

UNCIO - WORKING PAPERS - COMMISSIONS & TECHNICAL COMMITTEES - Rapporteur's report

15 May 1945

31 May 1945

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

Committee I/2 recommends to Commission I that Chapter III read as follows:

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

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

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

The terms of reference of Committee I/2 included the following subjects: membership in the Organization of the nations participating in the Conference, admission of new members, withdrawal, suspension, and expulsion of members.

Membership and Admission of New Members.

Chapter III of the Dumbarton Oaks Proposals read as follows:

(TP) "1. Membership of the Organization should be open to all peace-loving states." The Sponsoring Powers had offered no amendments to Chapter III on membership, while the following governments participating in the Conference placed proposals and comments before the Committee: Australia, Bolivia, Brazil, Chile, Costa Rica, Ecuador, Egypt, France, Guatemala, Honduras, Mexico, Netherlands, Norway, Philippine Commonwealth, Uruguay and Venezuela.



In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations stated in the Charter; and (2) limitations within which the Organization should exercise discretion in the admission of new members. The discussion on these problems centered about the adequacy and elasticity of the formula for membership. It was the unanimous opinion of the Committee that unqualified adherence to the Principles and assumption of obligations were essential to membership in the Organization.

Exponents of the view that the Charter should not unduly restrict the Organization in deciding on applications for admission argued that the Organization itself would be best qualified to judge the fitness of applicants for membership. Those in favor of mentioning in the Charter particular standards for membership concerning forms and policies of governments stressed the need for the members already participating to be assured that new members would be able and ready to meet their obligations under the Charter and would not pursue policies contrary to the principles of the Organization. It was the sense of the Committee that the Organization should be empowered to admit new members within limits indicated by the term "peace-loving" and permitting the Organization wide discretion to judge the fitness of applicants to carry out their obligations under the Charter.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, <sup>was</sup> ~~had been~~ retained.

*but refined.*



The expression <sup>was</sup> ~~is~~ far from being inadequate; it reflected very well the ideal which <sup>had</sup> animated the founders of the Charter and it even indicated the tendency towards universality.

But it was not enough to declare that a State was a peace-loving State. What nation ~~has~~ ever proclaimed contrary sentiments? It was necessary also to prove two things: that one <sup>would be</sup> ~~is~~ ready to accept and fulfil the obligations of the Charter, and furthermore that one <sup>would be</sup> ~~is~~ in a position to accept and fulfil them.

That is to say clearly that the admission of a new member would be subject to examination. But the Committee <sup>did not be-</sup> ~~had not be-~~ lieved it necessary to enu-merate what factors would be considered in that examination. Sight <sup>was</sup> ~~had~~ not ~~been~~ lost of the difficulties which must be taken into account in judging the political institutions of states and it was feared that <sup>the mention of</sup> an examination of this nature <sup>(in the charter)</sup> might <sup>conflict with</sup> ~~involve an attack (against)~~ the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This <sup>was</sup> ~~did~~ not <sup>to</sup> imply, however, that in reaching a decision on the possibility of admitting a new member, <sup>not</sup> considerations of every kind could be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate declared that neutrality was inconsistent with membership.

This <sup>would be</sup> ~~is~~ what paragraph 2 in question implied, since a neutral state, if it <sup>were</sup> ~~is~~ consistent, <sup>would</sup> ~~will~~ not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.



It was pointed out to the Committee that Chapter III of the Dumbarton Oaks Proposals referred to membership of states. This reference, it was explained, might exclude from membership those nations participating in the Conference which had not yet achieved full statehood. The Committee felt that all nations participating in this Conference should be included as initial members of the Organization.

Paragraph 1 of the proposed text of Chapter III, it seems<sup>ed</sup> to us, should calm the apprehension of certain nations which participated in our work <sup>but</sup> and which were not precisely States, but it <sup>should</sup> ~~will~~ be noted that in the second paragraph mention of the word "State" did not satisfy those which foresaw<sup>saw</sup> the future incorporation of other communities.

With respect to the distinction between original and subsequent members, the Committee decided to prevent any stigma arising out of this unavoidable distinction. However, in order to indicate that the nations participating in the Conference would be signatories to the Charter and that new members would subscribe to the principles and obligations of the Organization by a different method, it was agreed that paragraph 1 of the proposed Chapter III would include the word initial and <sup>would</sup> ~~read~~ as follows: "The initial members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Chapter , Article ."

To conclude our comments on Chapter III, we <sup>should</sup> ~~shall~~ say that <sup>its</sup> ~~these~~ provisions <sup>have</sup> become more flexible. They express<sup>ed</sup> more clearly than in the original text of Dumbarton Oaks the desire of the



nations here assembled, and they close <sup>at</sup> the door to doubtful interpretations of the expression "peace-loving nations" which, as ~~has~~ <sup>been</sup> so well stated by the distinguished Delegate from Uruguay, <sup>possessed</sup> ~~has~~ no juridical sense.

#### Withdrawal, Expulsion and Suspension.

The problems of withdrawal, expulsion and suspension led to the examination of the following questions:

1. Whether a member state can become a non-member, either by voluntary or imposed action.
2. Whether the concept of suspension can be adequately applied to serve the purposes intended to result from expulsion.

With regard to provision for withdrawal, it was argued that this concept would not only impair eventual universal membership but would also give recalcitrant members the opportunity both to menace the Organization and to avoid obligations by leaving the Organization. Furthermore, if a provision for withdrawal were included in the Charter, the act of withdrawal by any state would indicate either that the state intended to act in contravention to the principles of the Organization, or that the state felt that the Organization was not fulfilling the purpose for which it was created. Prohibition against withdrawal would make it necessary to provide for sanctions against members which attempted to withdraw, and such a provision in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.



The omission of any reference to withdrawal in the Dumbarton Oaks Proposal was recognized as deliberate on the part of the sponsoring governments. Some delegates cited the omission as evidence that the sponsoring governments opposed a provision for withdrawal, while others interpreted the purpose of this omission to be to permit the Organization to consider in the light of circumstances then existing any case of proposed withdrawal which might arise.

The subcommittee reported to the Committee on May 23, that no reference to withdrawal should be inserted in the Charter. The views of the subcommittee, in which the Committee concurred, were contained in the following statement:

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfil its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawal or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

On this question of withdrawal, we should limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee did not <sup>provide</sup> have a definite solution to the divergent views which could arise on that point. That interpretation did not have any juridical weight and could never serve except to support an argument, the question not



having been sett by the wording of the Cl ter.

The question of expulsion and suspension evoked an extended exchange of views. A special subcommittee first studied the question of expulsion and suspension. On May 25, the subcommittee recommended that reference to expulsion be omitted from the Charter. The subcommittee also recommended that, if Committee I/2 sustained the view of the majority of the subcommittee on expulsion, then the Committee should change the draft of paragraph 3, Section B, Chapter V concerning suspension along the following lines:

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

This concept of suspension was considered sufficiently flexible to achieve the purposes that might be accomplished by expulsion. It was explained that suspension, which was tantamount to temporary expulsion, would avoid the undesirable features of expulsion.

When the matter was brought before the whole Committee, those in favor of omitting any reference to expulsion from the Charter argued that expulsion would be inconsistent with the concept of universality, which assumes the eventual membership in the Organization of all states; would release a member from its obligations under the Charter; would place the expelled state beyond law and therefore require member states to

(A)



take acts of war, instead of police action, against that state; might endanger the Organization more than the state concerned; would provide a nucleus of opposition to the Organization, around which other dissatisfied would collect; would cause member states to break diplomatic and other relations with the expelled state; would obstruct reconciliation between the Organization and any expelled state; and might prove less drastic in effect than suspension. Among the numerous arguments which had been presented in favor of omitting reference in the Charter to expulsion the one which appeared to have had the most weight was that suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligation, as expulsion would.

The supporters of expulsion explained that peace and security, not universality, was the aim of the Organization; expulsion would only apply to virtually incorrigible member states which persistently or gravely violated the principles of the Charter; with regard to such states, it was necessary to make absolutely clear what attitude the Organization would assume towards them; retention of membership under suspension might inhibit the Organization from acting drastically enough against such states; absence of the power of expulsion might allow a member state to act in collusion with a non-member state in obstructing the Organization and its purposes; the Organization would be capable of applying expulsion judiciously; expulsion would not release the expelled state from the obligations specified for non-members; and expelled states might be readmitted to the Organization.

The subcommittee, in discussing suspension, had felt that a Norwegian amendment providing for the suspension of rights

The following countries has submitted agreements to para. 3, section B, chapter V which were transferred to committee II/2 by Committee II/L:

re 1/2 by Committee II/2:  
Australia, Belgium, Brazil, Dominican Republic, Ecuador,  
Egypt, Honduras, Mexico, Netherlands, New Zealand, Norway,  
Uruguay and Venezuela.

The arrangements were fully considered during the discussion of expulsion and suspension by our Sub-Committee and Council.



and privileges of members failing to pay their financial contributions was too severe and preferred the Netherlands amendment. On this matter the Norwegian delegate stated his willingness to withdraw the Norwegian amendment if the Netherlands amendment were brought officially to the attention of the competent technical committee of the Conference.

At <sup>the</sup> ~~its~~ meeting on May 25, <sup>when the question</sup> ~~Committee I/2~~ voted 19 to 16, <sup>was pre-</sup> ~~in favor~~ of including a provision for expulsion in the Charter; <sup>sented</sup> ~~Committee I/2 did~~ <sup>the provision</sup> ~~this proposition was~~ not sustained because it did not receive <sup>the ne-</sup> ~~the ne-~~ <sup>quired or</sup> ~~support~~ a two-thirds majority of delegates present and voting.

The Committee then voted on the proposed revision of paragraph 3, Section B, Chapter V concerning suspension, <sup>as cited above.</sup> This proposal was almost unanimously adopted by the Committee.

Paragraph 3 <sup>of the proposed</sup> ~~is the text of~~ Chapter <sup>was</sup> ~~IV~~ which has been transposed to Chapter <sup>from</sup> ~~III~~ <sup>V</sup> after <sup>the</sup> ~~having been~~ amended <sup>amendments had been added.</sup>

At the outset, a statement of procedure <sup>was</sup> ~~has been~~ avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend \*\*" <sup>were</sup> ~~have been~~ replaced by the words "the Organization shall at any moment have power to suspend \*\*" <sup>as said before</sup> ~~was~~ <sup>mostly because of the cancellation of the expulsion clause,</sup>

Then, <sup>was</sup> ~~it has been~~ considered useful, to add the words "or which have violated the principles of the Charter in a serious <sup>or</sup> ~~and~~ persistent manner". The above <sup>would</sup> constitutes a more <sup>forceful</sup> ~~precise~~ wording of the text <sup>on suspension</sup> ~~and needs~~ no further comment.

~~As for suspension,~~ <sup>was</sup> ~~The~~ restoration of rights and privileges ~~has been~~ left to the consideration of another Commission.

<sup>in action</sup> ~~(X)~~ Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to

bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion. We are ready to recognize that we may not have been able in every case to take into account the views expressed; also we beg our colleagues, whose ideas have not been translated with the complete accuracy that they would have the right to expect, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.



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

Committee I/2 recommends to Commission I that Chapter III  
read as follows:

I Doc. 604  
I/2/42  
May 26 "The initial members of the Organization shall be  
the signatories of the Charter whose ratification has  
become effective in accordance with Chapter , Article .

II Doc 400  
I/2/23  
May 18, 1945 "Membership of the Organization is open to all  
peace-loving states which, in the judgment of the Organi-  
zation, are able and ready to accept and carry out the  
obligations contained in the Charter."

do not  
translate  
but  
leave  
space blank "The Organization may at any time suspend from the  
exercise of the rights or privileges of membership any  
member of the Organization against which preventive or  
enforcement action shall have been taken by the Security  
Council, or which shall have violated the principles of  
the Charter in a grave or persistent fashion. The exer-  
cise of these rights and privileges may be restored in  
accordance with the procedure laid down in Chapter ...  
para..."

The terms of reference of Committee I/2 included the follow-  
ing subjects: membership in the Organization of the nations  
participating in the Conference, admission of new members,  
withdrawal, suspension, and expulsion of members.

Membership and Admission of New Members.

Chapter III of the Dumbarton Oaks Proposals read as follows:

Dumb. Oaks  
INDENT  
SINGLE SPACE  
(TP) "1. Membership of the Organization should be open to all peace-  
loving states." The Sponsoring Powers had offered no amendments  
to Chapter III on membership, while the following governments  
participating in the Conference placed proposals and comments  
before the Committee: Australia, Bolivia, Brazil, Chile, Costa  
Rica, Ecuador, Egypt, France, Guatemala, Honduras, Mexico,  
Netherlands, Norway, Philippine Commonwealth, Uruguay and Venezuela.



In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations stated in the Charter; and (2) limitations within which the Organization should exercise discretion in the admission of new members. The discussion on these problems centered about the adequacy and elasticity of the formula for membership. It was the unanimous opinion of the Committee that unqualified adherence to the Principles and assumption of obligations were essential to membership in the Organization.

Exponents of the view that the Charter should not unduly restrict the Organization in deciding on applications for admission argued that the Organization itself would be best qualified to judge the fitness of applicants for membership. Those in favor of mentioning in the Charter particular standards for membership concerning forms and policies of governments stressed the need for the members already participating to be assured that new members would be able and ready to meet their obligations under the Charter and would not pursue policies contrary to the principles of the Organization. It was the sense of the Committee that the Organization should be empowered to admit new members within limits indicated by the term "peace-loving" and permitting the Organization wide discretion to judge the fitness of applicants to carry out their obligations under the Charter.

A [ In the second paragraph the expression "all the peace-loving states", generally judged insufficient, <sup>was</sup> had ~~been~~ retained, but defined.



The expression <sup>was</sup> ~~is~~ far from being inadequate, it reflected very well the ideal which <sup>had</sup> animated the founders of the Charter and it even indicated the tendency towards universality.

But it was not enough ~~to~~ declare that a State was a peace-loving State. What nation ~~has~~ ever proclaimed contrary sentiments? It was necessary also to prove two things: that one <sup>would be</sup> ~~is~~ ready to accept and fulfil the obligations of the Charter, and furthermore that one <sup>would be</sup> ~~is~~ in a position to accept and fulfil them.

That is to say clearly that the admission of a new member would be subject to examination. But the Committee <sup>did</sup> ~~had~~ not believed it necessary to enumerate what factors would be considered in that examination. Sight <sup>was</sup> ~~had~~ not been lost of the difficulties which must be taken into account in judging the political institutions of states and it was feared that <sup>the mention of</sup> ~~an~~ examination of this nature <sup>in the charter</sup> ~~might involve an attack against~~ the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This <sup>was</sup> ~~did~~ <sup>to</sup> not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind could <sup>not</sup> ~~be~~ entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate <sup>had</sup> ~~declared~~ that neutrality was inconsistent with membership.

This <sup>would be</sup> ~~is~~ what paragraph 2 in question implied, since a neutral state, if it is consistent, <sup>would</sup> ~~will~~ not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.



It was pointed out to the Committee that Chapter III of the Dumbarton Oaks Proposals referred to membership of states. This reference, it was explained, might exclude from membership those nations participating in the Conference which had not yet achieved full statehood. The Committee felt that all nations participating in this Conference should be included as <sup>original initial</sup> ~~initial~~ members of the Organization.

Paragraph 1 of the proposed text of Chapter III, it seemed to us, should calm the apprehension of certain nations which participated in our work <sup>but</sup> and which were not precisely States, but it <sup>should</sup> ~~will~~ be noted that in the second paragraph mention of the word "State" did not satisfy those which foresaw <sup>saw</sup> the future incorporation of other communities.

With respect to the distinction between original and subsequent members, the Committee <sup>desired</sup> ~~decided~~ to prevent any stigma arising out of this unavoidable distinction. However, in order to indicate that the nations participating in the Conference would be signatories to the Charter and that new members would subscribe to the principles and obligations of the Organization by a different method, it was agreed that paragraph 1 of the proposed Chapter III would include the word <sup>"initial"</sup> ~~initial~~ and read as follows: "The <sup>original</sup> ~~initial~~ members of the Organization shall be the signatories of the Charter whose ratification, has become effective in accordance with Chapter , Article ."

To conclude our comments on Chapter III, we <sup>should</sup> ~~shall~~ say that <sup>its</sup> these provisions <sup>had</sup> become more flexible. They express <sup>ed</sup> more clearly than in the original text of Dumbarton Oaks the desire of the



nations here assembled, and they closed the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, <sup>possessed</sup> ~~has~~ no juridical sense.

#### Withdrawal, Expulsion and Suspension.

The problems of withdrawal, expulsion and suspension led to the examination of the following questions:

1. Whether a member state can become a non-member, either by voluntary or imposed action.
2. Whether the concept of suspension can be adequately applied to serve the purposes intended to result from expulsion.

With regard to provision for withdrawal, it was argued that this concept would not only impair eventual universal membership but would also give recalcitrant members the opportunity both to menace the Organization <sup>with threats to withdraw</sup> and to avoid obligations by leaving the Organization. Furthermore, if a provision for withdrawal were included in the Charter, the act of withdrawal by any state would indicate either that the state intended to act in contravention to the principles of the Organization, or that the state felt that the Organization was not fulfilling the purpose for which it was created. Prohibition against withdrawal would make it necessary to provide for sanctions against members which attempted to withdraw, and such a provision in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.



The omission of any reference to withdrawal in the Dumbarton Oaks Proposal was recognized as deliberate on the part of the sponsoring governments. Some delegates cited the omission as evidence that the sponsoring governments opposed a provision for withdrawal, while others interpreted the purpose of this omission to be to permit the Organization to consider in the light of circumstances then existing any case of proposed withdrawal which might arise.

The subcommittee reported to the Committee on May 23, that no reference to withdrawal should be inserted in the Charter. The views of the subcommittee, in which the Committee concurred, were contained in the following statement:

do not  
translate  
X  
leave  
blank

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfil its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawal or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

omit

On this question of withdrawal, we should limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee did not have a definite solution to the divergent views which could arise on that point. That interpretation did not have any juridical weight and could never serve except to support an argument, the question not



16 3. The General Assembly should, upon recommendation  
17 of the Security Council, be empowered to suspend from  
18 the exercise of any rights or privileges of membership any  
19 member of the Organization against which preventive or  
20 enforcement action shall have been taken by the Security  
21 Council. The exercise of the rights and privileges thus  
22 suspended may be restored by decision of the Security  
23 Council. The General Assembly should be empowered, upon

1 recommendation of the Security Council, to expel from the  
2 Organization any member of the Organization which per-  
3 sistently violates the principles contained in the Charter.

having been settled by the wording of the Charter.

The question of expulsion and suspension evoked an extended exchange of views. A special subcommittee first studied the question of expulsion and suspension. On May 25, the subcommittee recommended that reference to expulsion be omitted from the Charter. The subcommittee also recommended that, if Committee I/2 sustained the view of the majority of the subcommittee on expulsion, then the Committee should change the draft of paragraph 3, Section B, Chapter V <sup>of the Dumbarton Oaks proposals</sup> concerning suspension ~~along the following lines:~~ <sup>and expulsion, which reads as follows:</sup>

*Insert*  
*to read as follows:*  
"The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para ..."

This concept of suspension was considered sufficiently flexible to achieve the purposes that might be accomplished by expulsion. It was <sup>affirmed</sup> ~~explained~~ that suspension, which was tantamount to temporary expulsion, would avoid the undesirable features of expulsion.

*Note: T.B. →*  
*This paragraph should follow the next paragraph; in other words, transpose*  
When the matter was brought before the whole Committee, those in favor of omitting any reference to expulsion from the Charter <sup>contended</sup> ~~argued~~ that expulsion would be inconsistent with the concept of universality, which assumes the eventual membership in the Organization of all states; would release a member from its obligations under the Charter; would place the expelled state beyond law and therefore require member states to



INSERTION: page 9 (English text) as marked (bottom of page)

The following countries had submitted amendments to paragraph 3, section B, Chapter V: Australia, Belgium, Brazil, Dominican Republic, Ecuador, Egypt, Honduras, Mexico, Netherlands, New Zealand, Norway, Uruguay, and Venezuela. These amendments were fully considered ~~in the~~ during the discussion of expulsion and suspension by our sub-committee and Committee.



take acts of war, instead of police action, against that state; might endanger the Organization more than the state concerned; would provide a nucleus of opposition to the Organization, around which other dissatisfied would collect; would cause member states to break diplomatic and other relations with the expelled state; would obstruct reconciliation between the Organization and any expelled state; and might prove less drastic in effect than suspension. Among the numerous arguments

which had been presented in favor of omitting reference in the Charter to expulsion the one which appeared to have had the most weight was that suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligation, as expulsion would.

When the matter was brought before the whole Committee, the supporters of expulsion maintained that peace and security, not universality, was the <sup>primary</sup> aim of the Organization; expulsion would only apply to virtually incorrigible member states which persistently or gravely violated the principles of the Charter; with regard to such states, it was necessary to make absolutely clear what attitude the Organization would assume towards them; retention of membership under suspension might inhibit the Organization from acting drastically enough against such states; absence of the power of expulsion might allow a member state to act in collusion with a non-member state in obstructing the Organization and its purposes; the Organization would be capable of applying expulsion judiciously; expulsion would not release the expelled state from the obligations specified for non-members; and expelled states might be readmitted to the Organization.

The subcommittee, in discussing suspension, had felt that a Norwegian amendment providing for the suspension of rights



and privileges of members failing to pay their financial contributions was too severe and preferred the Netherlands amendment. On this matter the Norwegian delegate stated his willingness to withdraw the Norwegian amendment if the Netherlands amendment were brought officially to the attention of the competent technical committee of the Conference.

At <sup>the</sup> ~~its~~ meeting on May 25, <sup>when the question</sup> ~~Committee I/2 voted 19 to 16,~~ <sup>was pre-</sup> ~~in favor of including a provision for expulsion in the Charter,~~ <sup>sented</sup> ~~Committee I/2 did~~ <sup>the provision</sup> ~~this proposition was not sustained,~~ <sup>because it did not receive the re-</sup> <sup>quired sup-</sup> <sup>port of</sup> a two-thirds majority, of delegates present and voting.

X → The Committee then voted on the proposed revision of paragraph 3, Section B, Chapter V concerning suspension, as cited above, <sup>(subject to an understanding that if the right of expulsion should be reintroduced then</sup> ~~This proposal was almost unanimously adopted by the Committee.~~ <sup>this para-</sup> <sup>graph would</sup> <sup>be reconsidered</sup> <sup>of the proposed</sup> <sup>III</sup> <sup>was</sup> <sup>from</sup> <sup>V</sup> <sup>the amendments</sup> <sup>had been added.</sup> <sup>I</sup> ~~Paragraph 3 is the text of Chapter V which has been trans-~~ ~~posed to Chapter III after having been amended.~~

J At the outset, a statement of procedure has been avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend \*\*" <sup>were</sup> ~~have been re-~~ ~~placed by the words "the Organization shall at any moment have power to suspend \*\*"~~ <sup>was</sup> <sup>as said before</sup> <sup>Then,</sup> <sup>it has been considered useful to add the words "or</sup> <sup>principally because of the cancel-</sup> <sup>lation of the expulsion clause</sup> <sup>K</sup> ~~which have violated the principles of the Charter in a serious and persistent manner".~~ <sup>would</sup> <sup>forceful</sup> <sup>on suspension</sup> <sup>would</sup> <sup>The above constitutes a more precise wording of the text, and needs no further comment.</sup>

L <sup>was</sup> ~~As for suspension, The restoration of rights and privileges has been left to the consideration of another Commission.~~

M ~~Insertion~~ Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to



bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion.

M We are ready to recognize that we may not have been able in every case to take into <sup>full</sup> account the views expressed; also we beg our colleagues, whose ideas have not been translated with the complete <sup>ness</sup> accuracy that they <sup>might desire</sup> ~~would have the right to expect~~, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.



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

Committee I/2 recommends to Commission I that Chapter III read as follows:

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

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

(TP) "The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of the Charter in a grave or persistent fashion. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter !!. para..."

The terms of reference of Committee I/2 included the following subjects: membership in the Organization of the nations participating in the Conference, admission of new members, withdrawal, suspension, and expulsion of members.  
Membership and Admission of New Members.

Chapter III of the Dumbarton Oaks Proposals read as follows:

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

The Sponsoring Powers had offered no amendments to Chapter III on membership, while the following governments participating in the Conference placed proposals and comments before the Committee: Australia, Bolivia, Brazil, Chile,

Costa Rica, Ecuador, Egypt, France, Guatemala, Honduras, Mexico, Netherlands, Norway, Philippine Commonwealth, Uruguay and Venezuela.

In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations stated in the Charter; and (2) limitations within which the Organization should exercise discretion in the admission of new members. The discussion on these problems centered about the adequacy and elasticity of the formula for membership. It was the unanimous opinion of the Committee that unqualified adherence to the Principles and assumption of obligations were essential to membership in the Organization.

Exponents of the view that the Charter should not unduly restrict the Organization in deciding on applications for admission argued that the Organization itself would be best qualified to judge the fitness of applicants for membership. Those in favor of mentioning in the Charter particular standards for membership concerning forms and policies of governments stressed the need for the members already participating to be assured that new members would be able and ready to meet their obligations under the Charter and would not pursue policies contrary to the principles of the Organization. It was the sense of the Committee that the Organization should be empowered to admit new members within limits indicated by the term "peace-loving" and permitting the Organization wide discretion to judge the fitness of



applicants to carry out their obligations under the Charter.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, was retained, but defined. The expression was far from being inadequate, it reflected very well the ideal which had animated the founders of the Charter and it even indicated the tendency towards universality.

But it was not enough to declare that a State was a peace-loving State. What nation had ever proclaimed contrary sentiments? It was necessary also to prove two things: that one would be ready to accept and fulfil the obligations of the Charter, and furthermore that one would be in a position to accept and fulfil them.

That is to say clearly that the admission of a new member would be subject to examination. But the Committee did not believe it necessary to enumerate what factors would be considered in that examination. Sight was not lost of the difficulties which must be taken into account in judging the political institutions of states and it was feared that the mention of an examination of this nature in the Charter might conflict with the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This was not to imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind could not be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate had declared that neutrality was inconsistent with membership.

This would be what paragraph 2 in question implied, since a neutral state, if it <sup>were</sup> ~~is~~ consistent, would not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor. *The Committee considers that this reference should appear in chapter II, if it is to be mentioned in the charter at all, and therefore not the French amendment to Committee I/3*

It was pointed out to the Committee that Chapter III of the Dumbarton Oaks Proposals referred to membership of states. This reference, it was explained, might exclude from membership those nations participating in the Conference which had not yet achieved full statehood. The Committee felt that all nations participating in this Conference should be included as initial members of the Organization.

Paragraph 1 of the proposed text of Chapter III, it seemed to us, should calm the apprehension of certain nations which participated in our work but which were not precisely States, but it should be noted that in the second paragraph mention of the word "State" did not satisfy those which foresaw the future incorporation of other communities.

With respect to the distinction between original and subsequent members, the Committee desired to prevent any stigma arising out of this unavoidable distinction. However, in order to indicate that the nations participating in the Conference would be signatories to the Charter and that new members would subscribe to the principles and obligations



of the Organization by a different method, it was agreed that paragraph 1 of the proposed Chapter III would include the word "initial" and would read as follows:

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

To conclude our comments on Chapter III, we should say that its provisions had become more flexible. They expressed more clearly than in the original text of Dumbarton Oaks the desire of the nations here assembled, and they closed the door to doubtful interpretations of the expression "peace-loving nations" which, as had been so well stated by the distinguished Delegate from Uruguay, possessed no juridical sense.

#### Withdrawal, Expulsion and Suspension.

The problems of withdrawal, expulsion and suspension led to the examination of the following questions:

1. Whether a member state can become a non-member, either by voluntary or imposed action.
2. Whether the concept of suspension can be adequately applied to serve the purposes intended to result from expulsion.

With regard to provision for withdrawal, it was argued that this concept would not only impair eventual universal membership but would also give recalcitrant members the opportunity both to menace the Organization with threats to

withdraw and to avoid obligations by leaving the Organization. Furthermore, if a provision for withdrawal were included in the Charter, the act of withdrawal by any state would indicate either that the state intended to act in contravention to the principles of the Organization, or that the state felt that the Organization was not fulfilling the purpose for which it was created. Prohibition against withdrawal would make it necessary to provide for sanctions against members which attempted to withdraw, and such a provision in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.

The omission of any reference to withdrawal in the Dumbarton Oaks Proposal was recognized as deliberate on the part of the sponsoring governments. Some delegates cited the omission as evidence that the sponsoring governments opposed a provision for withdrawal, while others interpreted the purpose of this omission to be to permit the Organization to consider in the light of circumstances then existing any case of proposed withdrawal which might arise.

The subcommittee reported to the Committee on May 23, that no reference to withdrawal should be inserted in the Charter. The views of the subcommittee, in which the Committee concurred, were contained in the following statement:

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfil its



functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawal or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

The question of expulsion and suspension evoked and extended exchange of views. A special subcommittee first studied the question of expulsion and suspension. On May 25, the subcommittee recommended that reference to expulsion be omitted from the Charter. The subcommittee also recommended that, if Committee I/2 sustained the view of the majority of the subcommittee on expulsion, then the Committee should change the draft of paragraph 3, Section B, Chapter V of the Dumbarton Oaks Proposals concerning suspension and expulsion, which read:

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



to read as follows:

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

This concept of suspension was considered sufficiently flexible to achieve the purposes that might be accomplished by expulsion. It was affirmed that suspension, which was tantamount to temporary expulsion, would avoid the undesirable features of expulsion.

When the matter was brought before the whole Committee, the supporters of expulsion maintained that peace and security, not universality, was the primary aim of the Organization; expulsion would only apply to virtually incorrigible member states which persistently or gravely violated the principles of the Charter; with regard to such states, it was necessary to make absolutely clear what attitude the Organization would assume towards them; retention of membership under suspension might inhibit the Organization from acting drastically enough against such states; absence of the power of expulsion might allow a member state to act in collusion with a non-member state in obstructing the Organization and its purposes; the Organization would be capable of applying expulsion judiciously; expulsion would not release the expelled state from the obligations specified for non-members; and expelled states might be readmitted to the Organization.



Those in favor of omitting any reference to expulsion from the Charter contended that expulsion would be inconsistent with the concept of universality, which assumes the eventual membership in the Organization of all states; would release a member from its obligations under the Charter; would place the expelled state beyond law and therefore require member states to take acts of war, instead of police action, against that state; might endanger the Organization more than the state concerned; would provide a nucleus of opposition to the Organization, around which other dissatisfied would collect; would cause member states to break diplomatic and other relations with the expelled state; would obstruct reconciliation between the Organization and any expelled state; and might prove less drastic in effect than suspension. Among the numerous arguments which had been presented in favor of omitting reference in the Charter to expulsion the one which appeared to have had the most weight was that suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligation, as expulsion would.

The subcommittee, in discussing suspension, had felt that a Norwegian amendment providing for the suspension of rights and privileges of members failing to pay their financial contributions was too severe and preferred the Netherlands amendment. On this matter the Norwegian delegate stated his willingness to withdraw the Norwegian amendment if

the Netherlands amendment were brought officially to the attention of the competent technical committee of the Conference.

At the meeting on May 25, when the question of including a provision for expulsion in the Charter was presented, Committee I/2 did not sustain the provision because it did not receive the required support of a two-thirds majority of delegates present and voting.

The Committee then voted on the proposed revision of paragraph 3, Section B, Chapter V concerning suspension, as cited above, subject to an understanding that if the right of expulsion should be reintroduced then this paragraph would be reconsidered. This proposal was almost unanimously adopted by the Committee.

Paragraph 3 of the proposed Chapter III was transposed from Chapter V after the amendments had been added.

At the outset, a statement of procedure has been avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend \*\*" were replaced by the words "the Organization shall at any moment have power to suspend \*\*"

Then as said before it was considered useful principally because of the cancellation of the expulsion clause to add the words "or which have violated the principles of the Charter in a serious and persistent manner". The above would constitute a more forceful wording of the text on suspension and would need no further comment.



The restoration of rights and privileges was left to the consideration of another Commission:

The following countries had submitted amendments to paragraph 3, Section B, Chapter V: Australia, Belgium, Brazil, Dominican Republic, Ecuador, Egypt, Honduras, Mexico, Netherlands, New Zealand, Norway, Uruguay, and Venezuela. These amendments were fully considered during the discussion of expulsion and suspension by our subcommittee and Committee.

Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion. We are ready to recognize that we may not have been able in every case to take into full account the views expressed; also we beg our colleagues, whose ideas have not been translated with the completeness that they might desire, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.

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

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

#### Membership and Admission of New Members

In preparing its recommendations on Chapter III, the Committee had to consider two basic problems: (1) relationship of membership to the principles and obligations <sup>stated in</sup> ~~of the~~ <sup>the Charter</sup> Organization; and (2) limitations within which the Organization <sup>should</sup> ~~may~~ exercise discretion in the admission of new members. The discussion on these problems centered about the adequacy and elasticity of the formula for membership. It was the unanimous opinion of the Committee that unqualified adherence to the Principles and assumption of obligations were essential to membership in the Organization.

Exponents of the view that the Charter should not ~~ex-~~ <sup>unduly</sup> ~~cessively~~ restrict the Organization in deciding on applications for admission argued that the Organization itself would be best qualified to judge the fitness of applicants for membership. Those in favor of mentioning in the Charter particular



II  
standards for membership concerning forms and policies of governments stressed the need for the members already participating to be assured that new members would be able and ready to meet their obligations under the Charter and would not pursue policies contrary to the principles of the Organization. It was the sense of the Committee that the Organization should be empowered to admit new members within limits indicated by the term "peace-loving" and permitting the Organization wide discretion to judge the fitness of applicants to carry out their obligations under the Charter.

IV  
It was pointed out to the Committee that Chapter III of the Dumbarton Oaks Proposals referred to membership of states. This reference, it was explained, might exclude from membership those nations participating in the Conference which had not yet achieved full statehood. The Committee felt that all nations participating in this Conference should be included as initial members of the Organization.

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

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



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

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

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

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

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

#### Withdrawal, Expulsion and Suspension.

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

1. Whether a member state will be permitted to cease membership voluntarily or will be deprived of imposed action.

2. Whether the concept of suspension can adequately be applied to serve the purposes intended for expulsion.

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



universal membership but would give recalcitrant members  
the opportunity <sup>both</sup> to menace the Organization as well as to  
avoid obligations by leaving the Organization. <sup>also</sup> Further-  
more, if a provision for withdrawal were included in the  
Charter, the act of withdrawal by any state would indicate  
either that the state intended to act in contravention to  
the principles of the Organization, or that the state felt  
that the Organization was not fulfilling the purpose for  
which it was created. Prohibition against withdrawal would  
make it necessary to provide for sanctions <sup>against members</sup> which <sup>attempted</sup> withdrawal, and such a provision in the Charter would  
render it difficult for practical reasons to secure accept-  
ance of the Charter by national parliaments.

The omission of any reference to withdrawal in the  
Dumbarton Oaks Proposal was recognized as deliberate on  
the part of the sponsoring governments. Some delegates  
cited the omission as evidence that the sponsoring govern-  
ments opposed a provision for withdrawal, while others in-  
terpreted the purpose of this omission to be to permit the  
Organization to consider in the light of circumstances then  
existing any case of proposed withdrawal which might arise.

The subcommittee reported to the Committee on May 23,  
that no reference to withdrawal <sup>should</sup> be inserted in the Charter.  
The views of the subcommittee, in which the Committee con-  
curred, were contained in the following statement:

VII

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organisation fulfil its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawal or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."



IX

The question of expulsion and suspension evoked an extended exchange of views. A special subcommittee first studied the question of expulsion and suspension. On May 25, the subcommittee recommended that reference to expulsion be omitted from the Charter. The subcommittee also recommended that, if Committee I/2 sustained the view of the majority of the subcommittee on expulsion, then the Committee should change the draft of paragraph 3, Section B, Chapter V concerning suspension along the following lines:

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

This concept of suspension was considered sufficiently flexible to achieve the purposes that might be accomplished by expulsion. It was explained that suspension, which was tantamount to temporary expulsion, would avoid the undesirable features of expulsion.

When the matter was brought before the whole Committee, those in favor of omitting any reference to expulsion from the Charter argued that expulsion would be inconsistent with the concept of universality, which assumes the eventual membership in the Organization of all states; would release a member from its obligations under the Charter; would place the expelled state beyond law and therefore require member states to



take acts of war, instead of police action, against that state; might endanger the Organization more than the state concerned; would provide a nucleus of opposition to the Organization, around which other dissatisfied would collect; would cause member states to break diplomatic and other relations with the expelled state; would obstruct reconciliation between the Organization and any expelled state; and might prove less drastic in effect than suspension. [insertion]

7 The supporters of expulsion <sup>explained that</sup> held peace and security, not universality, <sup>was</sup> to be the aim of the Organization; expulsion would only apply to virtually incorrigible member states which persistently or gravely violated the principles of the Charter; with regard to such states, it was necessary to make absolutely clear what attitude the Organization would assume towards them; retention of membership under suspension might inhibit the Organization from acting drastically enough against such states; absence of the power of expulsion might allow a member state to act in collusion with a non-member state in obstructing the Organization and its purposes; the Organization would be capable of applying expulsion judiciously; expulsion would not release the expelled state from the obligations specified for non-members; and expelled states might be readmitted to the Organization.

The subcommittee, in discussing suspension, had felt that a Norwegian amendment providing for the suspension of rights



and privileges of members failing to pay their financial contributions was too severe and preferred the Netherlands amendment. On this matter the Norwegian delegate stated his willingness to withdraw the Norwegian amendment if the Netherlands amendment were brought officially to the attention of the competent technical committee of the Conference.

At its meeting on May 25, Committee I/2 voted 19 to 16, in favor of including a provision for expulsion in the Charter; this proposition was not sustained because it did not receive a two-thirds majority.

The Committee then voted on the proposed revision of paragraph 3, Section B, Chapter V concerning suspension. This proposal was almost unanimously adopted by the Committee.

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

Committee I/2 recommends <sup>to the Commission I</sup> that Chapter III read as follows:

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

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

"The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council, or which shall have violated the principles of

the Charter in a grave or persistent fashion. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ... para..."



A  
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REPORT OF RAPPORTEUR OF COMMITTEE I/2 ON CHAPTER III

In the statement which we have just read, we have endeavored to reveal the different tendencies manifested in the course of the discussions which have taken place either in this Committee or in the Sub-Committee.

We believe that it would be useful to add several words of explanation:

We consider Chapter III amended. It henceforth contains three paragraphs.

The incorporation of the first paragraph is a result of the fear that participation in the Organization by the signatories who have ratified the Charter might be recognized as being beyond discussion.

This provision, it seems to us, will calm the apprehension of certain nations which participate in our work and which are not precisely States, but it will be noted that in the second paragraph mention of the word "State" does not satisfy those which foresee the future incorporation of other communities.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, has been retained. The expression is far from being inadequate, it reflects very well the ideal which animates the founders of the Charter and it even indicates the tendency towards universality.

But it is not enough to declare that a State is a peace-loving State. What nation has ever proclaimed contrary sentiments? It is necessary also to prove two things: that one is ready to accept and fulfil the obligations of the Charter, and furthermore that one is in a position to accept and fulfil them.

That is to say clearly that the admission of a new member will be subject to examination. But the Committee has not believed it necessary to enumerate what factors will be considered in that examination. Sight has not been lost of the difficulties which must be taken into account in judging the political institutions of states and it is feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This does not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind cannot be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate declared that neutrality was inconsistent with membership.



This is what paragraph 2 in question implies, since a neutral state, if it is consistent, will not be able to fulfill certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.

To conclude our comments on Chapter II, we shall say that these provisions become more flexible. They express more clearly than in the original text of Dumbarton Oaks the desire of the nations here assembled, and they close the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, has no juridical sense.

On the question of withdrawal which we have dealt with previously, we shall limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee does not have a definite solution to the divergent views which can arise on that point. That interpretation does not have any juridical weight and can never serve except to support an argument, the question not having been settled by the wording of the Charter. It will be recalled that in the discussions which have taken place in this Committee, two entirely contradictory interpretations have been given of the failure to mention withdrawal: one interpretation was that the omission implied the possibility of withdrawal, and the other was that the omission implied that withdrawal was out of the question.

Paragraph 3 is the text of Chapter V which has been transposed to Chapter III after having been amended.

At the outset, a statement of procedure has been avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend \* \*" have been replaced by the words "the Organization shall at any moment have power to suspend \* \*"

Then, it has been considered useful to add the words "or which have violated the principles of the Charter in a serious and persistent manner". The above constitutes a more precise wording of the text and needs no further comment.

As for suspension, the restoration of rights and privileges has been left to the consideration of another Commission.

Finally, one question which has been vigorously debated is that of expulsion. As has been seen, mention of expulsion has been voluntarily omitted, and among the numerous arguments which have been presented in favor of that omission the one which appears to have had the most weight has been that

suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligations, as expulsion would.

Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion. We are ready to recognize that we may not have been able in every case to take into account the views expressed; also we beg our colleagues, whose ideas have not been translated with the complete accuracy that they would have the right to expect, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.



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This provision, it seems to us, will calm the apprehension of certain nations which participate in our work and which are not precisely States, but it will be noted that in the second paragraph mention of the word "State" does not satisfy those which foresee the future incorporation of other communities.

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In the second paragraph the expression "all the peace-loving states", generally judged insufficient, has been retained. The expression is far from being inadequate, it reflects very well the ideal which animates the founders of the Charter and it even indicates the tendency towards universality.

But it is not enough to declare that a State is a peace-loving State. What nation has ever proclaimed contrary sentiments? It is necessary also to prove two things: that one is ready to accept and fulfil the obligations of the Charter, and furthermore that one is in a position to accept and fulfil them.

That is to say clearly that the admission of a new member will be subject to examination. But the Committee has not believed it necessary to enumerate what factors will be considered in that examination. Sight has not been lost of the difficulties which must be taken into account in judging the political institutions of states and it is feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This does not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind cannot be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate declared that neutrality was inconsistent with membership.



This is what paragraph 2 in question implies, since a neutral state, if it is consistent, will not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.

To conclude our comments on Chapter II, we shall say that these provisions become more flexible. They express more clearly than in the original text of Dumbarton Oaks the desire of the nations here assembled, and they close the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, has no juridical sense.

On the question of withdrawal which we have dealt with previously, we shall limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee does not have a definite solution to the divergent views which can arise on that point. That interpretation does not have any juridical weight and can never serve except to support an argument, the question not having been settled by the wording of the Charter. It will be recalled that in the discussions which have taken place in this Committee, two entirely contradictory interpretations have been given of the failure to mention withdrawal: one interpretation was that the omission implied the possibility of withdrawal, and the other was that the omission implied that withdrawal was out of the question.

Paragraph 3 is the text of Chapter V which has been transposed to Chapter III after having been amended.

At the outset, a statement of procedure has been avoided: the words "the General Assembly shall, upon recommendation of the Security Council, have power to suspend \* \*" have been replaced by the words "the Organization shall at any moment have power to suspend \* \*".

Then, it has been considered useful to add the words "or which have violated the principles of the Charter in a serious and persistent manner". The above constitutes a more precise wording of the text and needs no further comment.

As for suspension, the restoration of rights and privileges has been left to the consideration of another Commission.

Finally, one question which has been vigorously debated is that of expulsion. As has been seen, mention of expulsion has been voluntarily omitted, and among the numerous arguments which have been presented in favor of that omission the one which appears to have had the most weight has been that



suspension, as provided in the Charter, could produce all the effects of expulsion and would not release the penalized state from its obligations, as expulsion would.

Such, Gentlemen, is the report that we have the honor of submitting to your consideration. We have done our best to bring out in our report the different arguments presented by the distinguished delegates who have expressed the points of view of their countries regarding the matters under discussion. We are ready to recognize that we may not have been able in every case to take into account the views expressed; also we beg our colleagues, whose ideas have not been translated with the complete accuracy that they would have the right to expect, to recall that it is always possible to submit a written memorandum which, attached to our report, we will transmit to the Commission with the greatest speed.



*English  
Mr. Grogan*  
Eph. 362

In the statement which we have just read, we have endeavored to reveal the different tendencies manifested in the course of the discussions which have taken place either in this Committee or in the Sub-Committee.

We believe that it would be useful to add several words of explanation:

We consider Chapter III amended. It henceforth contains three paragraphs.

The incorporation of the first paragraph is a result of the fear that participation in the Organization by the signatories who have ratified the Charter might be recognized as being beyond discussion.

This provision, it seems to us, will calm the apprehension of certain nations which participate in our work and which are not precisely States, but it will be noted that in the second paragraph mention of the word "State" does not satisfy those which foresee the future incorporation of other communities.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, has been retained. The expression is far from being inadequate, it <sup>very well</sup> reflects the ideal which animates ~~the~~ the founders of the Charter and it even indicates the tendency towards universality.

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But it is not enough to declare that a State is a peace-loving State. What nation has ever proclaimed contrary sentiments? It is necessary also to prove two things: that one is ready to accept and fulfil the obligations of the Charter, and furthermore that one is in a position to accept and fulfil them.

That is to say clearly that the admission of a new member will be subject to examination. But the Committee has not believed it necessary to ennumerate what factors will be considered in that examination. Sight has not been lost of the difficulties which must be taken into account in judging the political institutions of states and it is feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This does not imply, however, that in ~~xxxx~~ reaching a decision on the possibility of admitting a new member, considerations of every kind can not be entertained.

At this point, we would like to refer to a French amendment concerning neutrality. The French Delegate declared that neutrality was inconsistent<sup>t</sup> with membership.

This is what paragraph 2 in question implies, since a neutral state, if it is consistent, will not be able to fulfil certain of the most important obligations of the Charter, particularly that of giving aid to repel or punish an aggressor.

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clearly than in the original text of Dumbarton Oaks the desire of the nations here assembled, and they close the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, has no juridical sense.

On the question of withdrawal which we have dealt with previously, we shall limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee does not have a definite solution to the divergent views which can arise on that point. That interpretation does not have any juridical weight and can never serve except to support an argument, the question not having been settled by the wording of the Charter. It will be recalled that in the discussions which have taken place in this Committee, two entirely contradictory interpretations have been given of the failure to mention withdrawal: one interpretation was that the omission implied the possibility of withdrawal, and the other was that the omission implied that withdrawal was out of the question.

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REPORT OF RAPPORTEUR OF COMMITTEE I/2 ON CHAPTER III

In the statement which we have just read, we have endeavored to reveal the different tendencies manifested in the course of the discussions which have taken place either in this Committee or in the Sub-Committee.

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That is to say clearly that the admission of a new member will be subject to examination. But the Committee has not believed it necessary to enumerate what factors will be considered in that examination. Sight has not been lost of the difficulties which must be taken into account in judging the political institutions of states and it is feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This does not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind cannot be entertained.

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On the question of withdrawal which we have dealt with<sup>with</sup> previously, we shall limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee does not have a definite solution to the divergent views which can arise on that point. That interpretation does not have any juridical weight and can never serve except to support an argument, the question not having been settled by the wording of the Charter. It will be recalled that in the discussions which have taken place in this Committee, two entirely contradictory interpretations have been given of the failure to mention withdrawal: one interpretation was that the omission implied the possibility of withdrawal, and the other was that the omission implied that withdrawal was out of the question.

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To conclude our comments on Chapter II, we shall say that these provisions become more flexible. They express more clearly than in the original text of Dumbarton Oaks the desire of the nations here assembled, and they close the door to doubtful interpretations of the expression "peace-loving nations" which, as has been so well stated by the distinguished Delegate from Uruguay, has no juridical sense.

On the question of withdrawal which we have dealt with previously, we shall limit ourselves to adding that, in our opinion, the interpretation of the Subcommittee accepted by the Committee does not have a definite solution to the divergent views which can arise on that point. That interpretation does not have any juridical weight and can never serve except to support an argument, the question not having been settled by the wording of the Charter. It will be recalled that in the discussions which have taken place in this Committee, two entirely contradictory interpretations have been given of the failure to mention withdrawal: one interpretation was that the omission implied the possibility of withdrawal, and the other was that the omission implied that withdrawal was out of the question.

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*Paragraph 1 of the proposed text of Chapter III*  
This provision, it seems to us, <sup>should</sup> calm the apprehension of certain nations which participated in our work and which are <sup>were</sup> not precisely States, but it will be noted that in the second paragraph mention of the word "State" <sup>does</sup> not satisfy those which foresee the future incorporation of other communities.

In the second paragraph the expression "all the peace-loving states", generally judged insufficient, has been retained. The expression is far from being inadequate, it reflects very well the ideal which animates the founders of the Charter and it even indicates the tendency towards universality.

But it <sup>was</sup> not enough to declare that a State <sup>was</sup> a peace-loving State. What nation has ever proclaimed contrary sentiments? It is necessary also to prove two things: that one is ready to accept and fulfil the obligations of the Charter, and furthermore that one is in a position to accept and fulfil them.

*III* <sup>would</sup> That is to say clearly that the admission of a new member will be subject to examination. But the Committee has not believed it necessary to enumerate what factors <sup>would</sup> be considered in that examination. Sight has not been lost of the difficulties which must be taken into account in judging the political institutions of states and it <sup>was</sup> feared that an examination of this nature might involve an attack against the principle of non-intervention or, if one prefers to call it, the principle of non-interference. This <sup>could</sup> not imply, however, that in reaching a decision on the possibility of admitting a new member, considerations of every kind cannot be entertained.

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VII  
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INSERTION: page 9 (English text) as marked (bottom of page)

The following countries had submitted amendments to paragraph 3, section B, Chapter V: Australia, Belgium, Brazil, Dominican Republic, Ecuador, Egypt, Honduras, Mexico, Netherlands, New Zealand, Norway, Uruguay, and Venezuela. These amendments were fully considered ~~in the~~ during the discussion of expulsion and suspension by our sub-committee and Committee.