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Fr 29th

June 17

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Committee I/2

Annual Reports

Work Papers

Agenda

etc.

1st to 29th Meetings

SUMMARY REPORT OF THE TWENTY-SECOND MEETING OF COMMITTEE I/2

Veterans Building, Room 303, June 13, 1945, 8:45 p.m.

The meeting was called to order by the Chairman at 8:45 p.m. He announced that Subcommittee ^{I/2/E} had made progress at its meetings and would meet again following this session of Committee I/2. He stated that, if Subcommittee I/2/E reached a decision at its meeting this evening, it might be possible for Committee I/2 to reconsider the questions of withdrawal and expulsion at its next meeting.

1. Reconsideration of Deputy Secretaries-General.

The Chairman informed the Committee that its meeting this evening would be devoted exclusively to reconsideration of the question of omitting from the Charter reference to deputy secretaries-general. This matter had been referred back to the Committee by the Steering Committee. The Chairman explained that, until Committee II/2 and III/1 had reached

certain decisions, Committee I/2 could only take up the specific question of including or excluding reference to deputy secretaries-general.

The Chairman proposed that the Committee decide on this question in the following manner: the Committee would first vote on the Soviet motion that "there shall be a Secretariat comprising a secretary-general, ^{five} ~~four~~ deputies and such staff as may be required." If this motion failed to receive the requisite ^{two-thirds} ~~2/3~~ majority, the Committee would then vote on the ^{amendment} ~~amending~~ of the Sponsoring Powers which read as follows: "there should be a Secretariat comprising a secretary-general, four deputies and such staff as may be required." If this amendment does not receive a majority of ^{two-thirds} ~~2/3~~ of those present and voting, then the Committee would proceed to vote on the original Dumbarton Oaks proposal, namely, "there should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General

should be the chief administrative officer of the Organization."

The Delegates of New Zealand and Canada informed the Committee that their negative votes on the propositions would apply only to the inclusion of the reference to deputy secretaries-general.

The Greek Delegate suggested that the vote be taken on whether or not the Organization should have deputy secretaries-general. He was informed that the Steering Committee had directed the Committee to vote on specific proposals which were before the Committee.

Decision: The Committee rejected by a vote of 20 in favor and 19 against the proposal of the Soviet Union to provide in the Charter for five deputy secretaries-general.

Decision: The Committee rejected by a vote of 22 in favor and 19 against the amendment of to include in the Charter provision for deputy secretaries-general.

40

The Committee adopted by a vote of 33 in favor and 1 against, with one abstention, the first two sentences of paragraph 1, chapter ~~X~~ ^{Dumbarton Oaks} of the ~~Proposals~~.

The Delegate of the Soviet Union announced that the Soviet Delegation reserved its right to submit the question to the Plenary Session of Commission I.

The Delegate of Brazil in ~~expressing~~ explaining her vote on the question stated that, since the Sponsoring Powers had argued that the question of deputy secretaries-general was related to the unanimity of the major powers and that the Organization depended on such unanimity, the Conference should, therefore, provide for a sufficient number of deputy secretaries-general.

Reference was made to the words "and his deputies" in the amendment of the Sponsoring Powers concerning the secretariat. Some delegates suggested that these words should be suppressed in order to avoid contradiction with

the decision taken by the Committee this evening. The Chairman explained that, if the decision of the Committee this evening ^{were} ~~was~~ sustained, there would be no reference to deputy secretaries-general in the Charter. However, if the decision of the Committee were reversed, then the words, "and his deputies" in the amendment of the Sponsoring Powers would logically be included. A motion by the Australian delegate to admit these words was withdrawn upon the explanation of this matter by the chairman.

The Delegate of Greece suggested that the Committee might vote on a proposition to permit ~~the~~ General Assembly to create the positions of Deputy Secretaries-general. The Chairman ruled that, since ^{no} such formal amendment was before the Committee, Committee I/2 ^{could} ~~was not in position to~~ vote on such a proposition.

The meeting adjourned at 10:05.

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The Committee adopted by a vote of ~~25~~ in favor and 1 against, with one abstention, the first two sentences of paragraph 1, chapter ~~X~~ of the ^{Dumbarton Oaks Proposal} proposals.

The Delegate of the Soviet Union announced that the Soviet Delegation reserved its right to submit the question to the Plenary Session of Commission I.

The Delegate of Brazil in ~~expressing~~ explaining her vote on the question stated that, since the Sponsoring Powers had argued that the question of deputy secretaries-general was related to the unanimity of the major powers and that the Organization depended on such unanimity, the Conference should, therefore, provide for a sufficient number of deputy secretaries-general.

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PROGRESS REPORT

COMMITTEE I/2

June 13, 1945

Decisions: The Committee adopted by a vote of ⁴⁰⁻¹ 39-1, one abstention the first two sentences of paragraph 1, Chapter X (Secretariat) of the Dumbarton Oaks Proposals.

Committee rejected by vote of 20 in favor, 19 against, a Soviet proposal to include in the Charter provision for five deputy secretaries general.

Committee rejected by vote of 22 in favor, ¹⁸ 15 against, the amendment of the sponsoring powers to include in the Charter provision for four deputy secretaries general.

Chairman stated that if the decision of Committee I/2 were upheld, no reference to deputy secretaries general, especially as mentioned in the second sentence of the amendment of the sponsoring powers, would be made in the Charter.

Developments:

Chairman placed the reconsideration of the question of deputy secretaries general before the Committee as follows: the committee would vote on the Soviet proposal for five deputies; if it failed to carry, then the Committee would vote on the amendment of the sponsoring powers; if this also failed to carry, then the vote would be on the Dumbarton Oaks Proposal, para. 1, Chapter X (sentences one and two).

New Zealand and Canadian delegates announced that they would be voting only against the inclusion of reference to deputies.

Greek delegate suggested that the Committee was deciding whether or not to have deputies. ^{not} He was informed that the question was whether there should be reference in the Charter to deputies.

Soviet delegate, after the vote, stated that his delegation reserved ~~his~~ right to raise the question of deputies in the plenary session of the Commission. U. S. Delegate stated that every delegation had this right without announcing it. Australian delegate suggested that, if the Commission upheld the Committee, the matter not be referred to the Executive Committee. He also suggested that the Soviet Delegate not raise the

the question in the Commission. His remarks were not to be included in the record.

Brazilian delegate explained that she voted in favor of the Soviet proposal and amendment of the sponsoring powers in order that the sponsoring powers might have their way on this matter, that the unanimity of the sponsoring powers might not be endangered by failing to provide sufficient deputies for them.

Belgian and Australian delegates raise the point of reference to deputies in other parts of the Charter. Chairman explained that, if the decision of Committee I/2 were upheld, no such reference would be made.

If not upheld, then the question of reference to deputies would be open again. Australian motions to omit other references was not acted upon after explanation of chairman.

Greek delegate raised question of specifying precisely how the deputies would be selected if there were to be deputies. Chairman and Australian delegate informed him that there were no propositions on this point before the Committee.

Such explanation to be in summary record.

COMMITTEE I/2

June 13, 1945

JOURNAL

Committee I/2, in reconsidering its previous vote on deputy secretaries general, adopted by a vote of ⁴⁰~~33~~ in favor and 1 against, Chapter X, paragraph 1, sentences one and two of the Dumbarton Oaks Proposals, which reads as follows:

"There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization."

The Committee rejected by a vote of 20 in favor and 19 against, a proposal of the Soviet Union to include in the Charter provision for five deputy secretaries general. It also rejected by a vote of 22 in favor and 19 against, the amendment of the sponsoring powers to include in the Charter provision for four deputy secretaries general.

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

I/2

I/2 June 13, 1945
8:45

chr = E made progress yesterday. Today dealing with withdrawal. Subcom. to meet again this pm. If dec. reached, it may be possible for withdrawal and expul. tomorrow. Tonight we handle brief matter, ques. returned by Steering Com. (1) expul 12, d. S. G. I am informed that Soviet del. moved. We should consider it. Unfort I am inf that II/3, III/1 are not complete. All of Soviet motion cannot be taken up entirely.

reads:
there shall be sec comprising
Sec. Gen, 5 deputies, and such
staff as may be required:

If it doesn't carry by $\frac{2}{3}$, then
I'll put up spon. power amendment
for 4 deputies

India: what about D. O.

New Zealand: re: vote: why not put motion
in simplest form "addition of ^{words} 5 deputies"

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rather than whole para. of D.O.
with which we now agree.

Canada: support N.3., if our del. votes
it is not against full paragraph

Polen = rest is D.O. ~~not~~

Chi = I've read texts: divergence is 5 or 4,
not to break proced. I'll submit
Soviet prop, refers only to 5; if it
fails, then 4 Ques. is only one
number of deputies

Soviet Union: del. doesn't understand prop. of
N.3. or Canada; explain what
they want

N.3 - no proposal, only question of
procedure

Greece: for clarity, ques. is not numerical
but whether there are to be deputies

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question of deputies or no is under
vote.

Polin Greek statement would lead to
deadlock: ques. whether or
mention in Char. of d. s. g.
Some del. claim this confused
St. Com = Unwise to vote on such principles
Positive proposals: Accept
suggestion: Secret amend, then
amend. of sp. powers.

Argentina = I understand: problem is: apart of
d. s. g. - We agreed on creation of
post of 5-6: Amend. refers for
dep. secret. Are we bringing back
// matter of Sec. Gen.?

Austral: Is it your intention to ~~lose~~^{vote} for,
vote against four; those opposed
will vote against both prop.

Chr = correct

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Chr = proceed if vote against Soviet
prop
then vote on Spon. Power,
then vote on D. G.

Chr = vote on Soviet prop.

Ans = roll call

Chr = 20 yes 19 No - // not
motion rejected vote

Chr = Spon. power amend
(reads text)

Ans = roll call

Chr : Sp. power

22 yes 19 No - 10 not
rejected vote

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chr = D.O. prop.

reads " chief
admin officer - - -"
roll call

approved: only one vote
in negative

Soviet Union: Sov. del. attaches
great importance to this ques. Reason
for supporting it presented in
previous meet. Soviet del. reserves
right to place it before the
plenary session of
Commission

Brayl: I vote no; no need to vote on
D.O.

On yes, we have been trying to
get sp powers to make changes.
We have given in on everything they
want change. I have

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Upper mind. Since we are letting
them run org, we should
humor them on this. Nothing in
text would prevent them each
having a d.s.g.

Sec-Gen will oscillate between
bureaucrat and politician. If they
have 4 or 5, while S.G. is bureau,
others can be politicians.

Chi: Soviet state. to be include in

U.S. = Each del. has right to bring matter
up in Com.

Chi = yes

Ans = If it goes to Com, matter would
be handled in public. Is it then
to be appealed to St or Ex Com?
I suggest it be then settled in

Opp to measure want to preserve

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undep. of 5-6. I suggest to
somet del. that they ~~to~~ accept
decision of committee, final
work of Conference.

U.S.: Any decision can be taken up in public
session. Aus. sugg is proper; not
proper to sugg that EC should
not be brought before public sess.

Chr = Aus. sugg is personal, off the
record

Aus = It is all right to have it settled
in public session; oppose to
returning it to 5th. Con

Chr = rest of suby of Chap. I will

Belg: Generally agreed that vote means
suppression of "deputies"

I state this because Amend of 5.p

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is accepted but "add. f"

II/2 decide to maintain veto
If II/2 is reversed, then matter
would be brought up

Matter disposed of

Chr = since no mention of d. 5.9,
then this stands. In case
com. reviews posit, we'd
have to reconsider:

("and his dep in second part of
para)

Ans: pt. is "conseq"; we have decide on
original text. Prev. we had
determin the proced. =
words "and d. 5.9" should be
omitted.

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This com. should recommit it
to vote and omit it = drafting
matter - might confuse
dep

I move we recom. that sentence
to omit these words

N. 3 = misunderstand — no Com.
has taken any dec. on d. 5. 9.

II/1 expressed only on p. 9.
I/2 has done
no ground for any text on
deputies

Chr: logic = no logic in such a
reference. We are compelled to say
that this para. has no significance
if Com. \pm accepts deputies, then
this would arise.

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/// Ans = pres'd remarks be included in minutes. Safety pt in ques

Greece: Vote we took reject. doesn't exhaust ques.

Rolin -

Greece: Rolin will you allow me to

Greece: we should have decided ques only of number. Com. might want to vote on leaving it to Assembly. Com. I may decide.

It has been p'd out that this text adopted is incons with next parag. read "Sec-Gen and his deputies"

I assume that Belg delegate wants this?

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Chr = no, misunderstanding

Ans = we shouldn't have confusion.

Greek ^{has} logical possibilities
we have exhausted permissible possibilities
proposed. End of matter as far as
we are concerned.

Greec. ^e pt. is matter may be left
to Assembly

Ans: Excluded by no Amend —
that is ^{only} logical possibility

Brazil: Greek view is correct - no vote on
matter, leave it to drafting Committee

Chr = any further confusion?

reads text;

2 sentences

approved left

PRECIS

COMMITTEE I/2

June 13, 1945

Committee I/2, in reconsidering its previous vote on deputy secretaries general, adopted Chapter X, paragraph 1, sentences one and two of the Dumbarton Oaks Proposals. The Committee rejected the Soviet proposal to include in the Charter provision for five deputy secretaries general and the amendment of the sponsoring powers to include in the Charter provision for four deputy secretaries general.

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SUMMARY REPORT OF TWENTY-NINTH MEETING OF COMMITTEE I/2
Veterans Building, Room 223, June 17, 1945, 9:15 P.M.

The Chairman called the meeting to order at 9:45 P.M.

1. Reconsideration of expulsion and suspension /Chapter V,
Section B/

As a consequence of the decision taken at the twenty-first meeting, the Committee was asked to vote on that part of the Dumbarton Oaks Proposals with regard to expulsion which fall within its competence. The vote was taken on the motion that

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

and on the understanding that the proposals in the Dumbarton Oaks text on the participation of the General Assembly and the Security Council in decisions on expulsion would be re-inserted in the final text by Committee II/2.

The Delegate for Belgium announced that he would abstain, and suggested that other opponents of expulsion should follow suit, in order to insure a two-thirds majority.

The Delegate for Norway expressed agreement with Belgium on this proposal as a means of expediting the proceedings, and announced that he would cast his vote in favor of the motion.

The Delegate for Peru objected to the use of the word "expulsion" on the ground that it was not in harmony with the general spirit of the Charter. ^{Nations} Relations were more durable than ^{their} the governments, and suspension was therefore a more fitting penalty.

The Delegate for Haiti, relating the question of expulsion, with which the Committee was immediately dealing, to that of suspension, proposed two amendments in the ^{text} ~~motions~~ before the Committee:

- (a) to mention persistent violation of the principles of the Charter as a motive for suspension as well as for expulsion; and
- (b) to add to the paragraph on expulsion, "when such a measure shall be deemed necessary".

The Delegate for Chile announced that he, too, had reconsidered his previous position, and would vote for expulsion.

The Delegate for Brazil, on the other hand, believed that a vote for expulsion would be contrary to the Latin American tradition of mediation; she would therefore vote against the motion.

The Delegate for Panama objected to the Haitian amendment as being too restrictive, since it would make expulsion impossible unless it ^could be regarded as a necessity for the Organization and not merely as expedient in the circumstances in which the question might arise. He would vote for the motion as it stood; the principle ^a objection to it was that it contravened the principle of universality, but since he favored the right of withdrawal he could not object to expulsion.

The Delegate for Byelo-Russia argued for expulsion as a means of preventing systematic violators of the principles of the Charter from continuing to ^{influence} ~~enforce~~ the Organization from within.

The Delegate for Haiti, after a further explanation of the inter-relation of the two parts of his proposed amendment, declared that if expulsion was to be voted on separately he would withdraw his ¹⁷~~motion~~.

The vote was taken at this point.

Decision: The Committee voted in favor of expulsion, on the motion quoted above, by 23 votes against ³three, with 14 abstentions.

The Delegate for Argentina explained that he had abstained in a spirit of collaboration. The Delegate for Uruguay stated that he had opposed on the grounds which had led him also to oppose the right of withdrawal.

The Committee proceeded immediately to a vote on the question of suspension which was put before it on the following terms:

"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 ~~...~~, paragraph"

~~This was carried unanimously.~~

Decision: Committee 1/2 adopted unanimously the above paragraph on suspension.

2. Further Consideration of the Secretariat /Chapter X/

The Chairman stated that the only vote which the Committee had still to take was on the following sentence in paragraph 1 of Chapter X:

"He shall be appointed by the General Assembly
on recommendation of the Security Council."

The Delegate for the Netherlands, however, drew attention to the repercussions of reversal by Committee III/1, on reference to it by the Steering Committee, of the earlier decision of Committee II/1 on the method of appointing the Secretary General. As a result of that reversal, the appointment would be subject to veto by one of the permanent members. This ^{the} threw a new light on the decisions previously taken by Committee I/2 in relation to his term of office and his re-eligibility, and made it necessary to re-open both questions. The new ruling, ^{the delegate} continued, would compel the permanent members to reach a compromise, and this might result in the appointment of a "lowest common denominator". Furthermore, the Secretary General would work in the knowledge that his chances of re-election would be small if he were to incur the displeasure of one of the permanent members. The Delegate suggested that it would be better, in ~~the~~ view of these considerations, to leave the terms of the appointment to be worked out in the light of experience. He therefore moved:

- (a) that the Committee rescind the two decisions taken at its twelfth meeting in favor of a term of three years for the Secretary General and of his re-

eligibility; and

- (b) that the original text of the Dumbarton Oaks draft, Chapter X, paragraph 1, second sentence, should be adopted with the omission of the words, "for such term and under such conditions as are specified in the Chapter".

Intervening at a later stage in the discussion, the Delegate for Belgium reminded the Committee that the right of the Netherlands Delegation to re-open these questions had been explicitly affirmed in the Steering Committee.

The Delegate for New Zealand also supported the Netherlands motion. He pointed out that if it were carried the terms of the Secretary General's appointment would be worked out by agreement between the Security Council and the General Assembly.

The Delegate for the United States was assured, before the vote was taken, that when these terms came up for settlement, the principle of unanimity ^{among} ~~between~~ the permanent members of the Security Council would be observed.

The two parts of the Netherlands motion were voted on separately. It was pointed out that the second part of the motion coincided with the Chairman's original proposition.

Decisions: The Committee agreed to rescind its two previous decisions by 36 votes against 2, with one abstention. It adopted the words, "He shall be appointed by the General Assembly, on recommenda-

tion of the Security Council", by 36 votes
against 1, with 2 abstentions.

The Delegate for the Soviet Union asked the Committee, before leaving the subject of the Secretariat, to consider again the question of Deputies to the Secretary General. They had rejected proposals that there should be four or five such Deputies but, as the Delegate for Greece had then observed, these votes did not determine in principle that there should be no Deputies. ^{secretary general} He raised the question again because it was important that the principal organs of the United Nations should each be guided by a competent person. He made no proposal as to numbers but suggested

(a) that the word "Deputies" should be inserted between "Secretary General" and "and such staff" in the first sentence of Chapter X, paragraph 1; and

(b) that the words "the Secretary General and his Deputies" should be substituted for the word "he" in the second sentence.

The Delegate ^{of} for the Ukraine, ^{Soviet Socialist Republic} speaking as the representative of a "medium" power, supported the motion. The principal officers of the Secretariat would be, in his view, not experts or officials, but politicians, forming a kind of Cabinet. Acceptance of the proposal that there should be Deputies would enable the small and medium powers to be represented in this Cabinet.

The Delegate ^{of} ~~for~~ Belgium suggested that the wishes of the Soviet Delegation might be met, at least partially, if a reference to Deputy Secretaries-General were inserted into paragraph 6 of Chapter X. This would enable the posts to be created without subjecting them to the veto, which would be unacceptable.

The Delegate for the Ukraine having stated that this formula would not satisfy him, it was withdrawn.

Decision: The motion of the Soviet Delegation was rejected, having received 12 votes against 24, with one abstention.

3. Other Business

It was decided, on the request of Committee II/4, that the Trusteeship Council should be added to the list of principal organs of the United Nations.

The Belgian ^{an} ~~ian~~ Delegate's proposal on the manner of presenting the Committee's report to the Commission was adopted without dissent.

The meeting was closed at 12:50 P.M.

PROGRESS REPORT

The twenty-ninth meeting of Committee I/2 opened at 9:45 P.M. on June 17, 1945.

The first business was the reconsideration of the provision for expulsion in Chapter V, Section B, paragraph 4, on which the Committee was called upon to vote as a result of the decision it had taken at its twenty-first meeting. On the initiative of M. Rolin a number of delegations which had previously opposed the expulsion decided to abstain or to vote for it, so that the necessary two-thirds majority was assured. The paragraph was adopted in the following terms:

"The Organization may expul^e from the Organisation any member which persistently violates the principles contained in the Charter"

by 23 votes against 3, with 14 abstentions. It was understood that the Committee was voting on the general principle, and that the terms of the Dumbarton Oaks text, referring to the parts to be played by the General Assembly and the Security Council in decisions on expulsion, would be re-incorporated in the final text by Committee II/2.

The Committee then adopted unanimously paragraph 3, on suspension:

"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 ..., paragraph".

The question of the Secretariat was then raised. The Netherlands Delegate drew attention to the repercussions of the reversal ~~of~~ Committee III/1 of the original decision of Committee II/1 on the method of appointing the Secretary General. The result was that this appointment would now be subject to veto of permanent members of the Security Council; whereas, Committee I/2 had previously considered the terms of his appointment, so far as they fell within its competence, on the assumption that the veto would not apply ~~to his appointment~~. It was therefore reasonable to re-open the two questions of his term of office and his re-eligibility. M. Rolin intervened later to remind delegates that the Steering Committee had explicitly affirmed the right of the Netherlands Delegation to re-open these questions⁷. The proposals of the Netherlands Delegate were:

- (a) that the Committee should rescind the two decisions taken on these matters at its twelfth meeting; and

(b) that the words "for such term and under such conditions, as are specified in the Chapter" should be deleted from the Dumbarton Oaks text of Chapter X, paragraph 1.

Senator Connolly² then spoke, under the impression that the decision of Committee III/1 was being called in question. The object of the Netherlands amendment was explained to him by Mr. Wilson of New Zealand, who added that the result would presumably be that the terms of the Secretary General appointment would be worked out by agreement between the Security Council and the General Assembly. M. Rolin, answering a later question put by Senator Connolly², expressed the opinion that in the settlement of these terms the principle of unanimity among the permanent members of the Security Council would be observed.

^{THE +} Two parts of the Netherlands motion were voted on separately. The Committee rescinded its two previous decisions by 36 votes against 2, with one abstention. ~~The~~ The abstention was the Ukraine and, I believe, one of the 36 was Byelo-Russian. The negative votes were those of the U.S.S.R. and one other. ~~The~~ The words "he shall be appointed by the General Assembly on recommendation of the Security Council", without the original addition to this sentence, were adopted by 36 votes against 1 ~~The~~ U.S.S.R. ~~with two abstentions~~ ~~the~~ Ukraine and Byelo-Russian ~~7~~

The Soviet Delegate then brought up a point made by M. Gofulimis at the last meeting to the effect that the successive

rejections of four and five ~~Deputies~~ Secretaries-General did not preclude the Organization from having any other number of such officers. He claimed that the question of principle remained to be settled, and suggested

- (a) that the word "Deputies" should be inserted between "Secretary-General" and "and such staff", in the first sentence of Chapter X, paragraph 1; and
- (b) that the words "the Secretary-General and his Deputies" should be substituted for the word "he" in the second sentence.

Mr. Manuilsky ^{speaking} ~~spoke~~ as the representative of a middle power, then explained to the Committee ^{that} ~~he~~ was supporting the Soviet proposal for ~~Deputies~~ Secretaries-General so that the small and middle powers might have representation at the administrative center of the Organization. In his view the Secretary-General and his Deputies were political appointments, and could not be regarded as officials or experts. They would form a kind of ministry.

Mr. Rolin proposed, as a compromise, that mention of ~~Deputies~~ Secretaries-General should be inserted in paragraph 6 of Chapter X. This would meet the Soviet argument that the principal organs of the United Nations would each require a high official to direct ^{its} ~~the~~ Secretariat, but would not subject such appointments to the veto. This offer was rejected by M. Manuilsky,

whereupon M. Rolin expressed surprise that a question addressed to the Soviet Delegation had been answered by the Ukrainian.

The Soviet motion received 12 votes including that of Argentina against 24 including all the other members of the Big Five with one abstention I think Iraq. During the counting of the vote M. Camargo explained that he had not felt able to accept the generous offer of the Ukrainian Delegation because he feared that when the time came these appointments might be subject to the veto.

Finally the Committee decided, on the request of II/4, that the Trusteeship Council should be added to the list of principal organs, and that M. Rolin's proposal about the report to the Commission should be accepted. Unless other business turns up unexpectedly, this will have been the last meeting of Committee I/2.

PRECIS

Committee I/2

June 17, 1945, 9:15 p.m.

Committee I/2 adopted for inclusion in the Charter paragraphs on expulsion and suspension. The Committee completed its responsibilities on Chapter X, the Secretariat, by providing that the Secretary General shall be appointed by the General Assembly on the recommendation of the Security Council and by rejecting a motion to include in the Charter any reference to Deputy Secretaries General.

Th 28th June 17

CORRIGENDUM

to

SUMMARY REPORT OF TWENTY-EIGHTH MEETING OF COMMITTEE I/2
June 17, 1945 (Doc. 1086 (English) I/2/77, June 19, 1945)

Page 5, paragraph 2, sentence 2 should read as follows:

"He stated that it was illogical to believe that such a
more likely
reference in the Charter would/lead to an international
movement for withdrawal ~~more~~ than the explicit/mention
of withdrawal in the report."

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I/2

June 17

3:25

.Ch: things look well.

ref. to I/2/E, page 4, para. 2 - reads
+ ext =

see page 5 - declar

Canada: re: withdrawal. Subcom. discussion occurred
just before full com. meeting. At that time, nothing
was said about including para. on withdrawal
in charter. Waiting for yesterday's decision.

Interpret. not sufficient: admit
withdrawal clause weakens charter
Disagrees fought for yesterday meant
lot to small p
Great Powers stress hope of unity in future

Tom, const. conf. will not accept

write withdrawal in Charter

Reversed pt. of view on universality

Charter as not best could have reproduced -
lowest common denominator = acceptability.

Great "peace-loving" people could accept
defense in our own country.

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re: subcom. on withdrawal p. 5.

- 1) for reason
- 2) for amendment
- 3) for failure to achieve aim of

1) is dangerous, withdrawal by an excuse

(My deleg. has text)

use subcom. draft for discussion

meets const. problem, which Ven. noted yesterday.

Great Powers have no right to withdrawal;
end of arg.

Our act of withdrawal, our veto: door
open in case of conflict of const.

/ We propose limited withdrawal. Principle
of withdrawal acceptable to all

reads: Ecuador text

Not original with Ecuador; Aus

lec = reads text

Canada. question = can we take sense of Com on
1) whether right of withdrawal shall have

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further mention : if neg; that ends ^{matter}
2) whether right of withdrawal
amplified in report or inserted
in Charter

Ch = agreeable to submitting negative ques,
proposed. I am oblig. to ^{present} subcom.
report to you. Need com.

Ch = those who favor that Ch submit
whether mentioned in Charter
be made of withdrawal ---

Ch = should we drop subcom. report for
time being to take up Canad. prop

Belg = second, Canada

Coatt = withdrawal related to amend. Take
up Subcom. report

whether we should accept Canad
prop. as rule, and whether it goes
into Charter.

Continue our work on amendment
Dispose of precise proposition of Canad.

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4

then we may take up general subject of
withdrawal

Chm. Ch. proposed pt. IV; Ec. has proposed
mention on IV: Can wants to know
whether Com will entertain
prop not to mention withdrawal
in Charter. I merely want to
ascertain Com's view on this matter

U.S.

term
refer of I/2/E are broad; cover its terms:
Ecuad. propos. is in order. Canada may
put in his request, but we shouldn't
change proced. agreed on in Subcom, which
we have been following

Belg = Do not agree with Stassen: On occasion of
Subcom, no mention should be made
in Charter of withdrawal. Hence, it
prepared. further interpre "

Ecuador asks to change our position.
agree with Canada

I propose we take up Ecuad.
amend, then consider subcom
proposal.

5

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5
Chr: Those who will authorize Chr to suspend
subcom

25 yes - 0 yes

Chr = puts before you, Canad. pro -
There is ^{the} no mention in charter of right of
withdrawal

Canada = Confused on my own guess = "whether
* There should be mention of
withdrawal in the charter."

Chr = repeats

Brazil = I first thought that E and C
motions were to same point; now
they are redrafted

Belg = Are we discussing

Chr = no, yes?

Belg = I ask that Com. confirm its previous
decision: no mention in charter of
withdrawal. Esp. in XI, associate

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at withdrawal. True impression
Charter is fragile; dangerous.

Agree in principle with Ecuador, but
prop for Charter not necessary.

Believe effect by putting

From jurist's viewpoint, if no mention,
com's ^{report} withdrawal would be guide.

No general principle of withdrawal,
but withdrawal in extra ord. circum-
mention in Ecuador. prop

Application of *rebus sic stantibus*
principle of revision implicit in
Charter

Would be achieving end *proffering*
it, without doing so.

Rept would be juridically adeq

True - reference in report insufficient.

Impression of frailty is not founded.

In Covenant, expressed prov. None believed
this augured failure

Ecuador proposal gets to polit, juridical
aspects:

1. juridical - if Charter doesn't
provide compul, does our decision

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by count, no veto. Then intern't'l law
would have prevailed. Then no possibility
of withdrawal.

But Charter doesn't do these things.
We are building provisional Org. but hope
according to

Ought to have right of withdrawal
in imperfect Org.

Amend. proced. would bring amend into
force for all members

We have accepted veto —

Withdrawal must be granted, could
not threaten Charter

psychological atmosphere would be based to
facilitate ratification

Ans = support Ecuador / no withdrawal for
fivolous reason

We do not want mention general
withdrawal. Might encourage
withdrawal

Not necessary to mention it in
Comm's report
withdrawal must not be easy

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8

///

only for amend in general
conference or failure to get amend
Special withdrawal.
Support Ecuador

Ch - Can. motion has lead

Ukraine: Ecuad. prop is correct political,
juridically. Results

Com. made it easy to amend.
Charter = amends. might ~~offset~~
sovereignty of nations =

Rosen's arg on fragility^{he} might have
thought of yesterday

Is it preferable to leave aggressors
in org or have them withdrawal.

I prop we accept Ecuad. proposal
after vote on Canad. p

I prefer later. Quite clear where
nation stand

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Venez: supporter of Org; worked for it; brought spirit of concil. Perplexed last evening by vote last evening = state accept treaty without ratif = we abstained. Prop by Ecuador, supported by Belaunder. Ques. involves conf. of issues. Endorse Ecuador in spirit of conciliation. Charter can be accepted by it. Whether in charter or collateral doc; goes in charter.

If prov. for withdrawal appears in withdrawal, more difficult to regulate. In charter, Assembly can then act.

Re: Rolin's views on standards = gives rise to problem.

Support Ecuador; recom we accept Subcon's rept.

U.S. SR = Ques is impt. : affects pol. principles of Org. Consider all aspects. Rolin has objected to inclusion of withd. in Charter. This is formal approach. Many deleg. have change pos. in light of other facts:

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1) right of withdrawal should be voluntary.

Polin's prop raised the sources of instability, fragility. Doesn't yesterday's decision do just that

It is logical then that withdrawal be voluntary. Cannot be abrogated.

"Open door" for country which cannot accept amend or

~~see~~ incl. in rept. Are we playing "hide and seek" - put it in openly.

Cannot compel state to remain

Soviet Con = gives right of withdrawal
we are setting up league of states, not world state.

supports ~~other~~ prop that right of withdrawal be included in charter.

U.K. =

whether it is or isn't desirable to

make withdrawal in charter

us = fund. aspect = support Polin, whether or not you make reference, you do not offend right of member = express. of right of withdrawal is

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misleading - not something to confer or
withhold! Cannot be altered by Charter.

as to right of veto = if not in Charter, principle
of unanimity does exist

Venezuela

It will require attention of all our ms.

pts which belong to states not modified by absence
from Charter =

I find myself in oppos. to

Ecuador. Make my pos. clear.

Egypt = Confusion. I guess = principle of withdrawal;
form of expression Venez, Peru have accepted
principle. Can should be accepted.

In Ec. withdrawal prompt

1) amends change etc

2) facts of Ratif =

otherwise, no right of withdrawal. Not in
minds of many deleg, Bel. wants it only
in Report. Certain normal case prohibited.
Other cases. rebus sic stantibus.

What rule would prevent withdrawal
in normal case?

Agree with UK on related ques:
withdrawal is a faculty. Agree with UK

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whether right principle in Charter? Uki
point out change in views. Uki. del.
we should leave door open. Ans accept
principle but why advertise? Why no?

we should decide: ^{the} withdrawal, yes or not
It still possessed of Org. decide on principle
then form:

agree with USSR on hide and seek

I propose

Comm. vote on principle, if yes
the form

Turkey: do not agree with Rabin = rebels in
Palestine. Venezuela has already put
it out

China: issue: mention or not in charter
right or faculty of withdrawal not
contest

is inherent.

To provide it expressly deserves consid.

We have said that amends of general conf
may not be acceptable.

Amend - withdrawal 2 matters
Amend. to improve Charter; withdrawal is
detrimental.

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We are here to build a new cooperation.
High mission

Unhappy decision diminishes in light
of fundamental objectives.

None denies it possible for member
to withdraw. Do not wish glory attached
to " ". Mention it only in
rapporteur's withdraw

Ad hoc handling

reference to League = better even to violators
in the Organ. than permit. Had they
stay in League, aggress policy might have
been delayed

Not make it too easy. = reap
benefits of collect. security

Use we make no mention of charter
of withdrawal; rapport's report. In
brief, strengthen Org.

China opposed to express mention
in charter

Byelorussia = so far what we have adopted
will be ratified. - Gest. means for

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ratification was made easy. Such
// blank author of future. Byelorus.
// inserts on right of withdrawal.

By = Byelorus, not

Ch = we'll continue

Denmark : Stike ~~for~~ veto =

dangerous to urge withdrawal
was a veto. League had veto
by all. New org. will be based on
unanimity of sp. power. France. Risk :
eventual withdrawal of " - lies at
bottom of veto game. Veto prevents
withdrawal of sp. power.

Den. opposed to mentioning
withdrawal. If entry is vol withdrawal
vol = false logic. We must acknowl.
principle of cont. Withdrawal opens
ques. of neutrality. Must yield on
pt of sovereignty.

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Haiti - praised present of Ecuador
favors inclusion.

Additional argument =
should place withdrawal in Chap. III,
rather than II, meet objection of
Belg. &

// I propose that Ecuad. prop be place
in Chap. III

45 - withdrawal should be possible.
clear in nature of Org: right of
withdrawal there: this is only
state associated together. Presign.
sovereign equality maintain rights
unless expressly delegated.

State organ's rights, not state's

Doesn't matter where it appears
in report or Charter.

Ecuador arg.

Preferable in Commission report =
subcom text - ^{mention the} Exercise would be

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for serious reason. Shouldn't invite
withdrawal

We have not made
easier amend. Ratf is still tough
repeats formula on revision conf
U.S. del. holds view that right
is there.

Hope it'll be successful; no one will want
to withdraw

France's General agreement on principle of
withdrawal. Ques: whether should it
appear - agree with Stassen. In Charter we
put down oblig and right; no reference would
not object - report: in silence, ^{biggest find} intention of parties
Report satisf = / no hide-sleeke involved.

II Rept is impt. doc = impt as dipl. note on treaty.
Intention of parties: Norman suspicion.
No danger of misunderstanding if only in
report.

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why not in charter: not absol. essential,
report suff. fairly understood. Small
hypocrisy - "hype is homage to the Charter."

// I suggest report be construed as dipl.
not

Psycho. argument against specific
reference. Such phrases might play into
hands of certain politicians.

One should not speak of divorce on
wedding day."

"Certain things should not get light of
words."

Uruguay: Uruguay raised pt of expl. prob. of
withdrawal. U. accepted Rolin's
formula. Today we are ~~bringing~~ up
Uruguay amendment. Opposed to withdrawal.

// Well abstain. Explicit mention is
tantamount to acknowl. weakness

4 Aug

1) total demo, compulsory universality.

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18

// Org. would like time to develop
joint concept. Mang. will never
use right of withdrawal.

Peace, security, dignity of all
nations.

Greece: monumental event = unity of
great powers, despite disagreement on specifics.
Fears on veto totally unjustified. Veto exercise on
major issues.

Legally, makes only slight, if any,
difference whether ref is in charter or
report. Illogic to believe reference
would lead to intern't movement for
withdrawal =

~~Problem~~ is let not overlook form if
we can settle it now.

Problem = whether we have narrow
door or open door = Golden Gate.

Do we believe small powers will
leave it? Small powers depend on
Org.

Danger = if sp. power withdraw.
That is what we must prevent

If limited to 2 cases in text, no

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fear (1) undesirable amendment (p.m. has
veto (2) failure to get amendment
of sp. power fear I would shake exception to Cccad.
will reserve right to amend
of ~~the~~ have to

/// Greek del opposed to extending
limits of withdrawal: favor Ec. prop

Reue withdrawal: illegal =
legal, poss
limited withdrawal

Impossible for
If Com wants to regulate withdrawal,
it is much better to put in Charter.

Ch = Com agrees that provision for
withdrawal from the Organization
be ~~included~~ ^{included} from the Charter

Egypt: Decide on question of principle
Upr = second

Chr = does com. want to vote on motion read by
— Chr =

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yes	no
19	24

Ch:

Ch = Rabin on reports =

rapport. be asked to make report.
Com. int Com. Ch, Rap, See any
member. Prepare to tomorrow pm.
Have chance of reading before
meeting on

Submit written observations
or oral before Com.

final report to Conference
left on text for

Ch 19 yes 24,
propos. is rejected

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chr: can we vote on separate m. report

Rolin: amends to text

Sec - words full text

yes	abst	No
38		

man - we are voting on principle, textual change
24 hours

chr = 9:15-

38 yes 2 no abst 3
declar. stands approved

Return to 459C

SUMMARY REPORT OF THE TWENTY-EIGHTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 17, 1945, 3:25 p.m.

The meeting was called to order by the Chairman at 3:25 p.m.

1. Discussion of Withdrawal

The Chairman informed the Committee that the subject of withdrawal would be discussed at this meeting. Certain delegations had stated in Subcommittee I/2/E that if the recommendations of the Subcommittee on ratification 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. He pointed out that the Subcommittee's report contained a proposed commentary concerning the conditions under which withdrawal would be admissible.

The Delegate of Ecuador stated that the decisions of the Committee at its last meeting left many states no alternative but to insist on the right of withdrawal. He admitted that a

withdrawal clause might weaken the Charter. He pointed out that one criteria for this Charter would be its acceptability to the "peace-loving" people. He stated that the Ecuadoran Delegation had reversed its position on the question of universality. He then proposed the following clause on withdrawal for insertion in the Charter:

"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 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."

The Delegate of Canada suggested that the Committee decide whether the right of withdrawal should have further mention than has already been decided by the Committee, and if it should, then whether the right of withdrawal should be amplified in the Committee's report or inserted in the Charter.

There followed discussion on whether the Committee wished.

the Canadian proposal to take precedence over the discussion of the Subcommittee's report.

Decision: The Committee voted unanimously to substitute for discussion the proposition by the Canadian Delegate in place of the Subcommittee's report.

The Delegate of Canada then moved that "There should be mention of the right of withdrawal in the Charter."

The Delegate of Belgium asked the Committee to confirm its previous decision on omitting reference in the Charter to the right of withdrawal. He believed that it would be especially unfortunate to associate withdrawal with Chapter XI on Amendments. He believed that the inclusion of a commentary on withdrawal in the report on Chapter XI would be sufficient guide to the intention of the signatories of the Charter. He stated his opposition to a general principle of withdrawal but acknowledged the necessity of withdrawal in extraordinary circumstances. He believed that such withdrawal would be based on the principle of rebus sic stantibus.

The Delegate of Peru argued that the reference in a report would be insufficient, and that the belief that such a reference in the Charter would give the impression of frailty to be unfounded. He stated that, in an imperfect organization, the state ought to have the right of withdrawal. He did not believe that the success of the Organization depended alone upon the veto or withdrawal, but depended more on the psychological atmosphere in which the nations would work together. He believed that the inclusion of a clause on withdrawal would facilitate the ratification of the Charter in many countries.

The Delegate of Australia supported the proposal of Canada. In doing so, he stressed that withdrawal for frivolous reasons should not be permitted. He believed that it should be restricted to those cases which are prescribed in the Ecuadoran proposal.

The Delegate of the Ukrainian Soviet Socialist Republic stated that the proposal of Ecuador was politically and juridically correct. He believed that, since the Committee had removed

obstacles to amendments of the Charter, the right of withdrawal was necessary to protect the sovereignty of the states. He referred to a situation where certain members might become aggressors and stated his preference for their withdrawal from the Organization.

The Venezuelan Delegate stated that he endorsed the proposal of the Delegate of Ecuador because he believed that its acceptance would strengthen the Organization. If reference to withdrawal appeared only in the Committee report, regulation of withdrawal would be difficult. If, however, reference were contained in the Charter, withdrawal could be regulated by the General Assembly.

The Delegate for the Soviet Union referred to the argument that reference to withdrawal should not be included in the Charter, in as much as the Committee report had previously settled this question. This was a formal approach to the question and should not be permitted to stand in the way of the desire of the

states. The right of withdrawal, like the right of admission, should be voluntary. The principle of withdrawal was generally accepted and he could see no reason why a veiled reference to it should be made in the report in place of a frank statement in the Charter. To attempt forcibly to retain a state within the Organization would compromise the voluntary principle upon which the Organization was based.

The Delegate of the United Kingdom supported the juridical arguments of the Delegate of Belgium. He expressed the view that withdrawal was a faculty, not a right, in this case. He stated that the inclusion of a specific reference in the Charter to withdrawal would not affect the rights which already belonged to a state.

The Delegate of Egypt believed that all the delegates supported the principle of withdrawal. He noted that many delegates were opposed to withdrawal in normal cases but asked what rule would prevent withdrawal in such cases. He agreed with the

Delegate of the United Kingdom that withdrawal was a faculty, not a right. He believed that specific reference to withdrawal in the Charter would not necessarily encourage the exercise of this faculty. He proposed that the Committee vote on the principle of withdrawal and, if the vote is in the affirmative, then the form which the provision for withdrawal should take.

The Delegate of Turkey supported the interpretation of the Delegate of Venezuela.

The Delegate of China acknowledged that the faculty of withdrawal was inherent. He believed that each case of intended withdrawal should be considered on an ad hoc basis. While everyone agreed that there should be a door left open by which states might withdraw, there was no need to build an impressive portal for this purpose. He believed that the subject of withdrawal should be separated from that of amendments in as much as amendments would be intended to improve the Charter, while withdrawal of members from the Organization would be detrimental. He announced that China was opposed to mentioning withdrawal in

the Charter.

The Delegate of the Byelorussian Soviet Socialist Republic stated that, in view of the Committee's previous decisions on the special conference for revising the Charter, his Government desired that the right of withdrawal be specifically mentioned in the Charter.

The Delegate of Denmark pointed out the danger of associating the withdrawal question with the veto question. He believed that, since the Organization would depend on the unanimity of the sponsoring powers and France, the veto might prevent the withdrawal of these powers. He pointed out that withdrawal might reopen the question of neutrality. He believed that the nations must yield certain aspects of sovereignty. He announced that his Delegation was opposed to mentioning withdrawal in the Charter.

The Delegate of Haiti, in supporting the proposal of Ecuador, stated that the clause for withdrawal should be placed in Chapter III instead of Chapter XI. He believed that this arrangement

might remove any unfortunate impression which the association of withdrawal with amendment might create.

The Delegate for the United States said that in an organization of sovereign states it was clear that all members would possess the faculty of withdrawal. He contrasted such an organization with a federal union, the members of which did not have the faculty to withdraw. The Charter should state what rights the Organization possessed. It need not state what rights the members possessed. If it was felt to be desirable that a statement be made on the subject of withdrawal, this statement should be in the Committee's report. This report should make it clear that withdrawal was to be only for a substantial reason and that states were not being invited to leave at will.

The Delegate for France stated that he agreed with the Delegate of the United States. A provision in the Committee's report could not be regarded as a hidden statement. The Committee's report was a diplomatic instrument setting forth the intention of the parties in drafting the Charter provisions.

Since there was general agreement that the right existed, and since an express statement to this effect would be included in the Committee's report, there was no need to include provision in the Charter.

The Delegate of Uruguay stated that his Delegation had accepted the commentary on Chapter III which the Committee had adopted. His Delegation, he explained, was opposed to withdrawal, as it was to expulsion. Uruguay had supported the principle of compulsory universality in a totally democratic organization. He believed that the explicit mention of withdrawal would be tantamount to acknowledging the weakness of the Organization. In view of these reasons, he announced his abstention from voting on the question of withdrawal. He concluded by assuring the Committee that Uruguay would never exercise the right of withdrawal.

The Delegate of Greece believed that there was little difference from the legal point of view of inserting a clause on withdrawal in the Charter or mentioning withdrawal in the report

of the Committee. He stated that it was illogical to believe that a reference in the Charter would lead to international movement for withdrawal. He pointed out that the greatest danger to the Organization would be the withdrawal of the sponsoring powers and he favored any proposal which would prevent such a development. He announced that he would vote in favor of the proposal of Ecuador.

The Delegate of Peru pointed out that three concepts of withdrawal had been described to the Committee in the course of discussion: illegal and impossible; legal and always free; and, limited withdrawal. He offered the opinion that, if the Committee wanted to regulate withdrawal, it would be much better to place the regulation in the Charter than merely to include it in the Committee's report.

The Chairman stated that he wished to ascertain whether the Committee was ready to vote on the motion before it. The Delegate of Egypt suggested that the Committee vote first on

the question of principle of withdrawal.

Decision: The Committee agreed that a vote should be taken on the proposal by the Delegate of Canada.

Decision: The Committee rejected by a vote of 19 in favor and 24 against the proposal of Canada that provision for withdrawal from the Organization should be included in the Charter.

While the final results on this issue were being determined, the President of Commission I described the procedure by which the report of the Rapporteur would be prepared and presented to the Commission. He stated that each Delegation might submit written observations or present oral comments to the Commission.

The Chairman then placed the text of the commentary on withdrawal from the Organization before the Committee for adoption or rejection. The Delegate of Belgium offered textual amendments.

Decision: The Committee adopted by a vote of 38 in favor, 2 against, and 3 abstentions, the following commentary on

withdrawal from the Organization:

"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 withdrawals or some other forms 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."

The meeting adjourned at 7:40 p.m.

Dorsey Pickens 16 June 1945

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

JUNE 18, 1945
No. 289

COMMISSION I - GENERAL PROVISIONS
COMMITTEE 2 - MEMBERSHIP, AMENDMENT AND SECRETARIAT

Committee I/2 held two meetings on Sunday, June 17, under the Chairmanship of J. Rafael Oreamuno, of the Delegation of Costa Rica.

The first meeting lasted from 3:25 until 7:40 p.m., and dealt with the subject of withdrawal from the Organization. A number of Delegations had stated that if the recommendations of Subcommittee I/2/E on ratification of future amendments were approved by the full committee, they would favor broader terms concerning the conditions under which withdrawals would be permitted. The Subcommittee had recommended, however, that there be no provision concerning withdrawals in the Charter text but that a statement on the subject be included in the Rapporteur's report.

Much of the debate centered around a motion by the Delegate of Ecuador, that the following clause be inserted in the Charter: "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 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." The motion of Ecuador was supported in principle by Delegates of Peru, Australia, the Soviet Union, Venezuela, the Ukrainian S.S.R., Turkey, Byelorussian S.S.R., Haiti and Greece. The thesis that withdrawal should not be specifically mentioned in the Charter was upheld in speeches by the Delegates of Belgium, United Kingdom, China, Denmark, United States and France. The Delegate of the United States said that in an organization of sovereign states it was clear that all members would possess the faculty of withdrawal; if it were felt desirable that a statement be made regarding withdrawal, it should be in the Committee report, and should make it clear that withdrawal was to be only for substantial reasons and that States were not being invited to leave at will.

The Committee then rejected, by a vote of 19 in favor and 24 against, a proposal by Canada that provision for withdrawal from the Organization should be included in the Charter.

Accepting three textual amendments by the Delegate of Belgium, the Committee then adopted (by a vote of 38 in favor and 2 against, with 3 abstentions) the following commentary on withdrawal for inclusion in the Rapporteur's report:

"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 withdrawals or some other forms 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."

The Committee held its second meeting of the day at 9:45 p.m., adjourning at 12:50 A.M. The subjects before the Committee were expulsion and suspension from the Organization.

The Committee voted in favor of a motion that "the Organization may expel from the Organization any member which persistently violates the principles contained in the Charter." This motion was carried by 23 votes against 3, with 14 abstentions.

The above action by the Committee was taken on the understanding that the proposals in the Dumbarton Oaks text on the participation of the General Assembly and the Security Council in decisions on expulsion would be re-inserted in the final text by Committee II/2.

The Committee then adopted unanimously the following paragraph on suspension from the Organization:

"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 ... paragraph"

The Committee then took up Paragraph 1 of Chapter X, dealing with the appointment of the Secretary General. It voted, 36 to 2, to rescind its earlier decision to insert in the Charter a term of three years for the Secretary General, and a provision for his re-eligibility; and rejected by a vote of 24 to 12 a motion to re-insert in the Charter mention of the posts of Deputy Secretaries General.

On the request of Committee II/4, the Committee decided to add the Trusteeship Council to the list of principal organizations of the United Nations.

* * *

JOURNAL

Committee I/2

June 17, 3:25 p.m.

Committee I/2 discussed the question of withdrawal. The Chairman presented to the Committee the sections on withdrawal of the report of Subcommittee I/2/#. The Delegate of Ecuador proposed that there should be provision in the Charter for withdrawal under certain specified exceptional circumstances. The Canadian Delegate proposed that there should be mention in the Charter of withdrawal. The Committee agreed that discussion on the Canadian proposal should take precedence over discussion on the report of the Subcommittee. After a protracted exchange of views on the proposal under consideration, the Committee agreed to vote on the specific proposal of Canada instead of the general principle of withdrawal. The Committee rejected the proposal of the Canadian Delegate by a vote of 19 in favor and 24 against. The Committee then proceeded to adopt the commentary on withdrawal which is to be included in the Committee's report to the Commission. The Committee adopted the commentary by a vote of 38 in favor, 2 against, and 3 abstentions.

JOURNAL

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June 17, 3:25 p.m.

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JOURNAL

Committee I/2

June 17, 3:25 p.m.

Committee I/2 discussed the question of withdrawal. The Chairman presented to the Committee the sections on withdrawal of the report of Subcommittee I/2/A. The Delegate of Ecuador proposed that there should be provision in the Charter for withdrawal under certain specified exceptional circumstances. The Canadian Delegate proposed that there should be mention in the Charter of withdrawal. The Committee agreed that discussion on the Canadian proposal should take precedence over discussion on the report of the Subcommittee. After a protracted exchange of views on the proposal under consideration, the Committee agreed to vote on the specific proposal of Canada instead of the general principle of withdrawal. The Committee rejected the proposal of the Canadian Delegate by a vote of 19 in favor and 24 against. The Committee then proceeded to adopt the commentary on withdrawal which is to be included in the Committee's report to the Commission. The Committee adopted the commentary by a vote of 38 in favor, 2 against, and 3 abstentions.

PRECIS

Committee I/2

June 17, 3:25 p.m.

Committee I/2 discussed the question of withdrawal from the Organization. The Delegate of Ecuador proposed that withdrawal under certain specified exceptional circumstances be mentioned in the Charter. The Delegate of Canada proposed that there be mention of withdrawal in the Charter. The Committee agreed to allow discussion on the proposal by the Canadian Delegate to take precedence over discussion on a report of Subcommittee I/2/E. After lengthy debate on the proposal, the Committee proceeded to vote on the proposal of the Canadian Delegate. The Committee rejected the Canadian proposal and then adopted the commentary on withdrawal which was to be included in the report of the Committee to the Commission.

PRECIS

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I/2 29th June 16

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

San Francisco, 18 de Junio de 1945.

Señor Presidente del Comité I/2
Veterans Building
San Francisco.

Muy estimado señor Presidente:


En el Summary Report of 27th. Meeting of Committee I/2, documento No.1052, English, restricted, del 17 de Junio de 1945, pagina 5, ha sido cambiado el sentido de la declaración hecha por el delegado de Venezuela. Ruégole, por tanto, hacer publicar un "corrigendum" a dicho documento que diga así:

"El delegado de Venezuela hizo la siguiente declaración:

La delegación de Venezuela se abstiene de votar en favor del texto del párrafo 2 del Capítulo XI, por estipular éste que las enmiendas entrarían en vigor, con respecto a todos los miembros de la Organización, es decir, con respecto también a aquellos que no las hubieren ratificado de acuerdo con sus procedimientos constitucionales, lo cual es contrario a lo prescrito por la Constitución venezolana.

Por lo demás, la delegación de Venezuela está de acuerdo con el resto del párrafo".

Al anticipar a Ud. las más cumplidas gracias quedo de Ud., muy atentamente,


A. Machado-Hernández

CORRIGENDUM

SUMMARY REPORT OF TWENTY-SEVENTH MEETING OF COMMITTEE I/2

Page 5, Paragraph 2: Delete paragraph "The Delegate of Venezuela . . .", etc. and substitute the following:

"El delegado de Venezuela hizo la siguiente declaración:

La delegación de Venezuela se abstiene de votar en favor del texto del párrafo 2 del Capítulo XI, por estipular éste que las enmiendas entrarían en vigor, con respecto a todos los miembros de la Organización, es decir, con respecto también a aquellos que no las hubieran ratificado de acuerdo con sus procedimientos constitucionales, lo cual es contrario a lo prescrito por la Constitución venezolana.

Por lo demás, la delegación de Venezuela está de acuerdo con el resto del párrafo".

CORRIGENDUM

SUMMARY REPORT OF TWENTY-SECOND MEETING OF COMMITTEE/2

Page 5, Paragraph 2, Delete paragraph "The Delegate of Venezuela . . . " etc., and substitute the following:

"El delegado de Venezuela hizo la siguiente declaración:

La delegación de Venezuela se abstiene de votar en favor del texto del párrafo 2 del Capítulo XI, por estipular éste que las enmiendas entrarían en vigor, con respecto a todos los miembros de la Organización, es decir, con respecto también a aquellos que no las hubieran ratificado de acuerdo con sus procedimientos constitucionales, lo cual es contrario a lo prescrito por la Constitución venezolana.

Por lo demás, la delegación de Venezuela está de acuerdo con el resto del párrafo".

"El delegado de Venezuela hizo la siguiente declaración:

La delegación de Venezuela se abstiene de votar en favor del texto del párrafo 2 del Capítulo XI, por estipular éste que las enmiendas entrarían en vigor, con respecto a todos los miembros de la Organización, es decir, con respecto también a aquellos que no las hubieran ratificado de acuerdo con sus procedimientos constitucionales, lo cual es contrario a lo prescrito por la Constitución venezolana.

Por lo demás, la delegación de Venezuela está de acuerdo con el resto del párrafo".

"El delegado de Venezuela hizo la siguiente declaración:

La delegación de Venezuela se abstiene de votar en favor del texto del párrafo 2 del Capítulo XI, por estipular éste que las enmiendas entrarían en vigor, con respecto a todos los miembros de la Organización, es decir, con respecto también a aquellos que no las hubieran ratificado de acuerdo con sus procedimientos constitucionales, lo cual es contrario a lo prescrito por la Constitución venezolana.

Por lo demás, la delegación de Venezuela está de acuerdo con el resto del párrafo".

CORRIGENDUM

to

SUMMARY REPORT OF TWENTY-SEVENTH MEETING OF COMMITTEE I/2
June 16, 1945 (Doc. 1052 (English) I/2/71, June 17, 1945

paragraphs
Page 1, section 2, ~~XXXXXX~~ 2 and 3 should read as
follows:

"The Delegate of Iraq suggested that the word "special" be replaced by the word "any" in order that the voting procedure in this recommendation might apply to any conference. The Chairman explained that the Committee was only considering the procedure for the special conference on revision of the Charter. The Delegate of Greece noted that the word "decisions" might be misconstrued and confused with the decisions of the Organization, which would be taken by a different voting procedure.

"The Delegate of Greece further pointed out that the paragraph on ratification of amendments proposed by the special conference, which had been adopted by the Committee in the afternoon's meeting, included provision that decisions of the special conference be taken by a two-thirds vote, ~~The delegates of the United States, Belgium, and Australia agreed with the observation of the Delegate of Greece. The Delegate of Brazil stated that the Subcommittee had reached its decisions paragraph by paragraph and, consequently, paragraph 4 appeared before paragraph 5 in the report.~~
and consequently no vote would be required for paragraph of the Subcommittee's recommendations. The delegates of the United States, Belgium, and Australia agreed with the observation of the Delegate of Greece. The Delegate of Brazil stated that the Subcommittee had reached its decisions paragraph by paragraph and, consequently, paragraph 4 appeared before paragraph 5 in the report."

COMMISSION I General Provisions

Committee 2 Membership, Amendment and Secretariat

SUMMARY REPORT OF TWENTY-SEVENTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 16, 9:55 p. m.

The meeting was called to order by the Chairman at 9:55 p.m.

1. Discussion of Chapter XI

The Chairman placed before the Committee the following decision of Subcommittee I/2/E, as stated in the "Memorandum of Decisions of Subcommittee I/2/E, June 14, 1945": "The Subcommittee then voted unanimously in favor of the motion of the Delegate of Brazil that the Charter provide that decisions of the special conference be taken by a two-thirds vote."

The Delegate of Iraq suggested that the word "special" be replaced by the word "any" in order that the voting procedure in this recommendation might apply to any conference. The Chairman explained that the Committee was only considering the procedure for the special conference on revision of the Charter. The Delegate of Greece noted that the word "decisions" might be misconstrued and confused with the decisions of the Organization, which would be taken by a different voting procedure. *and further proposed that the delegate of...*

agreed
The Delegates of the United States, Belgium, and Australia pointed out that the paragraph on ratification of amendments proposed by the special conference, which had been adopted by the Committee in the afternoon's meeting, included provision that decisions of the special conference be taken by a two-thirds vote. The Delegate of Brazil stated that the Subcommittee had reached its decisions paragraph by paragraph and, consequently, paragraph 4 appears ahead of paragraph 5 in the Subcommittee's report.

The Australian Delegate proposed a motion to the effect that the Committee believed that paragraph 4 of the Subcommittee's report had been covered by the adoption of

paragraph 5 on the "ratification of amendments proposed by special conference". The motion was seconded by the Delegate of Belgium.

Decision: The Committee adopted unanimously (42 - 0) the motion of Australia to the effect that paragraph 4 of the Subcommittee's report had been covered by the adoption of paragraph 5 on the "ratification of amendments proposed by special conference".

The Committee then took up the question of the time period for calling the special conference on revision of the Charter. The Delegate of the United States moved the adoption of the following proposal:

"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 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 proposal of the United States.

The Delegate of Australia, in supporting the American proposal, pointed out that a provision for calling the conference would serve no purpose unless a majority of states were in favor of it. He stated that the provision would assure the calling of the conference. The Delegate of Chile announced that this proposal would facilitate the ratification of the Charter by the Chilean Congress, and he withdrew his previous statement that Chile would abstain from voting on this issue. The Delegate of Brazil believed that the proposal of the United States satisfied the previous day's request of Brazil to have the original proposal widened and clarified. The Delegate of New Zealand stressed the fact that the American proposal resulted from the fight which the other powers had put up in favor of principles in which they deeply believed.

The Delegate of the Soviet Union announced his opposition to the proposal of the United States. He stated that his Delegation was opposed to facilitating the convocation of such a conference for which there might be no need in the future. He explained that his Delegation supported the

amendment of the sponsoring governments on the revision conference but was opposed to an easy procedure for calling such a conference. He explained that another consideration for the Soviet opposition to the proposal of the United States was the desire expressed by many delegations to use such a conference to destroy the veto power. He believed that such a conference would also be used to threaten the unanimity of the major powers.

The Delegate of the Ukrainian Soviet Socialist Republic supported the position of the Soviet Delegate and proposed that the words "two-thirds majority" be substituted for "simple majority" in the proposal of the United States.

The Delegate of the Byelorussian Soviet Socialist Republic also spoke in opposition to the proposal of the United States. He stressed the importance of unanimity of the great powers and disagreed with those who were in favor of changing the methods for such unanimity. He stated that he would support the proposal of the Ukrainian Delegate.

Decision: The Committee rejected by a vote of 3 in favor, 40 against, 3 abstentions, the amendment to the proposal of the United States, proposed by the Ukrainian Delegate.

Decision: The Committee adopted by a vote of 42 in favor, 1 against, 3 abstentions, the proposal of the United States.

The Chairman then announced that the Committee would proceed to vote on the complete text for the special conference on the revision of the Charter. The text reads as follows:

"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 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 announced that he would abstain from voting. He stated that the objectionable feature of the veto still existed, and he was still opposed to it. He pointed out that a negative vote would leave the Charter without provision for a revision conference and therefore he would merely abstain from voting. The Delegate of Greece requested that, if the Committee adopted this text which he supported, the decision of the Committee should not be reversed by other committees which might claim jurisdiction over the various subjects included in the text. He suggested that the Coordination Committee be informed of this view.

The Delegate of the Soviet Union stated that he would vote in favor of the amendment of the sponsoring governments without the addition of the proposal of the United States.

Decision: The Committee adopted by a vote of 33 in favor, 1 against, 12 abstentions, the text on a special conference for the revision of the Charter.

The Chairman placed before the Committee the recommendation of Subcommittee I/2/E on the ratification of regular amendments to the Charter. The Subcommittee recommended that amendments come into force when ratified by two-thirds of all members, including all of the permanent members of the Security Council.

The Delegate of Australia announced his opposition to this recommendation on the same grounds on which he had opposed the recommendation for ratifying amendments prepared by the special conference on the revision of the Charter. The Delegate of Colombia made a similar statement. The Delegate of Ecuador stated that he would vote in favor of this recommendation in order that the procedure for ratifying amendments would be consistent. The Delegate of Argentina concurred in this statement.

Decision: The Committee adopted by a vote of 34
in favor, 8 opposed, 4 abstentions, the recom-
mendation of the Subcommittee that amendments
come into force when ratified by two-thirds of
all members, including all of the permanent
members of the Security Council.

The Delegate of Venezuela announced that he had voted against this recommendation because the question of withdrawal was still pending.

The meeting adjourned at 12:35 a.m.

I/2 26th June 16

4159 - C
SUMMARY REPORT OF TWENTY-SIXTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The meeting was called to order by the Chairman, Mr.

Oreamuno (Costa Rica) at 3:20 p.m.

1. Ratification of Amendments proposed by Special Conference

The delegate of the United States announced that his delegation desired to associate itself with the motion of the delegate of Belgium to modify the last sentence of paragraph 3, Chapter XI (Amendment of the Sponsoring Powers) to provide that amendments proposed by the Special Conference come into force when ratified by two-thirds of all members of the Organization, including all of the permanent members of the Security Council. He expressed the hope that a similar provision for the ratification of regular amendments to the Charter would be accepted by the Committee. The delegates of the United Kingdom and the Soviet Union supported the position of the United States Delegation.

In reply to several questions, the Chairman stated that the question before the Committee was the last sentence of paragraph 3

,Amendment of the Sponsoring Powers), as modified by the Belgian motion. The Delegate of Belgium suggested that the question be divided and that the first vote be taken on the ratification by two-thirds rather than by a majority, as provided in the original amendment. The statement of the Chairman was supported, on a point in order, by the delegate of the United Kingdom.

The delegate of the Philippine Commonwealth urged that no action be taken which might jeopardize the unity of the Great Powers in the war against Japan.

The delegate of Australia opposed the Belgian motion. He contended that the two-thirds requirement would render adoption of amendments more difficult to achieve. He reminded the Committee also of his position against the requirement for unanimity of the permanent members in paragraph 3.

The delegate of Uruguay stated that although his delegation had accepted the veto, it apposed the application of this principle for all time. He urged that provision be made for revision of the Charter after ten years. If at that time circumstances,

damaged by text

demonstrate that the veto should be continued, Uruguay would be prepared to support it again.

The delegate of Chile spoke in support of the original amendment of the Sponsoring Powers. He stated that the organization could not afford to lose one of the permanent members of the Security Council from its membership, ^{since} that the collaboration of these members was essential to its success.

The delegate of India stated that in his judgment acceptance of the Belgian motion by the Sponsoring Powers did not constitute a concession, since it was unlikely that an amendment which had received a two-thirds vote in the General Assembly would not be ratified by two-thirds of the members of the organization. In ^{the voting procedure in the Security Council.} connection with the question of the veto, he stated that provision should be made for reexamination after ten years. In either case the positive assent of the permanent members of the Security Council would be required. He stated that the non-permanent members were agreed that there should be no modification of the unanimity provision for ten years, but that after that time it

should be reconsidered. He recognized that ratification of the Charter by the United States Senate might be difficult without the unanimity provision ~~to be~~, but asserted that such ratification by the parliaments of other States would be difficult with this provision. The delegate of India suggested that since the delegations opposed to the Sponsoring Powers could not obtain sufficient votes to carry an alternative text, it might be better to make no provision on the Charter for amendment at any time by any means. In that event the Sponsoring Powers, finding it necessary to amend the Charter in the light of experience, would be obliged to come to the General Assembly and suggest in what positive way a provision which has not been made can be inserted into the Charter.

The Delegate of the United Kingdom replied to the suggestion of the Delegate of India that he should have thought the absence of any machinery in the Charter for amending it would be more difficult to explain to the public than a perhaps unsatisfactory machinery. He also supported the Belgian amendment calling for a two-thirds majority. As to the requirement of unanimity of the permanent members of the Security Council, he thought the arguments on both sides were reasonable, but inasmuch as the permanent members would have the greater responsibility, their view that unanimity would be as important in five or ten years as now should be given the greater weight. If things should go well there would be no need for changing the unanimity rule, but if, on the other hand, there should be disagreement among the great powers, it would probably be useless or unwise to attempt to change it. The Delegate urged the Committee not to give undue emphasis to future change of the Charter and thus risk undermining its prestige at the outset.

It was pointed out by the Canadian Delegate that the concession asked of the Sponsoring Powers with respect to the procedure of amendment by the Special Conference was not that they give up the veto; it was merely that the question be left open until the Conference should meet. He inquired whether the permanent members regarded even this proposal as unacceptable. The United States delegate replied that

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so far as his country was concerned the language of the Sponsoring Powers' amendment to Chapter XI was essential. The Delegate of Canada stated that in that case his ^{delegation} government would not offer further opposition but would abstain on that question. A consequence, however, was that there would have to be a more explicit right of withdrawal. Nevertheless he regarded the statement on withdrawal in the subcommittee report as undesirably broad, making the Organization easier to get out of than any previous international organization. He suggested that the right of withdrawal might be expressly related to the process of amending by special convention only; that it would be desirable for the Sponsoring Powers to make a general statement, for its political effect, as to the need for flexibility in the Charter; and that the question of a time limit for calling the Special Conference ought to be given some reconsideration by the Sponsoring Powers.

The Delegate of New Zealand reiterated the arguments against the principle of the veto in general, and insisted that it was particularly objectionable that the principle should be given permanent status by incorporating it into the amending process. He strongly urged reconsideration in an effort to find a solution which avoided this result. The suggestion of India that all proposals on amendment be blocked must be given serious consideration, although it would be unfortunate to have to adopt that course. He preferred that the Committee should agree on a text which would

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expreslly leave open the question of how amendments by the Special Conference would take effect. He also opposed the Belgian amendment, both on the ground that it stressed unduly a conflict of interest between large and small powers and because it made the amending process more difficult.

The Delegates of Belgium, Netherlands, and France spoke in support of the Belgian amendment. The Netherlands delegate stated that he maintained in toto the position of his delegation in Committee III/1 on voting procedure in the Security Council. He expressed regret that it had proved impossible to change the voting procedure as regards the amending process. One consequence of the failure was that it might necessitate a change of position, though a reluctant one, on the question of withdrawal. He proposed, however, to vote for the Belgian amendment. The French Delegate deplored the unfavorable light in which the rule of unanimity had been placed by the unfortunate term "veto", and stressed the responsibilities which the great powers were called on to assume.

At the conclusion of the discussion, the Delegate of China restated the opposing arguments on the issue of the veto on amendments. He believed that those who pressed for change of the procedure assumed too readily that the permanent members of the Council would be at odds with the rest of the nations. His own view was that the veto might prove much less important than expected and might, in fact,

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never be used; he felt that it was not unreasonable to suppose that after a time the great powers would be willing to consider elimination of the veto.

Decision: The Committee approved, by a vote of 29 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.) The text is 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."

The meeting adjourned at 7:15 p.m.

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June 16, 1945 - 9:55 pm

(42-9)

Decisions: Committee I/2 voted to acknowledge that the voting procedure at the special conference on the revision of the Charter was already included in its recommendation on the ratification of amendments proposed by the special conference, adopted at this afternoon's meeting.

(3 yes, 40 no, 3 abst.)

Committee I/2 rejected a Ukrainian proposal that a two-thirds majority be substituted for a simple majority in the proposal of the United States that, if the revision conference has not been held by the tenth meeting of the assembly, then the item will be placed on the agenda of that meeting of the Assembly, and the Assembly by a simple majority and the Security Council by seven members may convene the conference.

Committee I/2 adopted (42 yes, 1 no, 3 abst) the above mentioned proposal of the United States.

Committee I/2 adopted (33 yes, 1 no, 12 abst) the text for the paragraph on the special conference for the revision of the Charter.

Committee I/2 adopted (34 yes, 8 no, 4 abst) the procedure for the ratification of regular amendments to the Charter, this procedure calling for ratification by two-thirds of all the members of the Organization, including all the permanent members of the Security Council.

Developments: Question was raised whether the Committee had to vote on the provision for the voting procedure of the special conference. Australia proposed the motion mentioned in the first paragraph under DECISIONS (see above).

Brazil stated that, if the Committee had voted each paragraph of the report of Subcommittee I/2/E in the order in which they are listed, the veto might not have been included in the procedure for ratifying amendments proposed by the special conference.

of the Assembly

Proposal of the U. S. which stressed a simple majority for calling the special conference at the ~~maxaf~~ tenth meeting of the Assembly was received with applause and supported verbally by Australia, New Zealand, Ecuador, United Kingdom, Peru, Canada, France, Chile, Brazil, Union of South Africa, China, Argentina, Greece, U. S. delegate stated would give opportunity to reexamine the

US proposal

Soviet delegate stated his opposition to the proposal of the United States. Soviet delegation did not favor easy method for calling conference. Opposition laos based on fact that many delegates

had expressed desire to use the Conference on revision to remove the veto power. This was interpreted as threat to the unanimity of the major powers.

Delegates of Ukraine and Byelorussia supported by speeches the position of the Soviet delegate. Ukrainian delegate proposed the amendment to the American proposal, mentioned under DECISIONS.

Australia and New Zealand spoke of their endless opposition to the veto concept. They pointed out that the United States had made its proposal ~~only~~ because of the fight put up by the other states.

Greek delegate wanted to make sure that III/1 did not overrule I/2 on the voting procedure of the Security Council which I/2 included in the text of the paragraph on the revision conference. Chairman proposed that he would communicate with the Coordination Committee about this point.

Ecuador and Argentina supported the method for ratification of regular amendments to the Charter in order that the method for ~~amendments~~ ratification of all amendments would be consistent.

Venezuelan delegate stated that he had voted against the motion on the method for ratifying amendments because the question of withdrawal was still pending.

PROGRESS REPORT

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The Committee continued discussion of the report of the subcommittee I/2/E on Chapter XI. Discussion continued on point 5, Ratification of amendments proposed by Special Conference.

U.S., U.K., U.S.S.R., associated themselves with the Belgian amendment to the last sentence of paragraph 3 (sponsors amendment, to provide that alterations of the Charter recommended by a two-thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all permanent members of the Security Council.

Colombia, Australia spoke against the two-thirds requirement for ratification.

Canada, Belgium and others asked that the Chair put the question in two parts; first the two-thirds ratification, then the whole sentence including the veto. The Chair ruled that he would put the whole sentence first. He was supported by U.K.

Uruguay, India, Canada and New Zealand spoke against the amendment.

Chile, U.K., Netherlands, France, China supported the amendment.

Canada, when informed the U.S. would not yield to leave ratification open for the Special Conference itself to decide, stated that his delegation would not vote against the Sponsoring Powers, but would abstain.

Before the vote was taken, Canada asked once more that a vote be taken first on ratification only. Otherwise, he contended, he was disfranchised.

Decision: The Committee approved, by a vote of 29 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.)

The text is 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."

The meeting was adjourned at 7:15 p.m.

PROGRESS REPORT

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The Committee continued discussion of the report of the subcommittee I/2/E on Chapter XI. Discussion continued on point 5, Ratification of amendments proposed by Special Conference.

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Canada, when informed the U.S. would not yield to leave ratification open for the Special Conference itself to decide, stated that his delegation would not vote against the Sponsoring Powers, but would abstain.

Before the vote was taken, Canada asked once more that a vote be taken first on ratification only. Otherwise, he contended, he was disfranchised.

Decision: The Committee approved, by a vote of 29 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.)

The text is 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."

The meeting was adjourned at 7:15 p.m.

PROGRESS REPORT

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The Committee continued discussion of the report of the subcommittee I/2/E on Chapter XI. Discussion continued on point 5, Ratification of amendments proposed by Special Conference.

U.S., U.K., U.S.S.R., associated themselves with the Belgian amendment to the last sentence of paragraph 3 (sponsors amendment, to provide that alterations of the Charter recommended by a two-thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all permanent members of the Security Council.

Colombia, Australia spoke against the two-thirds requirement for ratification.

Canada, Belgium and others asked that the Chair put the question in two parts; first the two-thirds ratification, then the whole sentence including the veto. The Chair ruled that he would put the whole sentence first. He was supported by U.K.

Uruguay, India, Canada and New Zealand spoke against the amendment.

Chile, U.K., Netherlands, France, China supported the amendment.

Canada, when informed the U.S. would not yield to leave ratification open for the Special Conference itself to decide, stated that his delegation would not vote against the Sponsoring Powers, but would abstain.

Before the vote was taken, Canada asked once more that a vote be taken first on ratification only. Otherwise, he contended, he was disfranchised.

Decision: The Committee approved, by a vote of 29 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.)

The text is 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."

The meeting was adjourned at 7:15 p.m.

SUMMARY REPORT OF TWENTY-SIXTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The meeting was called to order by the Chairman, Mr.

Oreamuno (Costa Rica) at 3:20 p.m.

1. Ratification of Amendments proposed by Special Conference

The delegate of the United States announced that his delegation desired to associate itself with the motion of the delegate of Belgium to modify the last sentence of paragraph 3, Chapter XI (Amendment of the Sponsoring Powers) to provide that amendments proposed by the Special Conference come into force when ratified by two-thirds of all members of the Organization, including all of the permanent members of the Security Council. He expressed the hope that a similar provision for the ratification of regular amendments to the Charter would be accepted by the Committee. The delegates of the United Kingdom and the Soviet Union supported the position of the United States Delegation.

In reply to several questions, the Chairman stated that the question before the Committee was the last sentence of paragraph 3

(Amendment of the Sponsoring Powers), as modified by the Belgian motion. The Delegate of Belgium suggested that the question be divided and that the first vote be taken on the ratification by two-thirds rather than by a majority, as provided in the original amendment. The statement of the Chairman was supported, on a point in order, by the delegate of the United Kingdom.

The delegate of the Philippine Commonwealth urged that no action be taken which might jeopardize the unity of the Great Powers in the war against Japan.

The delegate of Australia opposed the Belgian motion. He contended that the two-thirds requirement would render adoption of amendments more difficult to achieve. He reminded the Committee also of his position against the requirement for unanimity of the permanent members in paragraph 3.

The delegate of Uruguay stated that although his delegation had accepted the veto, it opposed the application of this principle for all time. He urged that provision be made for revision of the Charter after ten years. If at that time circumstances demonstrated

demonstrate that the veto should be continued, Uruguay would be prepared to support it again.

The delegate of Chile spoke in support of the original amendment of the Sponsoring Powers. He stated that the organization could not afford to lose one of the permanent members of the Security Council from its membership, that the collaboration of these members was essential to its success.

The delegate of India stated that in his judgment acceptance of the Belgian motion by the Sponsoring Powers did not constitute a concession, since it was unlikely that an amendment which had received a two-thirds vote in the General Assembly would not be ratified by two-thirds of the members of the organization. In connection with the *voting procedure in the Security Council* question of the veto, he stated that provision should be made for reexamination after ten years. In either case the positive assent of the permanent members of the Security Council would be required. He stated that the non-permanent members were agreed that there should be no modification of the unanimity provision for ten years, but that after that time it.

should be reconsidered. He recognized that ratification of the Charter by the United States Senate might be difficult without the unanimity provision to be, but asserted that such ratification by the parliaments of other States would be difficult with this provision. The delegate of India suggested that since the delegations opposed to the Sponsoring Powers could not obtain sufficient votes to carry an alternative text, it might be better to make no provision on the Charter for amendment at any time by any means. In that event the Sponsoring Powers, finding it necessary to amend the Charter in the light of experience, would be obliged to come to the General Assembly and suggest in what positive way a provision which has not been made can be inserted into the Charter.

The Delegate of the United Kingdom replied to the suggestion of the Delegate of India that he should have thought the absence of any machinery in the Charter for amending it would be more difficult to explain to the public than a perhaps unsatisfactory machinery. He also supported the Belgian amendment calling for a two-thirds majority. As to the requirement of unanimity of the permanent members of the Security Council, he thought the arguments on both sides were reasonable, but inasmuch as the permanent members would have the greater responsibility, their view that unanimity would be as important in five or ten years as now should be given the greater weight. If things should go well there would be no need for changing the unanimity rule, but if, on the other hand, there should be disagreement among the great powers, it would probably be useless or unwise to attempt to change it. The Delegate urged the Committee not to give undue emphasis to future change of the Charter and thus risk undermining its prestige at the outset.

It was pointed out by the Canadian Delegate that the concession asked of the Sponsoring Powers with respect to the procedure of amendment by the Special Conference was not that they give up the veto; it was merely that the question be left open until the Conference should meet. He inquired whether the permanent members regarded even this proposal as unacceptable. The United States delegate replied that

so far as his country was concerned the language of the Sponsoring Powers' amendment to Chapter XI was essential. The Delegate of Canada stated that in that case his ^{delegation} ~~government~~ would not offer further opposition but would abstain on that question. A consequence, however, was that there would have to be a more explicit right of withdrawal. Nevertheless he regarded the statement on withdrawal in the subcommittee report as undesirably broad, making the Organization easier to get out of than any previous international organization. He suggested that the right of withdrawal might be expressly related to the process of amending by special convention only; that it would be desirable for the Sponsoring Powers to make a general statement, for its political effect, as to the need for flexibility in the Charter; and that the question of a time limit for calling the Special Conference ought to be given some reconsideration by the Sponsoring Powers.

The Delegate of New Zealand reiterated the arguments against the principle of the veto in general, and insisted that it was particularly objectionable that the principle should be given permanent status by incorporating it into the amending process. He strongly urged reconsideration in an effort to find a solution which avoided this result. The suggestion of India that all proposals on amendment be blocked must be given serious consideration, although it would be unfortunate to have to adopt that course. He preferred that the Committee should agree on a text which would

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expressly leave open the question of how amendments by the Special Conference would take effect. He also opposed the Belgian amendment, both on the ground that it stressed unduly a conflict of interest between large and small powers and because it made the amending process more difficult.

The Delegates of Belgium, Netherlands, and France spoke in support of the Belgian amendment. The Netherlands delegate stated that he maintained in toto the position of his delegation in Committee III/1 on voting procedure in the Security Council. He expressed regret that it had proved impossible to change the voting procedure as regards the amending process. One consequence of the failure was that it might necessitate a change of position, though a reluctant one, on the question of withdrawal. He proposed, however, to vote for the Belgian amendment. The French Delegate deplored the unfavorable light in which the rule of unanimity had been placed by the unfortunate term "veto", and stressed the responsibilities which the great powers were called on to assume.

At the conclusion of the discussion, the Delegate of China restated the opposing arguments on the issue of the veto on amendments. He believed that those who pressed for change of the procedure assumed too readily that the permanent members of the Council would be at odds with the rest of the nations. His own view was that the veto might prove much less important than expected and might, in fact,

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never be used; he felt that it was not unreasonable to suppose that after a time the great powers would be willing to consider elimination of the veto.

Decision: The Committee approved, by a vote of 22 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.) The text is 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."

The meeting adjourned at 7:15 p.m.

PROGRESS REPORT

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 p.m.

The Committee continued discussion of the report of the subcommittee I/2/E on Chapter XI. Discussion continued on point 5, Ratification of amendments proposed by Special Conference.

U.S., U.K., U.S.S.R., associated themselves with the Belgian amendment to the last sentence of paragraph 3 (sponsors amendment, to provide that alterations of the Charter recommended by a two-thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all permanent members of the Security Council.

Colombia, Australia spoke against the two-thirds requirement for ratification.

Canada, Belgium and others asked that the Chair put the question in two parts; first the two-thirds ratification, then the whole sentence including the veto. The Chair ruled that he would put the whole sentence first. He was supported by U.K.

Uruguay, India, Canada and New Zealand spoke against the amendment.

Chile, U.K., Netherlands, France, China supported the amendment.

Canada, when informed the U.S. would not yield to leave ratification open for the Special Conference itself to decide, stated that his delegation would not vote against the Sponsoring Powers, but would abstain.

Before the vote was taken, Canada asked once more that a vote be taken first on ratification only. Otherwise, he contended, he was disfranchised.

Decision: The Committee approved, by a vote of 29 in favor, 14 opposed (13 abstentions, 4 absent) the text of the last sentence of paragraph 3, Chapter XI (amendment of Sponsoring Powers, as modified by the Belgian amendment.)

The text is 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."

The meeting was adjourned at 7:15 p.m.

JOURNAL

Committee I/2

June 16, 1945, 9:55 p.m.

Committee I/2 continued its consideration of Chapter XI on amendments. The Committee acknowledged by unanimous vote that the voting procedure at the special conference on revision of the Charter was included in the recommendation of the Committee on the ratification of amendments proposed by the special conference. The Committee adopted by a vote of 42 in favor, 1 against, 3 abstentions, the following proposal by the Delegation of the United States:

"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 Delegate of the Ukrainian Soviet Socialist Republic moved that the words "simple majority" be replaced by the words "two-thirds majority". This proposal was defeated by a vote of 40 against, 3 in favor, 3 abstentions.

The Committee adopted the full text of the paragraph on the special conference for the revision of the Charter by a vote of 33 in favor, 1 against and 12 abstentions. The text reads as follows:

two-thirds

"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~~ 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 ~~all~~ 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 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 Committee adopted by a vote of 34 in favor, 8 against and 4 abstentions, the following procedure for the ratification of regular amendments to the Charter:

"Amendments come into force when ratified by two-thirds of all members, including all of the permanent members of the Security Council."

JOURNAL

Committee I/2

June 17, 1945, 9:15 p.m.

Committee I/2 reconsidered its previous decision on suspension and expulsion. The Committee approved by a vote of 23 in favor, 3 against, 14 abstentions, the following paragraph on expulsion:

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

The Committee adopted unanimously the following paragraph on suspension:

"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 , paragraph ."

Committee I/2 completed its responsibilities on Chapter X on the Secretariat by adopting the following text with regard to the appointment of the Secretary General:

"He shall be appointed by the General Assembly on the recommendation of the Security Council."

There were 36 votes in favor, 1 against and 2 abstentions.

The Committee rejected by 12 votes in favor, 24 against, 1 abstention, a motion to include reference in the Charter to Deputy Secretaries General.

The Committee agreed unanimously to the procedure for presenting the Committee's reports to the Commission.

JOURNAL

COMMITTEE I/2

Twenty-sixth Meeting

June 16, 1945 3:20 p.m.

At its twenty-sixth meeting on June 16, Committee I/2 continued its discussion of the method of revising the Charter by a Special Conference. The Committee considered the Belgian amendment to the amendment of the Sponsoring Powers, providing that alterations in the Charter recommended by a two thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all permanent members of the Security Council. The principal issues debated were whether amendments proposed by the Conference should require ratification by all permanent members, and whether the number of other ratifications should be a simple majority or two-thirds of the entire membership. By a vote of 29-14, with three absetentions, the Committee adopted the text of the Sponsoring Powers amendment, as modified by the Belgian Amendment. The text 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."

The meeting adjourned at 7:15 p.m.

JOURNAL

COMMITTEE I/2

Twenty-sixth Meeting

June 16, 1945 3:20 p.m.

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"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."

The meeting adjourned at 7:15 p.m.

JOURNAL

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The meeting adjourned at 7:15 p.m.

JOURNAL

COMMITTEE I/2

Twenty-sixth Meeting

June 16, 1945 3:20 p.m.

At its twenty-sixth meeting on June 16, Committee I/2 continued its discussion of the method of revising the Charter by a Special Conference. The Committee considered the Belgian amendment to the amendment of the Sponsoring Powers, providing that alterations in the Charter recommended by a two thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all permanent members of the Security Council. The principal issues debated were whether amendments proposed by the Conference should require ratification by all permanent members, and whether the number of other ratifications should be a simple majority or two-thirds of the entire membership. By a vote of 29-14, with three abstentions, the Committee adopted the text of the Sponsoring Powers amendment, as modified by the Belgian Amendment. The text 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."

The meeting adjourned at 7:15 p.m.

PRECIS

Committee I/2

June 16, 1945, 9:55 p.m.

Committee I/2 acknowledged that the voting procedure at the special conference on the revision of the Charter was included in the Committee's recommendation on the "ratification of amendments" proposed by the ^{special conference} Subcommittee. After rejecting a proposal by the Ukrainian Delegate to substitute two-thirds majority for a simple majority, the Committee adopted the proposal of the United States for the convening of a special conference on the revision of the Charter by a simple majority vote if such a conference had not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter. The Committee then proceeded to adopt the full text providing for the special conference on the revision of the Charter. The Committee also adopted a recommendation on the procedure by which regular amendments to the Charter would come into force.

PRECIS

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 P.M.

At its twenty-sixth meeting on June 16, Committee I/2 continued its discussion of the method of revising the Charter by a Special Conference. The Committee considered the Belgian amendment to the amendment of the Sponsoring Powers, providing that alterations of the Charter recommended by a two-thirds vote of the Conference should take effect when ratified by two-thirds of the members of the Organization, including all members having permanent membership on the Security Council. The Committee adopted this amendment by a vote of 29 to 14, with 3 abstentions.

PRECIS

Twenty-sixth Meeting of Committee I/2

Veterans Building, Room 223, June 16, 1945, 3:20 P.M.

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I/2

25th

June 15

1

The Delegate of Mexico declared that in presenting the motion, to which the Australian Delegate had just referred, he very clearly stated that he was not taking a position either for or against the future of the veto. He even went further and said, in the Sub-Committee, that if the great Powers should request in the special Conference for the continuation of the veto, the Conference should accede to this request, in so far as the ratification of amendments was concerned. He

stated that he
The Mexican Delegate ~~considered~~ ^{be in the declaration of the subcommittee} that this request has practically been made, as ~~may be seen~~ from the following text:

"The subcommittee took cognizance of the declaration of the Delegates of the sponsoring Governments 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".

asked whether
The Delegate of Mexico would like to know if the sponsoring Governments and France maintain in its entirety said declaration.

.....

2

The Delegate of Mexico, in view of the fact that the sponsoring Governments and France have answered his question in the affirmative through the Delegate of the United States,

DELEGACION DE MEXICO

stated that he was prepared to withdraw his proposal, for as he had presented the motion as a compromise, this was no longer possible due to the statements of the sponsoring powers and France.

As to the substance of the problem, that is to say that no ammendment may come into force without the ratifi^{thought}cation of all five permanent members, he ^{was} thinks that this provision is justified. To pretend that an ammendment may come into force, notwithstanding the non-ratification by one or mor^e of the permanent members of the Security Council, would probably amount to ^{forcing} force said members to withdraw from the Organization, or in other words to prendtend that the Organization could fulfill its duties with^{out} out the cooperation of such States, which he consider^{ed}ed impossible.

Finally, the Mexican Delegate ^{declared} proved that his Govern^{ment}ment had favored the provision that ammendments should require ratification of all permanent mem^{bers}bers even before the Dumbarton Oaks Proposals were drawn up.

1+5
draft

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

marked
HSC

CORRIGENDUM

SUMMARY REPORT OF TWENTY-FIFTH MEETING OF COMMITTEE I
June 15, 1945, 8:30 p.m.

Page 2, third paragraph

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Substitute the following paragraph:

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Page 2, sixth paragraph

Delete paragraph: "The Delegate of Mexico, being assured"

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Put this thru
as Corrigenda

to Doc 1022

Jan 16

N-137

DELEGACION DE MEXICO

San Francisco, Calif.
June 20th, 1945.

Dear Miss Armstrong:

In the summary report of the 25th meeting of Committee I/2 (Document 1022) of June 16th, the extract of my intervention, appearing in page 2, gives an idea of my words that does not correspond to reality, and thus I request that you be kind enough, in whatever way you may find it convenient, to make the necessary aclarations in the terms that appear in the enclosed document.

I shall also appreciate that the corrections to paragraph 41 of the Report of the Rapporteur, be made, in the terms I mentioned to you last night.

Thanking you in advance for your attention to these requests, I beg to remain

Faithfully yours,



Manuel Tello
DELEGATE OF MEXICO.

Miss Elizabeth Armstrong,
Secretary Commission II/1.
War Veterans Building,
San Francisco, Calif.

DELEGATE OF AUSTRALIA (DR. EVATT)-

Mr. President, we are now, I submit, at a critical issue for this Committee. It is true, as the President points out, that the Subcommittee vote dealt with the question of the voting at the Conference, but that was only after the Subcommittee had rejected the motion of the Delegate of Mexico to recommend no provision, that means no express provision, be made in the Charter for the voting procedure to be followed at the special Conference or for the ratification of amendments proposed by the Conference, and I therefore would not, as a point of order, but as a point of substance, submit now to the Committee as shortly as I can the argument in favor of this Committee accepting what the Subcommittee rejected by a vote of 8 to 4.

That is to say, we could do three things with regard to the much debated question of the veto on constitutional amendment. We could say, yes, that veto stands, and this present proposal of the sponsoring powers has a provision in the last paragraph, to the effect that it does stand, because if the Honorable Delegates will look at the last sentence of the sponsoring powers amendment, it states this,--I am reading from page 62 of the book of amendments, and it is familiar, I think, to most delegates: "Any alteration of the Charter recommends, "and so forth, "shall take effect when ratified

in accordance with the constitutional processes by the members of the Organization having permanent membership in the Security Council, and by a majority of other members of the Organization."

So the very basis of the discussion before the Committee was the starting point, the basic starting point was that five permanent members would each of them have a veto on any form whatever of the constitutional amendment. That is one point of view. I submit that the debate in this very room the other night on the veto of specific process showed an overwhelming majority of these delegations are opposed to it. Accepted the veto on conciliation, but Delegate after Delegate arose and said, "no, we can't accept it on constitutional amendment."

The very remarkable and eloquent speech on that subject was delivered by the distinguished Delegate from India, where he said, as many other delegates said in substance: "Yes, we can accept this veto on conciliation provisionally, but we can't accept it as a permanent feature of our constitution." I couldn't put it better than he did, and I am not going to try to repeat the argument, but I am going to say that no constitution of any kind that can be pointed to in any country has provisions of that character. The veto--what does it mean? The right of anyone of the permanent members to say to the

rest of the Organization--there might be 60 members of the Organization, or 70, the right of one to say to forty-nine, "there shall be no amendment." And to say it at a time when the world might have completely changed, when the real position of the Great Powers might have altered amongst themselves and in relation to other nations.

My feeling is this, Mr. President, that there is no more important question than the veto on conciliation, because if that fails, well then there will be demands for alteration, but the very power that might be responsible for its failure, would very likely be the power which refused to consent to any amendment. Then what would be the alternative of the Organization? To liquidate the present body or ignore its existence and start a third world organization? That is not the way you build constitutions. There is no veto on constitutional amendment in the United States possessed by any one of the constituent States. I know of no country in the world where anything comparable to it can be pointed.

This is the first point. Are we going to accept that? The other point, that is the opposite point, is that there shall be no veto on constitutional amendment, or that veto may be modified in some other way instead of having five great powers with rights to say "no" to any change, no matter how small or insignificant the rights of three powers,

four powers, or the right of no power to deny a constitutional amendment advanced by a majority of the powers of the world. We can say today, if we liked, there shall be a veto on every constitutional amendment. We could say, there shall be no veto on any constitutional amendment. But the very strength of the argument of the Delegate from Mexico is this: Why should we in 1945 at San Francisco determine that question here and now? Why not trust the nations who belong to the Organization to determine for themselves when they meet in another San Francisco Conference, if I may use that analogy, five or seven or ten years ahead? Can't you trust that Organization to act as this Conference would have acted? This Conference will decide that this Charter shall not come into effect until ratified by the five permanent members, and that might be repeated as a future constitutional amendment. Why should we legislate to restrict the freedom of the members of the United Nations in the future? Why not trust the good sense and wisdom of the United Nations in the future, judging by experience of the working of the Organization?

Mr. Frazer, of New Zealand, put it in another way just as convincing. He said he thought the veto in the present constitution, so far as the executive powers of the Security Council on enforcement was concerned, and so far as certain aspects of its powers on conciliation was concerned, was

something that was alien to democratic traditions of his country, and I suppose that goes for most of the countries, and we have got to go back to them and they will say: "Well, you accepted the veto and these things, but what provision have you made for the future if it proves an absolute and utter failure?" Are we going back and say: "I am very sorry to say the constitutional process laid down in San Francisco does not permit of any constitutional change whatever unless with the consent of each and all of the five permanent members."

It is intolerable to the people of my country that that should be so. I am not going to mention the Great Powers by name, but I say they are not equal in position among themselves, they are not in equal positions. We group them, but we don't regard them as being equal in leadership at this period of the world's history. We call them the "Big Three", the United States, the United Kingdom and Soviet Russia, and, sometime later the "Big Four", and China was added, and recently, France was added, and no one hopes more than the people in my country that the two countries whose names are added to the Big Three will be powerful and assume the leadership of the world as a group and act together. But are we, in making a constitution, to build on that foundation? No one ever heard of it in connection with constitutions in their

own countries. Why should we, as a world organization, not allow the future international organization to determine that question for themselves, and determine in convention the conditions of ratification, as we are doing in San Francisco? Is it less likely that after this Conference the United Nations of the future will be so foolish as to ignore the experience between the two periods, today and when that constitutional convention is held?

I submit, sir, that there is every reason for making that Assembly of the future as constituent an Assembly as this is? I recognize that in that point of view we are steering between two streams. On the one hand, a retention of the rigid veto possessed by each and all of us; and on the other, of the abolition of the rigid veto possessed by each and all of us. But isn't that the wise course? Why should we lay down the rule for the United Nations 7 years ahead? Why not let them decide this question?

I submit that the amendment proposed by Mexico was sound in principle, that we should adopt, if possible adopt it here. It won't determine this question once and for all. It will allow the future circumstances to be considered as and when it is to be determined. That is the very heart of the question, Mr. President. I regard it as vital, more vital than the question of veto on conciliation, or the veto

on enforcement, because I see no alternative to this proposal, but a very serious position. If it should turn out, which we hope will not be the case, that the constitution must be amended because of the experience of our working, and one of the permanent members will not agree, what are we to do? We can't work under this organization, and yet we have established institutions in the meantime. We will have set up the Economic and Social Council which will have its agencies. We will have set up the Assembly with all its powers to set up agencies. We will have set up the great trusteeship system. We will have this Organization as a running organization, and we hope helping it, because of international friendship and cooperation in every part of the world. And then if all the nations, or the great majority of them, want amendments, that whole process might be blocked by one country, one of the permanent powers. I say that is the situation which will mean that if we accept that position and go on under those circumstances, or go to the consideration of the question of the right of withdrawal or secession. That is a consideration which, as you know, is mentioned in another part of this report.

I think the right of withdrawal is an evil thing, but if there are ways of dealing with it within the constitution, dealing with these problems of amendment within the constitution,

without this right possessed by the five powers, then those rights, that position, should be explored. I submit, in short, sir, the proposition that should be put first, as it was to the Subcommittee, is whether the Delegate of Mexico's proposal that the Assembly we called under this Section to revise the Charter should be a constituent Assembly.

CHAIRMAN: It was rejected--

AUSTRALIA: It was rejected by the Subcommittee, sir. My friend, the President, with his study of this subject, and I must thank him for the way he has presented this question, the most important question, I think, of the Conference, he says that is rejected. It is rejected by the Subcommittee. The question is whether the Subcommittee in the Conference will approve that position. I submit that is the choice between the two extreme positions--no veto, or permanent veto. It means that you trust the nations of the future to do the right thing. If the permanent members of the Security Council carry out their trusts and discharge them properly, there will be no reason for removing from them any privileges, or rights, or objections, that they may enjoy under this Charter we are now building, and my position, in short, is trust of the United Nations of the future to regulate this thing at a conference for themselves, as we are doing at San Francisco. Don't let us permanently impress upon the constitution which, frankly, is completely unacceptable to my country, and which we must oppose with all our strength at every stage of this Conference.

SUMMARY REPORT OF TWENTY-FIFTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 15, 1945, 8:30 p. m.

The meeting was called to order by the Chairman, Mr.

Oreamuno (Costa Rica) at 8:30 p. m.

The Committee continued discussion of the memorandum of the subcommittee on Chapter XI (Amendments), (WD 344).

1. Postponement of Discussion of Time for Calling Special Conference

It was agreed to postpone further discussion of the ^{proposal} ~~third~~ of the delegation of the United States to place the calling of a Special point in the memorandum of decisions of Committee I/2/E (WD 344), Conference to revise the Charter on the agenda of the tenth ~~Time Limit for Calling Special Conference.~~

annual session of the General Assembly

2. Provision for Special Conference

Decision: The Committee accepted by a vote of 44 - 1

the recommendation of the Subcommittee to provide in

the Charter for a Special Conference to revise the

Charter.

3. Voting Procedure for Calling Special Conference

Decision: The Committee accepted unanimously the

recommendation of the Subcommittee that the Special

Conference be called by a two-thirds vote of the General

Assembly and of any seven members of the Security Council.

4. Voting Procedure at the Special Conference

The Committee proceeded to discussion of the voting procedure to be followed at the Special Conference.

The Delegate of Australia, ~~Mr. Evatt~~, urged that the Committee accept the motion of the Mexican Delegation to make no provisions in the Charter for the voting procedure to be followed at the Special Conference or for the ratification of amendments proposed by the Conference. He contended that the method of ratification proposed in the amendment of the sponsoring powers is unacceptable to the people of many of the smaller nations, and declared that the voting procedure at the Special Conference and for the ratification of amendments proposed by the Conference should be left up to the good sense and wisdom of the members of that Conference. He stated his belief that this matter was more important than that of the veto on conciliation or on enforcement by the Security Council. If the veto is applied to the process of ratification, he contended, it will be necessary to examine the possibilities of the right of withdrawal from the Organization.

The Delegate of Ecuador stated that a vote of his Delegation

voting procedure
on point four would depend upon the decision of the Committee on

ratification of amendments
point five. He urged, therefore, that the Committee proceed

the latter question.
immediately to a decision on point five.

The Delegate of Mexico declared that in making its recommendation his delegation was not indicating its position either for or against the veto. He stated that if the great powers should ask in the Special Conference for the continuation of the veto in the Charter his Delegation would accede to the request.

5. Ratification of Amendments Proposed by Special Conference

It was agreed to proceed to a discussion and decision on ~~point five~~, Ratification of Amendments Proposed by Special Conference, and then to return to point four. *voting procedure at The Conference.*

The Chairman announced that the Delegation of Belgium moved that the recommendation of the Subcommittee to accept the last sentence of paragraph 3 (Amendment of Sponsoring ^{Powers} Governments) be modified to provide that amendments proposed by the Special Conference come into force when ratified by two-thirds of all members, including all of the permanent members of the Security Council. The motion was seconded by Luxembourg.

The Delegate of Mexico, being assured that the United States Delegation still supported the statement on withdrawal from the Organization, recommended by the Subcommittee, declared that he was prepared to withdraw his proposal. He stated that the provision that no amendment comes into force without the ratification of all five of the permanent members was justified, but added that if one of the five should refuse to ratify certain amendments, other members might find that withdrawal from the Organization was the only solution. The Mexican Delegation, he stated, had favored the provision that amendments ^{should} require ratification of all permanent members even before the Dumbarton Oaks Proposals were drawn up.

The Delegate of Belgium contended that the Mexican proposal that no provision be made in the Charter for the ratification of amendments recommended by the Special Conference was contrary to the principles of international law. ^{He} The Delegate of Belgium emphasized that his Delegation had strongly supported the Australian amendment to remove the veto from conciliation ^{for} the Security Council but that it would be politically impracticable to demand that the

sponsoring powers accept the removal of the vet. from the amending process. He said that the sponsoring ^{Powers} governments could not be expected to accept the responsibilities and obligations of the Charter if further obligations could be added without their unanimous consent. In the light of these circumstances, the Subcommittee recommended that recognition be made of the right of a member to withdraw from the Organization if an amendment duly accepted by the necessary majority in the Assembly or in a Special Conference fails to secure the ratification necessary to bring such amendment into effect. This interpretation, he continued, would increase the chances of having amendments come into effect. The Delegate of Belgium expressed his disappointment that the proposals to specify a time limit for the calling of the Special Conference had been rejected, ^{by the Committee} and he hoped the sponsoring powers would reconsider their position on this matter.

With reference to the Belgium proposal announced by the Chairman earlier in the meeting, the Delegate of Belgium contended that the requirement of ratification by two-thirds of the members rather than by a simple majority would reduce the inequality between

the permanent members and the other members, but that it would not make it any more difficult to secure the ratification of amendments. This provision, however, would assure each member that it would be among those ratifying an amendment.

The Delegate of Colombia expressed the hope that the Committee would reconsider the vote on the time limit for calling the Special Conference. He ~~emphasized that his Delegation was made in the Charter for calling the Conference strongly opposed to the veto on amendments and added that if within a specified time, his delegation this provision was written into the Charter he would favor~~ explicit provision for withdrawal from the Organization.

The Delegate of Brazil pointed out that the recommendation of the Subcommittee on the last sentence of paragraph 3 (Amendment of Sponsoring Powers) had been carried by a vote of 7 - 5 and did not constitute a majority vote of the Subcommittee, which was composed of 15 members. With reference to the declaration of the Subcommittee on withdrawal, she stated that the Brazilian and Australian Delegations had asked for considerable change. She strongly supported the arguments of the Delegate of Colombia against the veto and suggested that the veto was contrary to the

principle of equality of nations ^{expressed} in the Preamble of the Charter.

It was agreed to continue discussion of ^{this matter} ~~point five~~ and to
vote at the next session.

The meeting was adjourned at 11:30 p. m.

COMMISSION I General Provisions

Committee 2 Membership, Amendment and Secretariat

SUMMARY REPORT OF TWENTY-FIFTH MEETING OF COMMITTEE I/2

Veterans Building, Room 223, June 15, 1945, 8:30 p.m.

The meeting was called to order by the Chairman, Mr. Oreamuno (Costa Rica) at 8:30 p.m.

The Committee continued discussion of the memorandum of the Subcommittee on Chapter XI (Amendments), (WD 344).

1. Postponement of Discussion of Time for Calling Special Conference

It was agreed to postpone further discussion of the proposal of the Delegation of the United States to place the calling of a Special Conference to revise the Charter on the agenda of the tenth annual session of the General Assembly.

2. Provision for Special Conference

Decision: The Committee accepted by a vote of 44-1 the recommendation of the subcommittee to provide in the Charter for a Special Conference to revise the Charter.

3. Voting Procedure for Calling Special Conference

Decision: The Committee accepted unanimously the recommendation of the subcommittee that the Special Conference be called by a two-thirds vote of the General Assembly and of any seven members of the Security Council.

4. Voting Procedure at the Special Conference

The Committee proceeded to discussion of the voting procedure to be followed at the Special Conference.

The Delegate of Australia urged that the Committee accept the motion of the Mexican Delegation to make no provisions in the Charter for the voting procedure to be followed at the Special Conference or for the ratification of amendments proposed by the Conference. He contended that the method of ratification proposed in the amendment of the sponsoring