

UNCIO-Working Papers- Commissions & Technical Committees-  
Sub-Committee C (on expulsion & suspension)

15 May 1945

31 May 1945

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ACC.

It was further pointed out that if the Charter included the prohibition against withdrawal, it would be necessary to provide for sanctions against nations which attempted to withdraw, and it was urged that the inclusion of such provisions in the Charter would render impractical the acceptance of the Charter by national parliaments or other constitutional bodies.

It was also pointed out that if the Charter contained any reference to withdrawal, a state might use the threat of withdrawal as a means of gaining special advantages in the Organization.

The Subcommittee unanimously accepted the following statements as representing its views on the question of withdrawal:

"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 ful-

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

It was fully understood that delegates reserve the right to suggest verbal changes to be adopted by the Full Committee.

It was pointed out that if a provision for withdrawal was included in the Charter, there would be three motives for withdrawing.

- 1) That a state intended to act in contravention to the principles of the Organization and
- 2) That the state might feel that the Organization was not fulfilling the principles for which it was founded.
- 3) That a state might find the risks in belonging to the Organization greater than the advantages.

It was <sup>the</sup> ~~was~~/unanimous/ opinion of the Subcommittee that withdrawal should neither be provided for nor regulated.

The Committee agreed in principle to the following texts suggested by Mr. Rolin, Belgium; seconded by the United States and Syria.



2. Deny explicitly the right of withdrawal or abandonment.

3. Settle the details of suspension.

The Subcommittee agreed that there were three main questions to be considered: 1) whether the Committee contemplates withdrawal, whether it does not contemplate withdrawal and whether the Committee wishes to put in the Charter any mention of withdrawal.

It was suggested by several delegates that for practical reasons relating to questions which might be raised by ~~xxxx~~ parliamentary bodies during the process of ratification of the Charter, it would be better to omit any reference to withdrawal.

It was further pointed out that if the Charter included the prohibition against withdrawal, it would be necessary to provide for sanctions against nations which attempted to withdraw, and it was urged that the inclusion of such provisions in the Charter would render impractical the acceptance of the Charter by national parliaments or other constitutional bodies.

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*Unanimously* <sup>7</sup> The Subcommittee unanimously accepted the following statements as representing its views on the question of withdrawal:

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DRAFT REPORT OF THE RAPPORTEUR TO COMMITTEE I/2

ON THE MEETING OF THE SPECIAL SUBCOMMITTEE

May 22, 1945 - 3:30 PM

The meeting of the Subcommittee appointed by the Chairman of Committee I/2 on May 21, met on May 22 to discuss the questions of withdrawal, suspension and expulsion from membership. The first item on the agenda was consideration of withdrawal from the Organization.

The Delegate of Uruguay presented the case against inclusion of provision for withdrawal from the Organization in the Charter for the following reasons:

1. The necessity of the Organization being based on permanent and compulsory universality.
2. The experience of the League of Nations in regard to withdrawal of members.
3. The fact that as soon as a Great Power is outside the Organization by either expulsion or withdrawal, all nations not satisfied with the Organization will group themselves around that Great Power
4. The fact that as soon as the Organization faces the dissatisfied Great Power and its satellites, conflict will arise.
5. Withdrawal and expulsion would create a difficult situation in the field of international law, since diplomatic and consular relations should only be maintained between members of the Organization.
6. To claim that the Organization can interfere in the activities of non-members is neither judicial, political nor logical.

Paragraph 6 of Chapter II has meaning only if it is based on



universality, and this is not so if withdrawal and expulsion are possible.

It was stated by several delegates that omission of any reference to withdrawal constituted agreement with the principle of universality.

The Subcommittee agreed that the questions to be considered were whether or not the Committee approves withdrawal and whether the Committee wishes to include a provision for withdrawal in the Charter.

It was pointed out that 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.

It was further pointed out that if the Charter included the prohibition against withdrawal, it would be necessary to provide for sanctions against nations which attempted to withdraw, and it was urged that the inclusion of such provisions in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.

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The Subcommittee was agreed that delegates might reserve the right to suggest verbal changes to the text to be adopted by Committee I/2. INSERT TO BE TRANSLATED FROM FRENCH

The Subcommittee then proceeded to a consideration of suspension and expulsion. ~~This discussion will be continued at the meeting of the Subcommittee on Wednesday morning (May 23).~~



Ch9

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It was further pointed out that if the Charter included the prohibition against withdrawal, it would be necessary to provide for sanctions against nations which attempted to withdraw, and it was urged that the inclusion of such provisions in the Charter would render it difficult for practical reasons to secure acceptance of the Charter by national parliaments.

It was also pointed out that if the Charter contained any reference to withdrawal, a state might use the threat of withdrawal as a means of gaining special advantages in the Organization.

The Subcommittee unanimously accepted the following statements as representing its views on the question of withdrawal:



"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 fulfill 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 withdrawals 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 Subcommittee was agreed that delegates might reserve the right to suggest verbal changes to the text to be adopted by Committee I/2. *INSERT TO BE TRANSLATED FROM FRENCH*

The Subcommittee then proceeded to a consideration of suspension and expulsion. ~~This discussion will be continued at the meeting of the Subcommittee on Wednesday morning (May 23).~~

La recommandation faite par le Sous-comité nous paraît s'inspirer de la pensée qu'il serait sans doute trop hardi de prétendre déterminer par des règles rigides l'attitude des états dans la question du retrait.

Le défaut de statuer sur ce point constituerait plutôt une omission volontaire fondée sur les mêmes motifs qui ont déjà porté le comité à ne pas reconnaître formellement l'universalité comme un régime absolu, les deux questions, celle de l'universalité et celle du retrait paraissant intimement liées.

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Draft

REPORT OF THE RAPPORTEUR TO COMMITTEE I/2 ON THE  
MEETING OF THE SPECIAL SUBCOMMITTEE ON  
MAY 22, 1945 - 3:30 PM

The meeting of the Subcommittee appointed by the Chairman of Committee I/2 on May 21, met on May 22 to discuss

the questions of withdrawal, suspension and expulsion <sup>from</sup>  
<sup>membership</sup>.

The first item on the agenda was <sup>consideration</sup> ~~the discussion~~ of with-

~~drawal~~ <sup>from</sup> The Organization.

The Delegate of Uruguay <sup>presented the case against</sup> ~~opposed the abandonment,~~  
<sup>inclusion of provision for withdrawal from</sup> ~~denunciation or withdrawal~~ <sup>in the Charter</sup> from the Organization for the

following reasons:

1. The necessity of the organization being based  
on permanent and compulsory universality, <sup>(2)</sup> the experience  
of the League of Nations <sup>in regard to withdrawal of members.</sup>

3. <sup>The fact</sup> That as soon as ~~background~~ a great power is out-  
side of the organization by either expulsion or with-  
drawal, all nations not satisfied with the organization  
will group <sup>themselves</sup> around that great power.

4. <sup>The fact</sup> That as soon as the <sup>organization</sup> ~~community~~ will ~~have to~~ face  
<sup>disatisfied</sup> the great power and <sup>its</sup> satellites, conflict will arise, with-



5. Withdrawal and expulsion *med*

*in the field of*  
~~drawal, expulsion~~ will create a difficult situation ~~at~~ international  
*law, since*  
~~sense~~; diplomatic, consular relations should only *be maintained* exist between  
members of the Organization; ~~otherwise, the organization will~~  
~~be rendered useless.~~

6. ~~To claim that the Organization can interfere in the~~  
activities of non-members is neither judicial, political nor  
logical. *Paragraph 6 of Chapter II*  
~~Chapter VI~~ has a meaning only if it is based on  
universality, and this is not so if withdrawal and expulsion  
*is* possible. *7.* ~~The opinion of United States lawyers, of which~~  
~~we have the highest appreciation (Pour-cette-raison-le~~  
*as stated in*  
~~Gouvernement-uruguayen-censide~~ Proposal I, pag. 314.  
International Conciliation, April 1944, No. 399, Carnegie  
Endowment for International Peace".)

The delegate of Uruguay suggested that the Committee  
should draft a resolution to submit to Committee I/2 which  
would provide for the following:

1. Deletion from the Charter of the right of  
expulsion.

*Serial 7*  
~~2. Deny explicitly the right of withdrawal or abandonment.~~

~~3. Settle the details of suspension.~~

*see below*  
The Subcommittee agreed that there were three main questions to be considered: ~~if~~ *whether* <sup>we not</sup> the Committee

*approves*  
~~contemplates withdrawal, whether it does not contemplate~~

~~withdrawal and whether the Committee wishes to put in the~~

*include a provision in the Charter for withdrawal.*  
~~Charter any mention of withdrawal.~~

It was suggested by several delegates that for practical reasons relating to questions which might be raised by ~~parli~~ parliamentary bodies during the process of ratification of the Charter, it would be better to omit any reference to withdrawal.

*by several delegates*  
It was stated that omission  
of any reference to withdrawal  
*Constituted*  
~~agreed~~ *agreed* <sup>ment</sup> with the principle  
of universality.

It was pointed out that if a provision for withdrawal were included in the Charter, the act of withdrawal by any State would indicate ~~one of two reasons~~ 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.

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION



It was further pointed out that if the Charter included the prohibition against withdrawal, it would be necessary to provide for sanctions against nations which attempted to withdraw, and it was urged that the inclusion of such provisions in the Charter would render impractical *it difficult to achieve* *the* the acceptance *to secure* of the Charter by national parliaments or other constitutional bodies.

It was also pointed out that if the Charter contained any reference to withdrawal, a state might use the threat of withdrawal as a means of gaining special advantages in the Organization.

*USA* The Subcommittee unanimously accepted the following statements as representing its views on the question of withdrawal:

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. *in the Charter* Should the Organization ful-

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

*The Sub-Committee has agreed*  
~~It was fully understood~~ that delegates <sup>might</sup> reserve the

right to suggest verbal changes to <sup>to the text</sup> be adopted by ~~the Full~~

Committee. *1/2*

The Subcommittee then proceeded to <sup>a</sup> consider <sup>the</sup> ~~the~~ *discussion*  
~~questions~~ of suspension and expulsion. <sup>1</sup> ~~The~~ This <sup>discussion</sup> consideration  
will be <sup>continued</sup> considered at the meeting of the Subcommittee  
<sup>on Wednesday</sup> ~~tomorrow~~ morning (May 23).

Le délégué de l'Uruguay  
expose les raisons pour  
lesquelles une disposition  
interdisant le retrait d'un  
membre de l'Organisation  
devrait figurer dans la Charte.

The delegate of Uruguay  
explained the reasons why  
a provision prohibiting the  
withdrawal of a member from  
the organization should be  
placed in the Charter.



DRAFT REPORT OF THE RAPPORTEUR TO COMMITTEE I/2  
ON THE MEETING OF THE SPECIAL SUBCOMMITTEE

May 22, 1945, 3:30 p.m.

Doc. 529 (English), I/2/33

Delete the second paragraph, page 1, and substitute the following:

"The delegate of Uruguay explained the reasons why a provision prohibiting the withdrawal of a member from the Organization should be placed in the Charter."

"Le délégué de l' Uruguay expose les raisons pour les quelles une disposition interdisant le retrait d'un membre de l'Organisation devrait figurer dans la Charte."



CORRIGENDUM

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



HOTEL ST. FRANCIS

UNION SQUARE - SAN FRANCISCO, 19

DAN E. LONDON, GENERAL MANAGER

CABLE ADDRESS SICNARF

La recommandation faite par le  
Sous-Comité nous paraît <sup>s'inspirer de</sup> ~~fondée~~ sur  
la pensée qu'il serait sans doute  
trop hardi de prétendre déterminer  
par des règles rigides l'attitude  
des états dans la question du  
retrait.

¶ Le défaut de statuer sur ce point  
constituerait plutôt une ~~omission~~  
omission volontaire <sup>fondée sur les</sup> ~~s'inspirant des~~  
mêmes motifs qui ont déjà porté.  
Le Comité a ne pas reconnaître  
formellement l'universalité comme  
un régime absolu, les deux questions,  
celle de l'universalité et celle



The recommendation made by the Sub-  
committee seems to be based on the  
feeling that it would be unwise to  
attempt to determine by means of rigid  
rules, the attitude of states towards  
withdrawing.

The lack of a definite / as this  
point constitutes a voluntary opinion  
based on the same motives which previously  
caused the Committee not to <sup>formally</sup> recognize  
the principle of universality as an  
absolute regime - both questions,  
that of universality that of withdrawal  
are ultimately kind of pull-

I/2/e

MEETING OF THE SUBCOMMITTEE ON WITHDRAWAL,  
SUSPENSION AND EXPULSION  
9:30 a.m. MAY 23, 1945  
Room 316

Present were: President of Commission I  
Chairman and Rapporteur of Committee I/2  
Delegates of China, Ecuador, United Kingdom,  
Union of Soviet Republic,  
United States and Uruguay.

The Chairman stated that the Subcommittee would take up the question of expulsion and suspension. The delegate of the Soviet Union explained the different conditions under which suspension and expulsion would be applied. Suspension would show violations of a non-serious type and would involve the loss of certain rights of membership. Expulsion would result from suspension violation of the principles of the organization; that is, of the world organizations. It would be equivalent to failure to live up to obligations of the organization and place the violator in the same category as aggressors and those who had been aggressors. In such cases, there is no alternative but expulsion. He went on to further explain that the state which has been expelled may be readmitted into the organization if it has amended its ways. In a sense, this idea supports that of universality. The principle of universality cannot stand by itself but must be related to the function of the organization. The question of expulsion cannot be approved mathematically. The charter of the international organization should foresee the use of suspension and expulsion.

The delegate from the United States described the distinction between suspension and expulsion, expressing the thought that suspension is the loss of rights of membership, while expulsion involves complete separation from the organization. The latter is wider in effect and permits reconciliation. He concurred with the Soviet explanation on expulsion and admitted it was the ultimate power of action. It would be better to use where recurrence to suspension is inadequate. He argued that the conception of universality was not included in the Dumbarton Oaks proposal, since the objective of the organization is peace and security and not universality. (At the conclusion of this explanation by Mr. Notter, Mr. Eaton added that the United States would accept the majority of the subcommittee.

The delegate from Uruguay explained that expulsion has an element of finality, and would defend the possibility of achieving universal membership in the organization. Even though an expelled country might be invited to rejoin, expulsion provided special difficulties, which were not characteristic of suspension. Furthermore, suspension continued to carry certain obligations of the discipline state, whereas expulsion would free the state from obligation. Suspension can be made safe enough to deal with the more serious situation.



The President of the Commission stated that he was not impressed with the arguments which have been put forth on the subject, but acknowledged that the subcommittee was approaching agreement. He explained that suspension could be more safe than expulsion in view of the fact that the suspended state would have certain final obligations to the organization which an expelled state did not have. He felt that suspension could be applied to as grave offenses as expulsion and that there was actually little difference between suspension and temporary expulsion; that is, the re-admission of an expelled state after a certain period of time. He suggested that the sponsoring powers might modify their approach to the question and work out a more elaborate system of suspension based on quality of membership in the organization.

The chairman asked the Committee if it wished to vote on the issue at this time; & inasmuch as the representative of the Soviet Union indicated his desire to speak again, the vote was postponed and the meeting adjourned.

I/r/c

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The Subcommittee agreed that the questions to be considered were whether or not the Committee approves withdrawal and whether the Committee wishes to include a provision for withdrawal in the Charter.

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The Subcommittee then proceeded to a consideration of suspension and expulsion. This discussion will be continued at the meeting of the Subcommittee on Wednesday morning (May 23).



Playa  
Tsarapin

on Highway 7/2

Subcom C

May 23, 1945

second  
PT

Calon - Nollen Tomlense  
Lisat - Moram -  
Bambla

Zeneddine

Gare-Booth  
Playase R

U.S.S.R -

I/2/C

Friedman

Ecuador - temporary expulsion versus  
continued suspension, put to vote  
after people have expressed views

U.S.S.R. : Matter of suspension defined in  
D.O. proposal. Ref. to Robin remarks - R  
indicated little difference between

~~both~~ and C. I is more serious, according  
R. Our arm is healthy org for

peace. Org. has right to defend  
itself against enemies such as

such states have no place in the  
Organ. One boils on body, removed  
by surgical interference. In practice

little difference, It. is strong -

Isolated, deprived of protection -

suspen is weaker, still remains

member of organization - expul.

as obstacle to universality is irrelevant.

Organizing peace-loving states for peace

D.O. must take into respect

political aspect of situation

I'd like to say further - state  
expelled loses rights, privileges, and  
obligations (imposed by others), D.O.



Takes this into account. Provision for non-members.

Ch. Come to vote

Robin - Read his proposal

Sec - reads

Ecuador - seconds

Syna - would TP4 be deleted, it would if Robin's measure accepted?

Ch - yes

Robin - motion proposed whereby state's membership would not be completely severed.

Permit recon. Compromise for extreme measure, without mentioning suspension

I change TP3 and gave it character of suspension



Vote first on deletion para IV  
'then on amendment of ' III

U.S. - we are taking para 3, chap V,  
Sec. V - choice between  
this or another draft presented

Rolin - not discussing D.O. but  
within paper (A)

Witten - let us vote only on  
expulsion, then proceed  
to suspension

Rolin - I agree

Chu - always our intention  
to vote on expulsion -  
yesterday vote 10 in favor of  
deleting this from vote

Yes vote against retaining expuls.  
yes 6 - no 5  
1 abstention



Rolin - Ch. vote / might vote  
in case of tie

Bonilla - in favor elimination

Syua - I favored elimination but  
I believe  $\frac{3}{3}$  rule applies

Rolin - not necessary -  $\frac{3}{3}$  necessary  
to retain D.O. - in subsection,  
 $\frac{2}{3}$  not necessary, according  
to Mabane.

Uruguay - This is committee of  
study,

Rolin - Com. will decide

Cone-Booth - citation excellent,  
personal opinion

Ch - note on parag. 3 -  
2 texts, plus

Rolin - these are amendments, also



Uruguay - if Com. voted to <sup>retain</sup> 4,  
then amendments would  
be apply in drafting.

Rolin - Rep. Report might note

Rolin - reads draft for par 3

If Com supports majority of  
subcom, we would advise  
the Com to change TP3 as follows.

Care-Booth (to Rolin) Is this a  
change from previous

Rolin - gives meaning of temporary  
expulsion - to meet situation  
described by U.S. USSR colleagues  
that expulsion doesn't terminate  
obligation of Chap II.

Uruguay - phrase might be modified  
to state Org might  
susp rights and privilege on  
membership.



Rolin - changes would not bid  
situation - would indicate  
degree - not necessary  
simpler -

Notter - analogy - reformatory or  
prison - susp. (certain rights)  
you have selectivity, adaptation of  
circumstances if you use suspension.  
No light power - susp is very  
strong - held by obligations, judged by  
fellow members; both powers are  
ultimate - other obligations -  
special agreement on arm forces, obl. of  
on armaments, court; part in  
econ and social council, use of court,  
right to speak in Assembly, defense of  
jury of peers, - If you deal  
with rights, not state, you avoid questions  
of reconciliation. Retain integrity of  
idea of suspension. In submitting  
to Com, stress integrity of this  
idea

Rolin - I withdraw motion -  
impressed by argument in favor of  
susp. I limit self to words



that "grave or persistent violations"  
added to suspension

Chi - 2 votes necessary -

(1) text as amended by Rolin and  
Uruguay,

(2) Rolin's quality of member

Rolin - I <sup>will</sup> withdraw 2nd

See - reads text

8 yes 2 against USSR  
GB abstain Syria

Norton - if expulsion sustained in Con  
then this amendment to be  
submitted.

Uruguay - one speak in favor,  
one speak against of

7:00