

UNCLD - Working Papers - Commissions + Technical Committees - Committee 1/2 Meetings (1-29) 4 Files

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$T/2$ Sixth May 14

MINUTES OF SIXTH MEETING OF COMMITTEE I/2

May 14, 1945, 5:20 p.m.

The Chairman announced the schedule of meetings for the Committee for the week;

Tuesday, 3:30	Friday, 10:30
Wednesday, 8:30	Saturday, 3:30
Thursday, no meeting	Monday, 8:30

The Rapporteur (Haiti) presented a report of the drafting committee on a meeting of subcommittee 1, which contained the proposed text of Chapter III (Membership), as follows:

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

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

The Chairman pointed out that the Committee was to vote on the text, but that there would be no discussion.

The Delegate of Belgium (M. Rolin) explained that the text of the subcommittee added two paragraphs--the first of which defines those who are members at the outset. He explained that they had deliberately refrained from mentioning the "original" members. The second paragraph deals with those

who become members later and is open to "peace-loving nations". The phrase was retained because it had been used in the Moscow Declarations and expressed so well the idea of universality as requested by so many delegations.

He explained that the phrase "able and ready" implied not only the acceptance of obligations, but the ability to carry out and the sincere acceptance of, these obligations. The "aims and principles" are omitted for the sake of simplicity since those nations which adhere to the Organization accept the aims and principles as a matter of course. There was no reference to democratic institutions since this would mean interference with internal arrangements.

M. Rolin explained that the Organization (which includes the General Assembly and the Security Council) will consider the past

and recent attitude of the state and the public statements of its leaders to see if these are in harmony with the principles of the Organization. The Committee did not want to include specific points, however.

The Delegate of Greece on a point of order noted that the French translation of the second paragraph was not quite satisfactory. He thought the American text very good and that a closer ~~and~~ interpretation of "able and ready" should be provided. The U.S. Delegate said that he thought it was an excellent draft and he proposed to vote in the affirmative for both parties. However, he objected to the paragraph concerned with withdrawal, since his delegation had not considered this question and he therefore wished to reserve the right to bring it to the attention of his delegation.

The Chairman said that the Committee was to vote on the text only, and that a second opportunity would be given to discuss this and vote again when the text is presented to the Commission.

The Delegate of Brazil, speaking on a point of order, asked whether the preamble had been accepted by Committee I/1 since there was a desire for some declaration of human rights and the feeling that this should be more than a legal document. She questioned whether the preamble and principles would be incorporated into the draft. The Delegate from Belgium replied that the ~~preamble~~ preamble had not yet been accepted, ~~by~~ but would be after the Chapter on Principles had been discussed. If, after it was adopted as part of the charter and the Delegate felt that there were omissions, amendments could be submitted.

The Delegate of New Zealand, speaking on a point of order, asked whether the Chairman^{ruling}~~asked~~/out any discussion before the vote on this would constitute a precedent; he hoped that it would not, since often there would be a desire to discuss the text before voting upon it. The Chairman explained that there were two ways of handling the problem: (1) to vote on the report; and (2) the Committee to sustain the motion to re-open discussion. If, however, it were opened without the authorization of the Committee, there would be a lengthy discussion and unless there were many changes to be made in the draft, he preferred to have a vote on the report as submitted. It was agreed that the text should be voted upon and there was no move to re-open discussion.

The Delegate of France, on a point of order, said that he desired to associate himself with the Delegate of Greece and that the French translation should be amended in order to bring it into line with the English text. The Australian Delegate asked whether it would be special procedures for the admission of certain countries, such as ex-enemy countries. M. Rolin explained that it was open for the Assembly to decide whether a nation was peace loving or not, and whether it was able and ready to accept the obligations. The Australian Delegate said that in another Committee it had been suggested that before enemy states could be admitted they must run the gauntlet of the Security Council. M. Rolin replied that the text said "Organization", which included the Security Council, and that this was really a question for Commission II. The Australian delegate remarked that he agreed with the text and thought it excellent.

The Delegate of Greece, in answer to a question from the Chair as to whether his comment had been one of form or substance, said that he wanted to know if there were two different texts to vote upon. He thought that a clearer text was needed.

The Delegate of Brazil asked if the text was final or liable to be changed later, and the Chairman explained that a vote would be taken on two paragraphs, ^{using the English version.} The vote was carried unanimously to adopt the text of the subcommittee on Chapter III, using the English version only.

The Delegate of Uruguay noted that withdrawal had not been covered in this text and the Chairman explained that the question ~~xxx~~ of suspension, expulsion and withdrawal did not come within the terms of reference, but should be sent to the Committee on Coordination for clearance as to which Committee should be concerned with this question.

M. Rolin referred to the U. S. Delegate's comment on withdrawal (Mr. Eden [?] had said that he had not discussed this with his delegation). The Constitution of the United States does not mention withdrawal--similarly it is taken for granted in Dumbarton Oaks that there shall be no withdrawal. If the United States wished to make an amendment concerning it, they should have made it earlier.

The Chairman spoke on behalf of the subcommittee. He wished to strengthen M. Rolin's remarks concerning withdrawal. The subcommittee had in mind the Covenant of the League which clearly mentioned withdrawal. This subject was omitted in Dumbarton Oaks since it was believed that in this new world organization withdrawal should be impossible.

The Delegate from Norway asked whether reports from drafting committees should not be placed on the table 24 hours before consideration, and he asked for a rule in the future. The Delegate from France said that at the meeting before last it was suggested that the question of neutrality should be referred to the First Committee and he requested that this be done now. The Chairman replied to Norway that the report was delivered by messenger yesterday morning to each delegation, and in reply to France's question, said that the question of neutrality had been referred to Committee I.

The Delegate from Uruguay said that he wished the question of withdrawal to be put as number one on the Agenda of the next meeting. Uruguay had presented the fundamental proposal which must be given serious consideration. Positive law must be clearly expressed in the code. He rallied to Mr. Rolin's words on withdrawal--there must be a juridical basis for withdrawal--and he pointed out that the comparison of this Organization with the U.S. was not analogous. He emphasized the need for stating the proposal definitely and decisively in the Charter. Uruguay opposes withdrawal and wants the Charter to state specifically that no withdrawal is possible.

The Chairman remarked that the motion for placing an item on the Agenda had been seconded by Chile and that this motion for consideration could be debated by two speakers in favor and two opposed. He asked, however, that the day not be fixed but it be left to the Chairman to put this item on the Agenda at a convenient date.

The Delegate from the Netherlands suggested that no amendment had been put forward on this subject ^{but} ~~by~~ the Delegate from Uruguay replied that it had been.

The Delegate from Chile explained that he had seconded Uruguay and referred to Chile's experience in the League.

The United Kingdom representative opposed the motion as not being on a point of order. He thought it would be difficult if the procedure of allowing the Chairman to decide what would go on the Agenda were varied. He suggested that the rule be adhered to which allows the Chairman to decide on the Agenda.

The Delegate from Australia agreed in general with Uruguay and thought it wise to secure the substance of their amendment but that the method is for the Chairman and Coordinating Committee to decide.

On the principle of permanence of membership, he agreed but he thought that the particular amendment must be ~~amkx~~ subject to the convenience of arrangements by the organs of the Organization. He particularly recommended that the question of the consideration of suspension and expulsion be ruled upon

by the Coordinating Committee.

A vote was taken on the motion of Uruguay to place on the Agenda the discussion of the question of withdrawal, the date to be fixed by the Chairman. This was unanimously approved.

The Chairman announced that the following two meetings would be devoted to consideration of Chapter IV (Principal Organs) and that a subcommittee would be appointed to draft a text for this Chapter.

The meeting adjourned at 6:30.

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by the Coordinating Committee.

A vote was taken on the motion of Uruguay to place on the Agenda the discussion of the question of withdrawal, the date to be fixed by the Chairman. This was unanimously approved.

The Chairman announced that the following two meetings would be devoted to consideration of Chapter IV (Principal Organs) and that a subcommittee would be appointed to draft a text for this Chapter.

The meeting adjourned at 6:30.

I/2 Fifth May 11

REPORT OF FIFTH MEETING OF COMMITTEE I/2

May 11, 1945 Veterans Building, Room 314 10:45 a.m.

The Chairman called the meeting to order at 10:45 a.m.

In accordance with the agreement reached at the last meeting, the Chairman ~~was~~ appointed a subcommittee to draft a text for Chapter III; the subcommittee to include the Chairman of Committee I/2, the President of Commission I, the Delegate from Haiti (Rapporteur), and the representatives of the United Kingdom, the Soviet Union, Netherlands, Ecuador, Syria and ~~E~~ the Philippines. The subcommittee is to meet May 11, at 3 o'clock in room 316.

Mr. Rolin on a "point of order" moved that the Committee proceed to consideration of the conditions for expulsion from membership. The motion was seconded by the Delegate from Egypt. After some discussion, it ~~was~~ agreed that the Committee might consider suspension together with expulsion. Mr. Rolin (Belgium) again referred to the exchange of correspondence between himself as President of Commission I, and Field Marshal Smuts, President of Commission II, concerning the distribution of work between the two Commissions. He reminded the Committee that they had suggested that the first Commission consider the conditions under which the State would be admitted, suspended or expelled from the Organization, and that Commission II would consider the competence of organs to vote upon these matters.

The Delegate from Uruguay asked if it would be possible for the subcommittee to consider the three important matters relating to membership, namely, (1) principle of universality, (2) permanence of membership, and (3) the obligation or compulsion of remaining within the Organization. He felt that the drafting committee was fully authorized to consider these questions, but if it was not so authorized, the full Committee should consider these matters. The Delegates of Yugoslavia and the Soviet Union opposed the motion of Mr. Rolin. They felt that suspension and expulsion were not within the competence of this Committee.

The motion of Mr. Rolin was rejected by the Committee.

The Delegate from Uruguay spoke in behalf of the amendment of her~~e~~ delegation that participation and representation in the Organization and its agencies should be open to men and women on a basis of equality. She did not defend this amendment as a principle but rather in recognition of the fact that in her country positions in all fields were open to women. The Delegate of Egypt raised a "point of order". He suggested that the Committee would go outside of its terms of reference if they were to discuss this amendment. The Chairman replied that he felt that the discussion was on the general principles of Chapter IV and suggested that the Delegate of Egypt withdraw his motion. The Delegate of the United Kingdom said that he felt that this was a "point of order" of some little substance. He suggested that the Committee should proceed immediately to consider each of the amendments submitted on this Chapter one by one, and expressed the hope that the discussions should

be concluded within a half hour. After some discussion of this point of order, the matter was dropped.

The Delegate of Brazil spoke in behalf of the amendment of Uruguay. She pointed out to the Committee that a similar amendment had been submitted by the Delegations of Brazil, Mexico, and the Dominican Republic under Chapter V. She stated that these amendments resulted from consultation between the women delegates of Latin American countries and a few others, including Australia, and of representatives of the women's organizations which were attending the Conference as consultants to the United States delegation. She said that although it was recognized that women had equal rights nevertheless a specific reference to this right in the Charter was essential. She spoke of the particular interest of women in the establishment of an organization for the preservation of peace.

The Delegate of Ecuador stated that his delegation had submitted an amendment to this Chapter for the inclusion of the Economic and Social Council and the Educational and Cultural Council, among the principal organs. He was supported by Mr. Rolin. He suggested, however, that the best procedure for the Committee would be to submit a memorandum stating that Chapter III, Section 1, should list all organizations which were designated principle organs by other Committees of the Conference. The Delegate of Haiti, while expressing sympathy for the amendment of Uruguay, saw no need for a special amendment to this effect. Mr. Rolin also felt that the amendment was unnecessary and that the interests of women would be ill-served by

such a proposal.

The Delegate of Cuba pointed out that his delegation had submitted an amendment for the inclusion of a Council of Intellectual Cooperation among the principal organs. He~~xxx~~ also supported the suggestion of the Delegate of Ecuador. In respect to the amendment of Uruguay, he expressed his sympathy for its purposes, but pointed out that it was not necessary.

The meeting was adjourned at 12:25 p.m.

JOURNAL

COMMITTEE I/2

May 11, 1945 - 10:30

The chairman of Committee I/2 selected the members of a subcommittee, which is to prepare a draft of the chapter on membership. The matter of suspension and expulsion was referred to this subcommittee.

The Committee commenced discussions on Chapter IV__
Principal Organs__of the Dumbarton Oaks proposals.

File *mg*

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Press Communique -

at the beginning of the meeting, the chairman appointed a subcommittee to prepare a draft of the membership chapter. The matter of suspension and ^{was raised there} expulsion ~~was~~ referred to the subcommittee¹, which will meet this afternoon.

The Committee then turned its attention to Chapter IV of the D.O. proposals, concerning principal organs of the organization. The question of explicitly mentioning in this chapter the equality of men and women in ~~representation~~ and participation in these principal organs was raised.

PRESS COMMUNIQUE

COMMITTEE I/2

May 11, 1945

At the beginning of the meeting, the chairman appointed a subcommittee to prepare a draft of the chapter on membership in the organization. The matter of suspension and expulsion was raised and referred to the subcommittee, which will meet this afternoon.

The Committee then turned its attention to Chapter IV of the Dumbarton Oaks Proposals, concerning the principal organs of the organization. The question of explicitly mentioning in this chapter the equality of men and women in representation and participation in these principal organs was discussed.

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