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1-2/E (2 Files)

1 June 1945

15 June 1945

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CPAG-5/2.2.3

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Argument favorable public opinion

Australia Support Canada & Mexico.

Conditions of ratification should be left to each country.
If accept Belg. amendment - write into Ch.
prov. that no part could ever be changed
even the 44 and 50 desired - ag. acts of 1 of 1
At ^{experts said} the point of having least laws if strictly same
could apply at general amendment.

Germany Second
Ratification Prop.

Belg. I am withdrawing it

Proposal withdrawn

Let's & Power

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ON INTERNATIONAL ORGANIZATION

USSR Against prop of Canada, Mexico - G. J.
re-examining ch. in future & ratifying. Not
for-sure by DOP - 4 powers did not feel
creating treaty org - ch. too re-examined
& amended.

But since examine proposals
still think of estab. ch. will last -
Stable ch. survives

But prop ^{made} in 57 4 power treaty
#3 - re-examine ch - & committed
with entry. 2 matters not dis. b. c.
4P understand if amending dis. & are.
coming into force should be provided
in Annex A. Same at Const. Conv.

Re Canada, Mexico will accept
only #3 ^{which} 2 expects: ratify.
with coming into force -

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Ratify. & coming into force.

Can No proposal by Canada
Understand USSR Dec 7 & 3
Reason why last part omitted y'z
vote on amend. Understand
entire & then approved.

China 1st time in conf
Rabin gave legal argument
irrefutable - every int'l conf must
vote unanim. unless agreed in advance.
Can. & USSR. prot. unanim.
to agree unanim. Certain distrust
of 5 Powers - suppose justified.
If make amend. all oppose - but why?
Who not understand voting in Cb.
If amend made by conf who

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not see why diff. from G. Bar. Celso's
amend to Ch. Should be treated
in same way

Ch # 3 is before us — not Canadian
Canadian PT folder

not # 2 - voting on ratif. in Const Conf.
Ch wish to see what has understood.

USSR # 3 should indicate how to ratify
des. of Law. & how enters into force.
only on this basis will it be acceptable
Oppose Can. amend as ratif. must
be & prove left.

Norway hoped not need to take vote on this point.
Norwegian deleg. had hearing discussion.
See no real argument to change p^t of law

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~~for~~ Ratif. of amend - re one state backing up
around 49 members. Mostly for sake of
argument, not practical. Matter will
not come up for formal vote before
thoroughly out. Very imp. amendments. must
have all 5 - diff. for them to satisfy
~~Chair~~ - cannot accept if cannot get
amend.

Reception being heavy resp. to
public opinion - feel extremely diff
for Norway to enter org. seemed to be
temporary - if amend not acted by all
Gr. P. Basis for successful org
Priority of Council bet. Pres. members.
of vote: Norway with 4 of Pres. and

France no copying the text - examined
with great care & impartiality. Do not
think agree w. Mexico. ~~Chang~~

ments towards other questions before the whole Conference. If there were reasonable expectations that ^{it} within a specified number of years, certain provisions which some governments were wanted to see written into the Charter ^{could} be liberalized or softened, the situation would be altered. In that case those governments would be more willing to go ahead in writing these provisions into the Charter with the realization that the procedure was for a limited period of years.

Some delegates were of the opinion that the question at stake was whether there should be a Charter which (would be not merely stable) but might indeed be termed rigid in character or whether there should be a more flexible Charter. It was pointed out that if the veto of the permanent members of the Security Council were permitted to block any amendment to the Charter, it could mean that one of the major powers alone could halt the action of every single other member of the Organization; that even though forty-eight of the forty-nine members of the Organization might agree, one single major power might block a change which might be of extreme interest or importance to many members and which would in no way affect security matters.

Several delegates expressed the view that there was a pressing need for a method of revising the Charter at some period after the wartime emergency conditions and viewpoints have been altered by changing events. It was thought that new conditions arising five or ten years after the Charter came into force might bring forth demands for a number of changes in the Charter. It was therefore suggested that the Charter might be considered as something of an emergency measure to meet the peculiar conditions of the present time. An alternative suggestion was that the veto of a permanent member of the Security Council to an amendment to the Charter should only apply to certain specified sections of the Charter, particularly those which did not involve enforcement. The opinion was expressed that it would be extremely difficult to secure general agreement on which chapters should be considered of secondary importance and hence could be exempted from the veto based on the relationship to enforcement provisions. It was the consensus of opinion that there was no intention to draft provisions of the Charter which would not require at least the agreement of a majority of

the permanent members of the Security Council for amendments which might be submitted. The objection was to the provision that a single permanent member of the Security Council could block the unanimous or nearly unanimous view of the other members of the Organization.

It was maintained that one of the basic questions to be decided was whether or not there should be provision for automatically calling a Conference to revise the Charter at the end of a stipulated period of time. A number of delegates urged such a provision. It was pointed out that one of the questions raised by such a procedure would arouse doubt as to whether, after 5 or 10 years, the Charter was valid only until that convention met, or whether it should remain valid if no changes or no substantial changes were made. Some delegates suggested that at such a convention, members might wish to review their relationship to the entire Organization, both in view of past experience and in the light of new amendments accepted by a Conference which might revise the Charter. One delegate suggested that the proper body to prepare amendments for the Charter was the General Assembly

which, after a few years of operation, would have a volume of experience to draw upon and which could prepare amendments under the most favorable conditions. The precedent of the revision of the statutes of the League of Nations was cited as one which might be of value in considering methods of amending the new Charter.

The Delegate of Norway observed that his country could not admit that the Charter could be amended in any way which would call for a change in the domestic arrangements of Norway and that Norway was opposed to future changes in the Charter unless those changes were made by an overwhelming majority of all of the members of the Organization, including all of the permanent members of the Security Council.

The Committee found that there was a remarkable degree of unanimity in the objectives desired by the various members.

It was agreed that there were five main points on which decisions must be made.

1. Whether or not there should be a constitutional conference which should have for its purpose the consideration

of amendments that might be necessary in the Charter.

2. If the Committee agreed that a constitutional con-

ference was desirable, then what period of time should elapse

before such a conference should be called?

3. What method of voting should be adopted at the

projected conference?

4. The relation between the amendments of the Charter

and withdrawals from the Organization.

5. Distinction between those parts of the Charter to

which the veto should apply.

DRAFT REPORT OF THE RAPporteur ON MEETING
OF SUBCOMMITTEE I, MAY 30

The Subcommittee appointed on May 29 to consider Chapter XI (amendments) ^{held nine meetings on May 30} ~~met at 2:30 and again at 8:30 on May 30.~~ The members of the Committee were: the President of Commission I, the Chairman of Committee I/2, the Rapporteur, and Delegates of the following nations: Australia, Belgium, Canada, China, Ecuador, France, Mexico, Norway, Venezuela, U.K., U.S., and U.S.S.R.

The Committee took account of the discussion of Committee I/2 at its meeting on May 29. It was pointed out that two main problems had arisen in the course of these discussions. The first was a discussion and decision on the amending process provided for in the Charter, and the second was on desirability of providing for a special constitutional conference to be convened at a fixed time.

Several delegates emphasized the importance of the question of the amending procedure, stating that the decision taken on this might affect the attitude of a number of govern-

years, certain provisions which ~~the various~~^{some} governments were
~~wanted~~
~~desired~~ to see written into the Charter might be liberalized
The situation would be altered - In that case
or softened, ~~then~~ those governments would be more willing to

go ahead in writing those provisions into the Charter with

~~The realization~~
~~their own revision~~ that ~~this~~^{the} procedure was for a limited

period of years. ⁴ Some delegates were of the opinion that the

question at stake was whether there should be a Charter which

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character. It was pointed out that if the veto of the per-

manent members of the Security Council were permitted to

block any amendment to the Charter, it could mean that one

alone
of the major powers could halt the action of every single

other member of the Organization; ^{that} even though forty-eight of

members of the Organization
the forty-nine ~~states~~ might agree, ~~some~~^{one} single major power

might block a change which might be of extreme interest or

importance to many members ^{and} which would in no way affect

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Several delegates expressed the view that there was a pressing need for a method of revising the Charter at some period after the wartime emergency conditions and viewpoints have been altered by changing events. It was thought that new conditions ^{arising} five or ten years after the Charter came into force might ^{bring forth demands for} ~~call~~ for a number of changes in the Charter. It ^{therefore} was suggested that the Charter might be considered as something of an emergency measure to meet the peculiar conditions of the times. ^{present} ~~As an alternative it was suggested that it~~ ^{was that} ~~might be stipulated that~~ the veto of a permanent member of the Security Council to an amendment to the Charter should only apply to certain specified sections of the Charter, particularly those which did not ^{involve} ~~contain~~ enforcement provisions. The opinion was expressed that as the Charter was being ^{would be} ~~drafted it was impossible to sort out a considerable number~~ ^{extremely difficult to secure general agreement} ~~of chapters which were of secondary importance and could be~~ ^{on which} ~~exempted from the veto based on the relationship to enforcement provisions.~~ ^{should be considered} ~~It was the consensus that there was no intention to draft provisions of the Charter which~~ ^{of opinion} ~~should not~~ ^{would}

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require at least a majority of the permanent members of the
Security Council ~~to agree to any~~ *for* amendments which might be
submitted. The objection was to the provision that a single
permanent member of the Security Council could block the
unanimous or nearly unanimous view of the other members of
the Organization.

It was maintained that one of the basic questions to be
decided was whether or not there should be provision for
automatically calling a Conference to revise the Charter
at the end of a stipulated period of time, ~~Provision for~~

~~such automatic convening of a constitutional convention to~~
~~consider amending the Charter in the light of experience~~
was urged by a number of delegates, urged such a provision
~~Preference was expressed~~

~~for an automatic convening of such a meeting as against pro-~~
~~vision enabling such a conference to be called at the end of~~
~~a procedure in which the General Assembly and the Security~~
~~Council would have to concur in calling such a conference.~~

It was pointed out that one of the questions raised by ~~the~~ *such*

procedure
would arouse doubt as
~~automatic convening of a convention was as to whether at~~
after 50/10 years
~~the end of a period of five or seven or ten years the Charter~~
~~was valid only until that convention met, or whether it should~~
~~remain valid if no changes or no substantial changes were made.~~

Some delegates suggested that at such a convention, members might wish to review their relationship to the entire Organization.

~~It was suggested that some members might also wish to review~~
both in view of the past experience and in the light
~~their relationship to the Organization after new amendments~~

~~had been accepted by a Conference which might revise the~~
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~~body to prepare amendments for the Charter was the General~~
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4. The relation between the amendments of the Charter and withdrawals from the Organization. ~~(as a fast-track)~~

5. Distinction between those parts of the Charter to which the veto should apply.

Committee found that there was a remarkable degree of unanimity in the objectives desired by the various members.

P 5
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Having agreed unanimously
It was agreed that there were five main points on which decisions must be made.

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