côte, pendant les trois premières années de cette Croisade héroïque. La guerre de l'Allemagne, qui n'est pas encore terminée, est une guerre contre le même ennemi commun, qui continue à tromper le monde avec ses théories sur le libéralisme et la démocratie."

Et encore plus tard, en décembre 1942, au moment même où la bataille décisive de Stalingrad s'engageait dans toute sa violence,

Franco envoya à Hitler un télégramme l'assurant qu'il priait pour son triomphe... Deux jours plus tard, dans un discours qu'il prononça à Seville, il fit à Hitler la promesse suivante: "Nous maintenons notre politique traditionnelle, notre loyauté envers les peuples qui ont partagé nos peines. Si un jour Berlin est en danger, l'Espagne enverra un million d'hommes, s'il le faut, pour la défendre..."

Enfin, permettez-moi de rappeler que, dans un télégramme envoyé à Hitler, Franco eût l'audace de dire: "De tout mon coeur je partage votre aspiration que le grand Empire Allemand atteigne sa destinée immortelle, sous le signe glorieux de la croix gammée, et sous votre direction inspirée. Heil Hitler!"...

Monsieur le Président, la Délégation du Mexique, estime que la voix qui prononça ces mots ne doit jamais se faire entendre dans l'Organisation Internationale que vous, Messieurs, êtes en train de créer ici.

---