

UNCIO - Working Papers - Commissions & Technical Committees - committee 1 (general)

25 April 1945
30 June 1945

clear - NK
7/05

S-1018
Box-2
File-1

(PAGE 5/2.2.3)

TP It was
of Commission I and its Committee. He suggested that it should
be the responsibility of each delegation to ^{ensure} provide its own
representation at every meeting.

¶ Mr. Rubin then explained
~~He went on to discuss the procedure for the presentation~~
of proposals for the consideration of each committee. ^{to the} ~~the President~~ reminded
the meeting that proposals of substance ^{must} should be submitted in
writing to the Secretary General by Friday, May 5, but ^{pointed out,} he advised
^{however,} the Committee that this ^{requirement} procedure would not preclude the introduc-
tion of ^{amendments} proposals in the course of the Committee's work. In
that case ^{amendments should} such proposals must be submitted in writing, and no
decision on such proposals would be taken until the members ^{had} have
had ^{adequate} sufficient time to study them, preferably at least 24 hours,
after their submission to the Committee. Next he explained

the rules governing speeches to the Committee. He explained
that the Chairman and Rapporteur would always have the right to
intervene in the discussion to clarify the issues and expedite
the business of the meeting.

¶ The Commission officers were informed that committee
At the request of Mr. Rubin, Mr. Malcomb Davis described
~~it was pointed out to the committee that its~~
the basic documentation which the committees would be considering.
documentation would be brought together
in one volume and would consist of
Such documentation will include the Dumbarton Oaks proposals, the
Chinese proposals ^{of the Chinese Government} and official observations ^{the comments} of the partici-
pating governments. ^{to the basic documents and relevant proposals} An index ^{would also be} provided.
The Secretariat were bringing together
provided.

[these documents in one volume and would also provide an index document. Mr. Rolin observed that the volume of the Secretariat would necessarily have gaps, owing to the method of allocation of specific chapters of the basic proposals to the various committees. He inquired of Mr. Davis how the related parts of the basic proposals, which have been allocated to different committees, nominally could be brought into relation. Mr. Davis stated that this difficulty had been foreseen, and that the offices of the Commissions would maintain contact among themselves to resolve any such difficulties.

If the executive officers can not settle this problem, it would be referred to the Executive Committee. He added that the Secretary would always be ready to assist.]

~~There were two alternative procedures for the work of the~~
~~There was some discussion on the question of~~
~~M. Rolin suggested a procedure for taking up the several~~
~~drafting committees: either to wait for the conclusions of~~
~~amendments which the delegates might wish to submit to the~~
~~the committee~~
~~as well as~~ suggested by delegates in the committee
Committee. * It was
He observed that the Committee would be considering

general questions of principle while textual matters could
usefully be left to drafting committees.)

[The delegate from Costa Rica, Mr. Alvaro Bonilla Lara
(Chairman of Committee 2) sought clarification on the procedure
for submitting observations and proposals to the Secretary-
General.]

The delegate from Syria, Farid Zeineldin, asked whether
the proposals presented at the Plenary Sessions would also be
considered by the Committees. He ventured to suggest that

there were two alternative procedures for the work of the
drafting committees: either to wait for the conclusions of
the committees or to prepare a draft for the consideration of
the committee. He stated his preference for the second method.

M. Rolin stated that the committees would take account
of all statements at the Plenary Sessions of the Conference,
but explained that the Secretariat could hardly be expected
to prepare an analysis of the speeches, comparable to the
Secretariat's volume on the basic documents.

After some discussion of the procedure of drafting committees, it was decided that, although several drafting committees might be required in certain cases, it

On the second point, he agreed in principle with the observations of the Syrian delegate but he himself took the view that several drafting committees would be required. The Prime Minister of Syria intervened and proposed that the drafting committee report the proposals to the committees within three or four days. The Chilean delegate, Sr. Cruz Coke, suggested that, to facilitate matters, each delegation might be asked to separate ~~xxxxxxxx~~ questions of substance from the point of drafting. M. Rolin said he felt that the point made by the Chilean delegate did not arrive. Delegations were ~~required~~ likely to find any such distinction rather difficult. He thought it

^{the responsibility of}
should be ^{for} the Chairman of any committee to decide the appropriate moment for reference to a drafting committee, or ~~conceivably, to a sub-committee.~~

~~Discussion followed on~~
M. Rolin took up then the question of defining the precise

scope of each committee's work, ^{and it was} ~~He~~ announced that Committee 1 would hold its first meeting on Friday ^{May 4} ~~morning~~ at 10:30 ^{a.m.} and

Committee 2 ~~would be meeting first~~ on Saturday ^{May 5} ~~afternoon~~ at

3 p.m. ^{It was explained that the Secretariat} He understood that the Secretariat had tried to avoid would endeavor to schedule meetings of the ^{two} ~~the two committees meeting at the same time.~~ ¹

tees on alternate days to suit the convenience of the delegates and that subcommittees might ^{however,} be required to meet ⁻⁵⁻ simultaneously with the committees.

In response to inquiries about voting procedure, the Chairman explained that, as the Steering Committee had not yet met to take a final decision,

The Syrian delegate intervened to mention the question of voting procedure. On this point M. Rolin explained that the Steering Committee had not yet met to take a final decision.

The Czechoslovakian delegate (Mr. Evan Kerno) raised the question of those delegations which would have difficulty in maintaining representation in the several committees. M. Rolin explained that the Secretariat would endeavor to schedule meetings of the two committees on alternate days to suit the convenience of the delegates. He pointed out that subcommittees might, however, be required to meet simultaneously with the committees.

The delegate from Costa Rica inquired what number of delegates would constitute a quorum. Mr. Rolin said that no quorum had been fixed. In regard to the matter of voting raised by the Syrian delegate, he proposed that at the meeting of

Committee 1 on Friday, the following procedure ^{he proposed} should be followed ^{for the} ~~at the meeting of Committee 1 on Friday~~ on matters of formal procedure a ~~base~~ ^{simple} majority should suffice,

and on substantive matters, a two-thirds majority of those present ^{Failing} and voting. In the absence of a two-thirds majority on matters

of substance, it might be necessary to submit the issue to a subcommittee. The delegate from Haiti, M. Gérald E. Lescot (rapporteur of Committee 2) indicated that in the latter case delegations might wish to reserve their vote.

then raised a point
M. Rolin stated that he would now raise a point that
was not on the prepared agenda. ^{Discussion followed regarding} He referred to the issue of
of providing minutes of the meetings and also some form of
statement. ^{the Committee} ~~the issue of~~
press communique. Commission meetings, he reminded the dele-
gates, would be open to the public, while committee and sub-
committee meetings were not. ^{It was felt} His opinion was that the summary
record of proceedings should be ^{limited} confined to a statement of
subjects discussed, conclusions reached, votes taken, and any action taken with
regard to appointing subcommittees. ^{in order that} He thought it was desirable
for delegates ^{might} to feel free to reconsider at meetings of the
Commission any ^{position} ~~position~~ taken in the committee discussions.
He was not, however, making any definite proposal on this point,
but would await the views of the delegates. The delegate of
Syria expressed his views in favor of a full record being available
for delegations. M. Rolin saw some disadvantage in full records,
commented that the Executive Committee might take a different
view of this matter, and suggested that the delegations indicate
their own preference. After the Syrian delegate had elaborated
his reasons for his position, M. Rolin explained that the Secretariat
would find it physically impossible to prepare verbatim records of
every meeting. ^{It was} ~~The Syrian delegate~~ ^{provisionally} agreed to leave the matter to
discretion of the ^{on the understanding} ~~Chairman~~ and expressed his hope that the summary would be ^{needed} made
as ^{full as possible} ~~adequate~~. Mr. Rolin went on to state that this decision was
The meeting was adjourned at 12:30 PM

Meeting of Commission and Committee Officers

May 3rd, 1945.

Detailed Agenda for President

I. Opening statement by President.

1. Explanation of decisions by presiding officers of Commissions with respect to the work of Commissions and Committees.
2. Statement that the membership of the Commission and Committees should be made available promptly to the Secretariat.

II. Organization of Commission and Committees

1. Introduction of Rapporteur and Assistant Secretary General of the Commission.
2. Introduction of the Secretariat officers of the Commission.
 - (a) Executive Officer (who will introduce members of the staff: Assistant and Associate Executive Officers).
 - (b) Introduction of Chairmen and Rapporteurs of Committees.
 - (c) Introduction of Committee Secretaries (by the Executive Officer.)
3. Statement that the President and Committee Chairmen will designate alternates to act in their absence.

III. Procedure

1. Rules of procedure- statement that the rules of procedure for the Conference are to apply to the Commission and Committees.

IV. Documentation

Statement by the Executive Officer concerning the basic documentation for the consideration of the Committees.

V. Terms of reference for Commission and Committees

1. President will read mandate of each committee as contained in memorandum on the organization of the Conference approved by the Conference in Plenary Session.

VI. Tentative schedule of Committee meetings (presented by Executive Officer.)

In respect to the
Revised Detailed Agenda
for yesterday's Commission,
should we include the
Notes you made of ..
CAB

In substance - yes;
they could be condensed,
but the annotated agenda
was used by the President
and

Meeting of Commission and Committee Officers

May 3, 1945

Detailed Agenda for President

I. Notes for opening statement by President of Commission I.

As those present will recall, this meeting of the officers of Commission I and the officers of its committees has been called as a result of a recommendation which was made yesterday morning by the officers of the four Commissions and approved yesterday afternoon in the Plenary Session of the Conference.

The meeting has been called in order that the officers present may plan the work of the committees of Commission I so that the committees may proceed to their important tasks as soon as possible. Although to save time, no meetings of Commission I have been planned for the present, the Commission will meet subsequently to receive the reports of its technical committees.

II. 1. Introduction of officers of Commission I by the President.

(a) The rapporteur: the Delegate of the Philippine Commonwealth, Professor Vicente G. Sinco.

(b) The Assistant Secretary General: the Delegate of Lebanon, *Dr. Charles Habib Malik*

2. (a) The Executive Officer: Mr. Malcolm Davis (International Secretariat).

Introduction of other Secretariat officers of the Commission by the Executive Officer.

The Associate Executive Officers: Comte Bernard de Menthon and M. Guy Daufresne de la Chevalerie

- (b) Introduction of officers of committees by the President of the Commission.

Chairman of committee 1 (Preamble, Purposes, and Principles): the Delegate of the Ukrainian Soviet Socialist Republic,

The rapporteur for committee 1: the Delegate of Syria, M. ~~Paris al-Khoury~~ *Naim al-Antaki*
Faïd Faïd al-Din

Chairman of committee 2 (Membership, Amendment, and Secretariat): the Delegate of Costa Rica, Sr. ~~Luis Anderson Morua~~ *Alvaro Bouilla*
The rapporteur for committee 2, on membership: the Delegate of Haiti, *M. Gérard E. Lescant*

The rapporteur of committee 2, on general questions: the Delegate of Saudi Arabia, *Said Jamil David*

- (c) Introduction of committee secretaries by the Executive Officer.

Committee 1. Mr. Robert McClintock
(International Secretariat).
Committee 2. Miss Elizabeth Armstrong
(International Secretariat).

3. Presiding officers in absence of the President of the Commission or Chairman of a Committee.

Statement by the President of the Commission:
It is understood, I think, that in the absence of the President of a Commission or of a Chairman of a Committee, a presiding officer from his own delegation would be designated by the President or the Chairman in question.

III. Rules of procedure - Notes for statement by the President.

The rules of procedure of the Conference have been under consideration in the Steering Committee. They have all been approved by that Committee with the exception of the section on voting. The completed

rules will no doubt soon be approved in Plenary Session. It is understood, I believe, that these rules will apply to meetings of Commissions and committees of the Conference, as well as to Plenary Sessions. It is also provided in the memorandum on organization which was adopted by the Conference that the Commissions and committees may make such supplementary rules as they may find necessary for their work.

IV. Documentation - statement by the Executive Officer.

The basic documentation for the consideration of this Commission and its committees in accordance with their terms of reference consists of the Dumbarton Oaks Proposals and the Chinese Proposals thereon, together with the official observations and recommendations submitted by the governments participating in the Conference. The Secretariat is planning to issue in one volume the formal observations and recommendations submitted by the participating governments not later than May 5, the final date fixed for such submission by the meeting of the heads of delegations.

The Secretariat is also preparing a separate index to these observations and recommendations for each Committee.

V. Notes on terms of reference for Commission I and its committees for statement by the President.

The terms of reference for the Commission and its committees have been set forth in the memorandum on the organization of the Conference which has been adopted in Plenary Session. This has been supplemented by the Secretariat in order to clarify the position as regards certain points. I shall ask the Executive Officer to read these terms of reference.

Statement by the Executive Officer:

The terms of reference mentioned by the President of the Commission are as follows:

(Quote from memorandum, paragraphs concerning Commission I)

VI. Lists of members of the Commission and the committees - statement by the Executive Officer.

In order that arrangements for meetings of committees and Commissions may be made in such a way as to avoid so far as is practicable conflicts in the schedule for delegates who desire to attend two or more committees or Commissions, it is hoped that the various delegations will send in to the Executive Secretary as promptly as possible and preferably not later than tonight the list of members of their delegation who have been assigned to the different committees and to the Commission.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Clear Common plan
with Danderson
+ Robin CB

Commissions IV + II
Sat pm.

Commissions I + III
6/23/41 - III + I
Sat. evening

Common T
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Questions:

Blam & Raps. ^{& Secs.} on motion?
all together or separately?

Reports read?

Common Rpt read by
Delgado

Other rpts not read
no interpretation
Nobody upon motion
CMB
6/23/45

Commission I

5th Meeting

June 23, 1945
5 pm.

~~##~~
Staff

Floor Manager

- CAB

Documents

- Masland
or

Armstrong (Comm. I/1)
Progress Report - Miss Ashton
(probably not necessary)

Floor Assistants - Armstrong
Friedman

CAB

Commission I - 5th Meeting
June 23, 1945 - 5 pm.

Arrangements

Commission Report to be read
by Judge Delgado, Rapporteur
Committee Reports not read
Provide for the ~~the~~ ^{Review} ~~the~~ ^{Davis, Dufrenoy} both
revised + original Rpts

CAB

Commission I

Fifth Meeting, June 23, 1945

5 P. M.

Agenda

- (1) ~~Consideration of Report of the Commission,~~
~~with Committee Reports as revised in accordance with the~~
~~suggestions of various Delegations and submitted for the~~
~~approval of the Commission.~~

- ~~(2) Consideration of Charter texts.~~

The annexes are the reports of
the Committees

CAB

Commission I

Fifth Meeting, June 23, 1945

5 P. M.

Agenda

(1) Consideration of Report of the Commission,
and its annexes.
~~with Committee Reports as revised in accordance with the~~
~~suggestions of various Delegations and submitted for the~~
~~approval of the Commission.~~

(2) ~~Consideration of Charter texts.~~

This includes the Report of the
Commission, together with the revised
reports of Committee I/2, and
the last part of the report of
Committee I/1 (the report on
Chapter II, Article 8 (Domestic
jurisdiction)).

CHB

N.B.
Mr. Berdahl: Please call Mr. Barreiro, Secretary of the Uruguayan Delegation at Extension 186, anent some modifications Minister Serrato would like to have introduced in the minutes of the Commission I meeting held Tuesday afternoon. He wishes to make some alteration in his comments on the speech by the Mexican Delegate concerning the admission of new members to the Organization.

Mgeis
Telephoned to say we would hold
debate minutes until statement received.
CAB 6/21/45 - 10:30 am

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Rappoport's
Report
Commission I

MEMORANDUM

Insert "X" P. 17

San Francisco

② In this connection, the ~~Egyptian~~ ^{Turkish} Delegation ~~proposed~~ suggested that the Conference ten years hence be held in this ~~city~~ ^{city} in recognition of the excellent manner in which the present conference was managed by the Government of the U. S. I. O. and in gratitude to the ~~the~~ ^{the} great hospitality shown by the

inhabitants of this city of the Golden Gate. This suggestion met with general approval.

-B-

At its third and fourth meetings on June 19, Commission I also considered the work of Committee I/2 concerning Membership, Principal Organs, ~~the~~ Secretariat, and Amendments.

The Commission approved the reports of the Committee's two Rapporteurs: ^{that of} Mr. Gérard E. Lescot (Haiti), on Membership (Doc. 1074, I/2/76), and those of Sayyid Jamil David (Gaudi Arabia) on Principal Organs (Doc. 1072, I/2/75), on the Secretariat (Doc. 1071, I/2/74 (1)), and on Amendments (Doc. 1069, I/2/73 (1)).

1. Chapter III.

The text on Membership, as recommended by Committee I/2 and adopted by Commission I consists of provisions - - - .

also in David
- 7a -

at its meetings on June 19 Commission I also considered the work of Committee I/2 concerning Membership, Principal Organs, Secretariat and Announcements.
B-
~~Membership~~ CHAPTER III *Note: Motion Rappaport + does*

The text on Membership adopted by Commission I,
Commission I adopted the text on Chapter III on Membership.
as recommended by Committee I/2,

This text consists of provisions for original membership, ad-

mission of new members, suspension, and expulsion. Original mem-

bers, it is quite clear, will be those nations participating in

the Conference, which ratify the Charter. New members will be

recognized as
admitted only if they are peace-loving, accept the obligations

contained in the Charter, and, upon scrutiny by the Organization,

are judged able and ready to carry out these obligations. *With*

respect to the admission of new members, Commission I *has approved by*

acclamation *to* the following interpretive commentary, originally submitted by *on June 19, 1945*

the Delegation of Mexico, *those it* and supported by *France*, Australia, Belgium, Ukrainian Soviet Socialist Republic, Byelorussian Soviet Socialist Republic, United States, Uruguay, Guatemala, and Chile:
"It is the understanding of the Delegation

of Mexico that Paragraph 2 of Chapter III can

not be applied to the states whose regimes have

been established with the help of military forces

belonging to the countries which have waged war

against the United Nations, as long as those

regimes are in power."

The Commission accepted^S the principles of suspension and ex-
pulsion^{recommended by Committee I/2}. The Organization may apply the provision on suspension

to any member of the Organization against which preventive or en-
forcement action shall have been taken by the Security Council.

This provision ~~for~~^{sees} the restoration of the exercise of the rights
and privileges of the suspended member.

^{as regards} The principle of expulsion, the application^{thereof} of which Commission
I envisages^{when it may} only in ~~drastic~~^{exceptional} circumstances, ~~will~~^{may} be enforced against
any member which persistently violates the principles contained

in the Charter, ^{and because of that} ~~least to happen~~^{"peace-loving"}
or ^{"willing to carry out the obligations of the Charter"}

The Commission does not recommend any text on withdrawal for
inclusion in the Charter. However, the absence of such a clause
is not intended to impair the right of withdrawal, which each state
possesses on the bases^{the principle of} of the sovereign equality of the members.

The Commission ^{would} deplores^{any} the reckless or ~~frivolous~~^{intentional} exercise of the

Annexed to the Report are the Reports
of the Reporters of Committees 1 and 2 of
Commission I, and the texts of the Charter
provisions ~~approved~~ adopted by the Committees
and approved by the Commission.

Security Council:

In this connection the Turkish Delegation suggested that the Conference ten years hence be held in the city of San Francisco, in recognition of the excellent manner in which the present Conference was managed by the government of the United States of America, and in gratitude for the great hospitality shown by the inhabitants of this city of the Golden Gate. This suggestion met with general approval.

¹⁸
Annexed to the Report are the
Reports of the Rapporteurs of Committees
1 and 2, and the texts of the Charter
provisions adopted by the Committees
and approved by the Commission.

Some delegates repeated their statement that they were fundamentally opposed to even the idea of withdrawal, being in favor of universality, and they considered it only natural to vote against insertion in the Charter of a clause providing for withdrawal.

Many of them were of the opinion that although, in exceptional circumstances such as those envisaged in some of the proposals, the option of withdrawal seemed admissible and in keeping with the spirit of the Charter, it could not be generally recognized without certain drawbacks. Even if limited to specific conditions - which, moreover, it would be difficult to determine restrictively - any express mention of withdrawal in the Charter would run the risk of representing the withdrawal of certain members as something normal or probable, whereas, on the contrary, if the Charter, should work reasonably well, particularly as regards revision, this would be unnecessary. After discussing the matter, the Committee arrived at the opinion that its idea could best be expressed by the following text, which it was decided to insert in the report:

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, ~~and leave the burden of maintaining international peace and security on the other Members,~~ it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization. ?

impossible
"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.

a Member be bound
"Nor would it be the purpose of the Organization to compel a Member to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect. ?

"It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal."

4. Expulsion and suspension

Expulsion and suspension gave rise to a lengthy exchange of views, and a special sub-committee was entrusted with the examination of these important questions.

Expulsion was dealt with exclusively in Chapter V (the General Assembly). The Committee, in agreement with the Chairmen of Commissions I and II, and two of the Committees concerned, as well as the Coordination Committee, was of the opinion that the principles in accordance with which the exercise of the rights and privileges of membership might be suspended or restored should figure in Chapter III (Membership). The basic text, which reflected the Dumbarton Oaks provisions in this respect, 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. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter , paragraph .

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

It will be recalled that the text of the Dumbarton Oaks Proposals dealing with suspension and expulsion (Chapter V, Section B, paragraph 3) is drafted as follows:

"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 which persistently violates the principles contained in the Charter".

Tentative program

- I. Opening statement by President (Senator Rolin)
2. Consideration of Chapter II, par. 8 (Domestic Jurisdiction)
Doc. 1070 1/1/34 (1) (d)
(a) Possible reading of report (Farid Zeineddine, Syria)
(b) ~~Speech by Guérin de Beaumont (France)~~
Dr. Payse - Reyes (Uruguay)
M. Fumard Dehouise (Belgium)
3. General discussion of work of Committee 1/2
(a) Lord Cranborne (United Kingdom)
(b) Representative Charles A. Eaton (United States)
4. Consideration of Chapter III (Membership)
Doc. 1074 1/2/76
(a) Rapporteur (Gerard E. Lescot, Haiti)
(Report probably not read) *Paul Boncompagni*
(b) ~~Speech by Guérin de Beaumont (France)~~
(c) Speech by Ambassador Luis Quintanilla (Mexico)
(d) ~~Speech by Dr. Alfredo Machado - Hernández (Uruguay)~~
Dehouise (Belgium)
Das C. Dem (U.D.)
5. Consideration of Chapter IV (Principal Organs)
(Doc. 1072 1/2/75)
(a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(Report probably not read)
(b) ~~Speech by Mrs. Jessie Street (Australia)~~
Guérin de Beaumont (France)
John Fraser (New Zealand)
Berta Lutz (Brazil)
6. Consideration of Chapter X (The Secretariat)
(Doc. 1071 1/2/74 (1)
(Report probably not read)
(a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
7. Consideration of Chapter XI (Amendments)
(Doc. 1069 1/2/73 (1)
(Report probably not read)
(a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(b) Ambassador L. B. Pearson (Canada)

Turkey (Büyük)
Brazil (Lutz)
Uruguay (Payse) after voting

CSB

Dehouise (Belgium)
Paul Boncompagni

Australia (Street)

Uruguay (Reyes)

Dehouise (Belgium)
Das C. Dem (U.D.)

Speakers

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

On Ch. III after Mexico
Ukraine (Dr. Palladin)
Byelorussia (Kiselen)

CAB

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Dr. Pappsi-Rogers
(Uruguay)
Speak on
Ch. II, Jan 8.

CAB

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Byelorussia (Kiselen)
wants speak
on Ch. III

Ukraine (Dr. Palladin)
after Mexico
CAB

June 19, 1945

Commission I

3:30 and 8:30

Tentative Program

1. Opening statement by President (Senator Rolin)
2. Consideration of Chapter II, Para. 8 (Domestic Jurisdiction)
(Doc. 1070 I/1/34 (1) (d))
 - (a) Possible reading of report (Zeineddine, Syria)
 - (b) ~~Speech by Guérin de Beaumont (France)~~
Tarid
Dr. Ruyse-Boys (Brazil)
3. General discussion of work of Committee I/2
 - (a) Lord Cranborne (United Kingdom)
 - (b) Representative Eaton (United States)
Charles A.
4. Consideration of Chapter III (Membership)
(Doc. 1074, I/2/76)
 - (a) Rapporteur (Mr. Lescot, Haiti)
General E.
(Report probably not read)
 - (b) Speech by ~~Guérin de Beaumont (France)~~
Paul Boccon
 - (c) Speech by Ambassador ~~Castillo Najera (Mexico)~~
Luis Quintanilla
Ukraine (Mladin)
Rybolovlev (Kirelov)
(Par. 1)
5. Consideration of Chapter IV (Principal Organs)
(Doc. 1072 I/2/75)
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(Report probably not read)
 - (b) ~~Speech by Mrs. Jessie Street (Australia)~~
6. Consideration of Chapter X (The Secretariat)
(Doc. 1071 I/2/74 (1))
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(Report probably not read)
7. Consideration of Chapter XI (Amendments)
(Doc. 1069, I/2/73 (1))
(Report probably not read)
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia.)
 - (b) *L.B.*
~~Ambassador Pearson (Canada)~~

June 19, 1945

Commission I

3:30 and 8:30

Tentative Program

1. Opening statement by President (Senator Rolin)
2. Consideration of Chapter II, Para. 8 (Domestic Jurisdiction)
(Doc. 1070 1/1/34 (1) (d) ✓)
 - (a) Possible reading of report (Zeiniddine, Syria)
 - (b) Speech by Guérin de Beaumont (France)
3. General discussion of work of Committee I/2
 - (a) Lord Cranborne (United Kingdom)
 - (b) Representative Eaton (United States)
4. Consideration of Chapter III (Membership)
(Doc. 1074, 1/2/76)
 - (a) Rapporteur (Mr. Lescot, Haiti)
(Report probably not read)
 - (b) Speech by Guérin de Beaumont (France)
 - (c) Speech by Ambassador Castillo Najera (Mexico)
Luis Quintanilla
5. Consideration of Chapter IV (Principal Organs)
(Doc. 1072 1/2/75)
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(Report probably not read)
 - (b) Speech by Mrs. Jessie Street (Australia)
6. Consideration of Chapter X (The Secretariat)
(Doc. 1071 1/2/74 (1))
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia)
(Report probably not read)
7. Consideration of Chapter XI (Amendments)
(Doc. 1069, 1/2/73 (1))
(Report probably not read)
 - (a) Rapporteur (Sayyid Jamil Daoud, Saudi Arabia.)
 - (b) Ambassador Pearson (Canada)

June 19, 1945.

CMB

Commission I

Speakers

Chapter II Paragraph 8

France (Guérin de Beaumont)

General discussion of Committee I/2

United Kingdom (Lord Cranborne)
United States (Representative Eaton)

Chapter III

No indication as to paragraph:

Mexico (Ambassador Luis Quintarilla)

Paragraph 1.

France (Guérin de Beaumont)

paragraph 2.

none

paragraph 3

none

paragraph 4:

Venezuela (Dr. Alfredo Machado Hernandez)

Chapter IV

Paragraph 1

None

Paragraph 2

o none

Paragraph 3

Australia (Mrs. Jessie Street)

Chapter X

Para. 1.

none

para 2

none

para 3

none

para 4

none

para. 5

none

Para. XII

No indication as to paragraph
Canada (Ambassador L. B. Pearson

Para. XI

No indication as to paragraph
Canada, (Ambassador L. B. Pearson

MEMBERS OF COMMISSION STAFF

Revised as of April 26th 1945.

ALLOCATION OF POSTS

Commission I

Executive Officer	Malcolm W. Davis
Asst. Executive Officer	Clarence A. Berdahl

Committee I/1

Secretary	Robert McClintock
Asst. Secretary	William E. Armstrong
Asst. Secretary	Mrs. Ursula H. Duffus
Asst. Secretary	John Masland
Asst. Secretary	W. Horsfall Carter

Committee I/2

Secretary	Miss Elizabeth Armstrong
Asst. Secretary	Mrs. Sherleigh Fowler
Asst. Secretary	Julian Freedman
Asst. Secretary	Bernard de Menthon

CHB

May 31, 1944

Commission I

CB

Commission and Committee Officers

President - - Henri Rolin (Belgium)
Rapporteur - Professor Vicente G. Sinco (Philippine
Commonwealth)
Assistant Secretary General - Dr. Charles Habib Malik,
Minister Designate to the United States,
(Lebanon)

Committee 1:

Chairman - - (Ukrainian S.S.R.)
Rapporteur - Naim al-Antaki
or Minister of Finance
Faris Zeineldin
Technical Advisor
(Syria)

Committee 2:

Chairman - - Luis Anderson Monea
and 2 Advisors
Rapporteur - - Gerard E. Pesant
and 2 Advisors (Haiti)
Rapporteur - - (Sayyid) Jamil Dawud

Return to ~~1945~~ Archives

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Office I/2/E

May 20 '45

Dear Senator Rolin -

The move for a
Constitutional Convention
in five years seems to be
an effort to avoid the
danger of a possible
result here in a provisional
treaty, to be referred back to
governments and to consideration
in another Conference.

Is this interpretation
of the move substantially
true, would you say?

Note: re 7 yr. limit:-

Rolin discussed
with Malant, who brought
idea into discussion - ^{supra}
by Belgium + Canada
(MWS).

MWS.

It might be in agreement in favour of it
I don't think it was the reason.

Return to
Mr. Macleod
with thanks
Doris

*Revised by Judge Francisco A. Delgado
(Philippine Commonwealth)
to Planning Session
June 25, 1945
CMB*

SUMMARY OF REPORT OF RAPPOREUR OF COMMISSION I
ON GENERAL PROVISIONS

-A-

Commission I at its first, second, and third meetings, on June 14, 15, and 19, gave consideration to the work of Committee I/1 dealing with Preamble, Purposes and Principles. The Commission approved the report of the Committee's Rapporteur, Mr. Farid Zeineddine (Syria) (Doc. 944, I/1/34 (1), as supplemented by Doc. 1070, I/1/34 (1)(d)), with minor exceptions as noted below.

1. Preamble

The Commission at its first meeting on June 14 unanimously accepted the Preamble as submitted by Committee I/1. However, there was expression of the general feeling, reiterated at the Commission's second meeting on June 15, that the phraseology of the Preamble needed to be improved and simplified.

2. Chapter I

Article 1 of Chapter I was scrutinized by the Commission at its first session. After debate on a proposal by the delegation of Egypt to transpose and insert in the first clause the phrase concerning the principles of justice and international law, the Commission unanimously approved the original text of paragraph 1 of Chapter I, as submitted by Committee I/1.

At the Commission's second session on June 15 Articles 2, 3, and 4 of Chapter I received unanimous approbation.

3. Chapter II

The Peruvian Delegate made a declaration with reference to Article 1 of Chapter II, as submitted by Committee I/1, stressing the belief of his Delegation that this article should have contained a reference to the "personality of states"; he likewise expressed misgivings as to the meaning of the phrase "sovereign equality", to which the Rapporteur of Committee I/1 replied with a full review of the ideas comprised in Committee discussion of the phrase.

Article 1 as submitted by the Committee was unanimously adopted.

Under Article 2 of Chapter II, an amendment proposed by the Colombian Delegation was adopted unanimously, to include ~~the words~~ in the provision that members shall fulfill the obligations assumed by them in accordance with the

Charter the words "in good faith." The Commission thereupon approved the Article with the Colombian amendment.

Article 3 of Chapter II, as submitted by Committee I/1, was approved unanimously.

The Delegate of New Zealand in commenting on Article 4 of Chapter II, as submitted by the Committee, recalled that his Delegation had sought to amplify the Article by the phraseology, "all members of the Organization undertake collectively to resist any aggression against any member", and that in the Committee this proposal, while falling short by a few votes of the required two-thirds, did have in its favor a substantial majority which could not be ignored.

Article 4 as well as Articles 5, 6, and 7 of Chapter II as submitted by Committee I/1 were thereupon unanimously adopted by the Commission.

At its third meeting on June 19, Commission I considered the text of Article 8 of Chapter II as approved by Committee I/1. The Delegates of Uruguay and Belgium explained their attitudes toward this Article as based on belief in the rule of international law as a criterion of what matters were essentially within domestic jurisdiction. The Belgian Delegate was satisfied that the text would not interfere with the settlement of disputes by the International Court of Justice or arbitral tribunals on the basis of international law. The Peruvian Delegate requested a note in the report that the Peruvian Delegation (as well as a number of other delegations) had proposed that the International Court of Justice should determine whether a matter pertained to domestic jurisdiction. Following these explanations, Article 8 of Chapter II was adopted by the Commission.

-B-

At its third and fourth meetings on June 19, Commission I also considered the work of Committee I/2 concerning Membership, Principal Organs, Secretariat, and Amendments. The Commission approved the reports of the Committee's two Rapporteurs: that of Mr. Gérard E. Lescot (Haiti), on Membership (Doc. 1074, I/2/76); and those of Sayyid Jamil Daoud (Saudi Arabia), on Principal Organs (Doc. 1072, I/2/75), on the Secretariat (Doc. 1071, I/2/74 (1)), and on Amendments (Doc. 1069, I/2/73 (1)).

1. Chapter III

The text on Membership, as recommended by Committee I/2 and adopted by Commission I, consisted of provisions for original membership, admission of new members, suspension, and expulsion. Original members, it was quite clear, will be those signatories which ratify the Charter. New members will be admitted only if they are recognized as peace-loving

accept the obligations contained in the Charter, and, upon scrutiny by the Organization, are judged able and ready to carry out these obligations.

With respect to the admission of new members, Commission I approved by acclamation the following interpretative commentary, submitted on June 19 by the Delegation of Mexico; and supported by the Delegations of France, Australia, Belgium, Ukrainian Soviet Socialist Republic, Byelorussian Soviet Socialist Republic, United States, Uruguay, Guatemala, and Chile:

"It is the understanding of the Delegation of Mexico that paragraph 2 of Chapter III can not be applied to the states whose regimes have been established with the help of military forces belonging to the countries which have waged war against the United Nations, as long as those regimes are in power."

The Commission accepted the principles of suspension and expulsion recommended by Committee I/2. The Organization may apply the provision on suspension to any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. This provision foresees the restoration of the exercise of the rights and privileges of the suspended member.

As regards the principle of expulsion, Commission I envisaged its application only in exceptional circumstances against any member which persistently violates the principles contained in the Charter.

The Commission did not recommend any text on withdrawal for inclusion in the Charter. However, the absence of such a clause was not intended to impair the right of withdrawal, under certain exceptional circumstances. Consequently, Commission I included the following commentary on withdrawal:

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

"It is obvious, particularly, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice.

"Nor would a Member be bound to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

"It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal."

2. Chapter IV

The Chapter on Principal Organs enumerated the principal organs: A General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat, established the constitutional authority for the creation of subsidiary agencies, and assured that the Organization shall not discriminate between men and women in their eligibility to participate in any capacity on equal conditions in the principal and subsidiary organs of the Organization.

3. Chapter X

The Commission recommended the text for the Chapter on the Secretariat as submitted by Committee I/2, constituting in the words of the Canadian Delegate a "Charter for an international civil service". It provides for a Secretariat comprising a Secretary-General who will be appointed by the General Assembly upon nomination by the Security Council, and such staff as may be required.

Significantly, the Secretary-General was empowered to bring to the attention of the Security Council any matter which in his opinion might threaten international peace and security.

Further paragraphs of the Chapter assured an independent international character, the highest standards of efficiency, competence, integrity, and broad geographical representation in the staff.

4. Chapter XI

The Chapter on Amendments concluded the tasks of Commission I. On this subject, the Commission held that the Charter should neither impose undue rigidity nor permit dangerous instability. Consequently, the procedures for amendment, which the Commission recommended, follow a sound middle course.

The text recommended by Commission I provides that a two-thirds majority of the Assembly may adopt an amendment to the Charter and this amendment will come into force when it is ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization including all of the permanent members of the Security Council.

Taking cognizance of the facts that the Charter being prepared at San Francisco could not be perfect and that the delegates could not foresee all eventual developments in international affairs, Commission I recommended for inclusion in the Charter provisions for a special conference on the revision of the Charter. This conference may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of any seven members of the Security Council. It was also provided that, in case the conference is not held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a conference is to be placed on the agenda of that meeting of the Assembly, and a conference may be called by a simple majority of the Assembly with the concurrence of any seven members of the Security Council. The procedure for ratification of revisions which might result from such a conference would be the same as for ordinary amendments.

In discussion of the proposal for a special conference on the Charter, the Turkish Delegation suggested that it be held in the city of San Francisco, in recognition of the excellent manner in which the present conference was managed by the Government of the United States of America, and in gratitude for the great hospitality shown by the State of California and the inhabitants of this City of the Golden Gate. This suggestion met with general approval.