



CONTENTS

	Page
Publication of documents concerning the drafting and application of the Charter (<i>continued</i>)	
Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter (<i>continued</i>)	93
Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States (<i>continued</i>)	

Chairman: Mr. Juliusz KATZ-SUCHY (Poland).

Publication of documents concerning the drafting and application of the Charter (A/2415, A/C.6/343, A/C.6/L.306/Rev.2) (*continued*)

[Item 58]*

Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter (A/2442, A/C.6/343, A/C.6/L.306/Rev.2) (*continued*)

[Item 70]*

Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States (A/2466 and Add.1) (*continued*)

[Item 72]*

GENERAL DEBATE (*concluded*)

1. Mr. GOMEZ ROBLEDO (Mexico) explained why his delegation had decided to join in sponsoring the four-Power amendment (A/C.6/L.307).

2. Paragraphs 2 and 3 of the operative part of the six-Power draft resolution (A/C.6/L.306/Rev.2) were unacceptable. The invitation to Member States was superfluous, for States always had the right to state their views. In fact the text was rather disturbing, particularly because it established a time-limit. The text would have been acceptable if the Secretary-General had been asked to communicate the opinions spontaneously submitted by governments, but as it stood the invitation to the Member States indicated a desire to revise the Charter. Article 109, however, prohibited the consideration of any review before the time-limits provided in that Article, at least under the

procedure outlined in paragraph 3. In other words, preparatory work was admissible, but a revision of the Charter should not be prepared. That was the meaning of the four-Power amendment.

3. Mr. MOROZOV (Union of Soviet Socialist Republics) thought that it was clear from the prolonged general debate that the so-called preparatory work was something quite different from mere technical compilations. It clearly went beyond mere procedure. Despite all the statements to the contrary, the texts were sufficiently eloquent. They were evidence that the proposed work would prejudice the substance of the question.

4. It was clear from the text of the six-Power draft resolution (A/C.6/L.306/Rev.2), which had been duly clarified by the Panamanian amendment (A/C.6/L.310), that the authors intended that the General Assembly should invite the Member States to study the Charter afresh. No explanations could shake the conclusion that the intention was to begin discussing the revision of the Charter.

5. The proposed texts were contrary to Article 109, paragraph 3, of the Charter, which laid down that the General Assembly could discuss but one question—and that only at the tenth session—the possible holding of a General Conference. All matters relating to the substance of a review of the Charter were exclusively within the competence of the General Conference. In defiance of those principles, and two years too soon, the authors of the proposals which had been submitted wanted to launch a vast campaign for the revision of the Charter. There again, the joint draft resolution spoke for itself.

6. Moreover, the authors wanted to warn the entire Secretariat and to instruct it to prepare and circulate documents with the obvious intention of providing arguments for those in favour of revision.

7. The preamble to the six-Power draft resolution (A/C.6/L.306/Rev.2) suggested that the proposed studies were linked to the question of the review of the Charter; actually those so-called historical studies had their assigned place in the campaign in favour of a review. Moreover, in their speeches, those supporting the six-Power draft resolution had stated that they were in favour of a revision. They had not concealed the fact that the text should be adopted as a step preparatory to a review. Nothing showed more clearly (although the texts stated it clearly enough) that the proposed studies were not mere preparatory and technical studies confined to procedure.

8. Hence the motives behind the proposals were obviously political. The debates had confirmed a primary truth: the international atmosphere was such that to raise the question of review was to risk providing the forces of aggression with weapons. The representatives of Poland, the Byelorussian SSR, the Ukrainian SSR

* Indicates the item number on the agenda of the General Assembly.

and Czechoslovakia had demonstrated very clearly that the question before the Committee was linked to the campaign launched by the United States against the principles of the Charter, against the maintenance of peace. He fully shared that view.

9. In a statement made at a previous meeting, Mr. Byrnes had maintained that it was not the United States which was instigating the campaign for a review of the Charter. He had said nothing about the campaign being conducted in the United States under the influence of reactionary elements against the principles of the Charter, but he had wished to make the Committee believe that other countries had in fact started the campaign for revision. Moreover, Mr. Byrnes had contradicted himself repeatedly. He had said that the United States would vote for the calling of a General Conference for a review but later had said that the United States delegation did not yet know whether a review was possible or desirable. Those two statements were surely irreconcilable.

10. There was no doubt that the United States was anxious for a review of the Charter, for as early as 1948 the United States Senate had adopted a resolution calling for the abolition of the unanimity rule in the Security Council. Since then, on 28 July 1953, the Senate had authorized the establishment of a special sub-committee of the Committee on Foreign Relations, with large resources, to study proposals for amending the Charter. In a plenary meeting of the General Assembly early in the current session,¹ Mr. Dulles had stated that good use should be made of the opportunity to review the Charter.

11. He wondered what direction that review was to take. In a speech made at Boston on 26 August 1953, Mr. Dulles had stated that the unanimity rule in the Security Council no longer met the requirements of the present situation. That was the view generally held in reactionary circles, which wished the rule—the keystone of the United Nations—to be eliminated. The world was told that the inadequacies in United Nations action were attributable to defects in the provisions of the Charter. However, the world was not told that the severe crisis through which the Organization was passing was to be explained only by the fact that the Charter had not been respected, particularly by the United States. The great people of China were deprived of their legitimate right to participate in the Organization's work. In many other respects the provisions of the Charter had been flouted.

12. Many delegations had said that the preparatory work should not serve as a pretext for encouraging hatred of certain States. Yet that was a real danger. Even though some delegations had endeavoured to confine the debate to procedure and to inject a moderate note, violent and vicious attacks had been made upon the principle of unanimity and, through that principle, upon certain States. He wondered what would happen if that discussion were to continue unabated for two years.

13. The speech of the representative of Panama (372nd meeting) was one example of that aggressive attitude. He had said that at San Francisco the principle of the equality of States had been disregarded for political reasons. According to him, as a result of the domination of the great Powers, the United Nations was in-

ferior to the League of Nations. That was false and misleading. The League of Nations had demonstrated its impotence. The lessons of experience had been heeded. The Organization had been made more effective by the establishment of the fundamental principle of the unanimity of the permanent members of the Security Council. The representative of Panama had also claimed that the unanimity rule was contrary to the interests of the smaller Powers. Mr. Molotov had said, however, that the right of veto prevented the formation of aggressive blocs, was an obstacle to intrigue and, although not a panacea, was an effective tool for better co-operation in the interest of all the Powers, large and small.

14. The proceedings in the Committee illustrated the struggle between two schools of thought, one which desired international co-operation through the United Nations, the other which reflected a desire for world domination. The value of the United Nations depended on its effectiveness in maintaining peace. As the Committee had probably noted, the effectiveness of the Organization could be ensured through respect for the Charter and a sincere desire for co-operation; it was not necessary for that purpose to amend the fundamental provisions of the Charter. The Syrian and other representatives had rightly said that any attempt to alter the Charter might have disastrous effects on the very existence of the Organization.

15. For the reasons he had just explained he was opposed to any proposal for preparatory work in any form whatsoever which would be connected with the idea of a review of the Charter. Several delegations had stated that they were opposed to any resolution which would prejudge the question of review. Their reasons differed, but the conclusion was the same: it was reflected in the joint amendment submitted by Belgium, Colombia, France and Mexico (A/C.6/L.307) which proposed that paragraphs 2 and 3 of the operative part of the six-Power draft resolution should be deleted. He supported that part of the four-Power amendment.

16. In conclusion he stressed unifying rather than disruptive factors. The majority of the Committee should decide not to adopt a text which would prejudge the calling of a General Conference and should oppose, for the sake of peace, any decisions capable of harming the maintenance of peace.

CONSIDERATION OF THE DRAFT RESOLUTION SUBMITTED BY ARGENTINA, CANADA, CUBA, NETHERLANDS, NEW ZEALAND AND PAKISTAN (A/C.6/L.306/Rev.2) AND OF THE AMENDMENTS THERETO

17. Mr. SERRANO GARCIA (El Salvador) said his delegation was in favour of a review of the Charter, for experience had shown that certain provisions, originally adopted in some haste owing to the circumstances obtaining at the time, had not answered the desired purpose. He would not itemize the provisions which would be improved by amendment, but merely wished to introduce his delegation's proposed amendments (A/C.6/L.309/Rev.2) to the six-Power draft resolution (A/C.6/L.306/Rev.2).

18. The first of those amendments was to delete the word "present" in the first paragraph of the preamble, since the word was completely superfluous.

19. The purpose of the second amendment was to make the third paragraph of the preamble shorter but

¹ See *Official Records of the General Assembly, Eighth Session, Plenary Meetings*, 434th meeting.

clearer and to show that the proposed studies would facilitate the work of the General Assembly at all times and not merely at its tenth session.

20. The object of the third amendment was to emphasize the advantages to be derived from a study of the legislative history of the Charter from the point of view of its revision.

21. Lastly, under the fourth amendment the documentation to be prepared and published by the Secretary-General was to be circulated among Member States. It was essential that the Member States should receive those documents if they were to give their preliminary views with regard to the possible review of the Charter.

22. Subject to those amendments, his delegation would vote for the six-Power draft resolution (A/C.6/L.306/Rev.2).

23. Mr. VALLAT (United Kingdom) explained that the amendments submitted by his delegation jointly with that of Australia (A/C.6/L.308/Rev.1) did not affect the principle of the six-Power draft resolution; they were meant chiefly to ensure that the draft resolution took account of the Secretary-General's excellent memorandum (A/C.6/343), which had not yet been circulated at the time when the original text of the joint draft resolution had been prepared, and to render the instructions to be given to the Secretary-General as clear as possible.

24. The United Kingdom and Australian delegations were proposing first that the preamble, as in the case of General Assembly resolution 686 (VII), should contain a paragraph referring to the Secretary-General's memorandum. In conformity with past practice, the Secretary-General would certainly not fail, when carrying out the task assigned to him, to take into account the comments made during the general debate.

25. The second amendment took into account the fact that the Secretary-General had considered the preparation of three documents: a full history, a briefer history and a comprehensive index. It would be advisable to define the scope of the work assigned to the Secretary-General in that connexion.

26. The object of the third amendment was to eliminate from the list of documents to be prepared by the Secretary-General the comprehensive study of the legislative history of the Charter. Contrary to what appeared to be the view of the Argentine representative, Committee members were not unanimously of the opinion that such a study would be desirable. The United Kingdom delegation for its part had not concealed its objections, not only on account of the considerable expense involved in the preparation of such a document, but also on account of the difficulties which would be encountered and the misunderstandings to which it would inevitably give rise. Other delegations had also stated that a good index of the San Francisco Conference documents would be far more useful than a full account of the proceedings of that Conference.

27. The fourth amendment, relating to the repertory referred to in operative paragraph 1 (b) of the draft resolution, simply reproduced the terms of paragraph 45 of the Secretary-General's memorandum. The sponsors had added the words "appropriately indexed" in order to stress how important a good index to that repertory would be.

28. Referring to the other amendments proposed, he said that his delegation did not in principle oppose

the four-Power proposal (A/C.6/L.307) for the deletion of paragraphs 2 and 3 of the operative part of the draft resolution. As he had said before, the views of all delegations should be taken into account on that subject, whether they were for or against a revision of the Charter, or even if they had not yet formed an opinion on the subject. Since more and more delegations had expressed opposition to paragraphs 2 and 3 of the operative part of the six-Power draft resolution, a compromise might perhaps be worked out if the sponsors of that draft, in answer to the eloquent appeal of the representative of Syria, would agree to some minor changes in the preamble and to the omission of operative paragraphs 2 and 3.

29. The United Kingdom delegation could not accept the amendments submitted by Panama (A/C.6/L.310) and reserved the right to consider in due course the amendment submitted by the delegation of El Salvador (A/C.6/L.309/Rev.2).

30. Mr. WYNES (Australia), as co-sponsor of the amendments proposed in document A/C.6/L.308/Rev.1, associated himself with the statement made by the United Kingdom representative.

31. Mr. UMAÑA BERNAL (Colombia) said that the debate had shown what various courses were open to the Committee.

32. Originally there had been two proposals. One, the Argentine proposal, had called for the publication of certain documents; the other, the Netherlands proposal, had called for certain preparatory work concerning the possible revision of the Charter. The first proposal had been unanimously supported by Committee members with regard to its substance; the amendments proposed to it had referred purely to form. The second, much bolder, proposal had been radically altered. Whereas in its explanatory memorandum (A/2442), the Netherlands delegation had envisaged the possibility of an invitation to Member States to give their preliminary views with regard to the possible revision of the Charter and to submit tentative proposals and suggestions, the draft resolution submitted jointly by that delegation and five others (A/C.6/L.306/Rev.2) no longer contained an invitation to Member States to submit proposals and suggestions with regard to the possible revision of the Charter. He wondered what might be the reasons for that change. Should it be taken as a correction of the Netherlands delegation's original intention, or should the idea of inviting Member States to submit their proposals with regard to the possible revision of the Charter be considered as implied in the six-Power draft resolution?

33. It was not surprising that after the original Netherlands proposal the Committee should have received proposals such as that of the delegations of Costa Rica and Egypt (A/C.6/L.305), subsequently withdrawn, and that of the delegation of Panama (A/C.6/L.310), for the ideas upon which those proposals were based were implied in the six-Power draft resolution. The adoption of the Panamanian amendment would, in a manner of speaking, result in the constitution of a preliminary assembly which would discuss the possible revision of the Charter by exchange of documents without the physical presence of members.

34. The Argentine representative had said that the sponsors of the four-Power amendment (A/C.6/L.307) were trying to deprive governments of freedom to express their opinions on the possible revision of the

Charter. As a co-sponsor of that amendment, the Colombian delegation denied the intention of trying to curtail that freedom in the slightest degree. Member States were entirely free to express their opinions when they so desired, but they should not be compelled to take up a position on such a delicate matter two years in advance, for such a procedure might prevent any reconciliation of views between those who were for and those who were against reviewing the Charter. In any case, it was not impossible that a miracle might occur before 1955 as a result of agreement among the permanent members of the Security Council, an agreement which would make it unnecessary to review the Charter.

35. Mr. MAURTUA (Peru) said that in raising the question of competence the French representative had resorted to delaying tactics. Article 109 of the Charter did, of course, prescribe the procedure to be followed by the General Assembly for the purpose of reviewing the Charter. The purpose of the six-Power draft resolution (A/C.6/L.306/Rev.2) was precisely that, since the draft made no reference to the substantive question of the actual revision of the Charter. Hence the misgivings of certain delegations were quite unfounded and the holding of a General Conference remained a possibility.

36. The four-Power amendment (A/C.6/L.307) changed the whole character of the six-Power draft resolution because it made no reference to Article 109. When the agenda had been discussed, the Committee members had admitted that the question of reviewing the Charter involved three closely linked questions, amongst them the proposal submitted by the Argentine and other delegations. Accordingly, the Argentine proposals should not be considered apart from the question of preparations for a General Conference, for if it were the discussion would be limited, as the original Argentine proposal, supplemented by that of the Netherlands, had led to a draft which proposed the preparation of documents as a basis for reviewing the Charter. The French representative, on the contrary, was considering only a purely scientific undertaking, which the Peruvian delegation could not support.

37. Furthermore, Member States should be invited to give their preliminary views with regard to the possible review of the Charter, as suggested in operative paragraph 2 of the six-Power draft resolution. If they considered that review necessary, governments would specify what improvements they thought desirable. The views expressed would not of course be definitive, since definitive views could only be obtained by negotiations among the Powers. But the preliminary views of States would offer some guidance to world public opinion. The various organs of the United Nations usually followed such a practice, and it was natural to use it in connexion with such an important question as that of amending the written law of the international community.

38. Accordingly, without making a formal proposal, he suggested that operative paragraph 2 of the six-Power draft resolution (A/C.6/L.306/Rev.2) should be so drafted as to invite Member States to state, in their preliminary views, whether they regarded the review of the Charter as desirable or not.

39. Mr. ROBINSON (Israel) pointed out that the issues before the Committee had been narrowed down to two: first, whether the preparatory work, in view of Article 109, should be carried out only on the Sec-

retariat level or on the governmental level as well; secondly, what should be the scope of the proposed work, in particular, of the legislative history of the Charter.

40. The first issue had been debated at length and would be decided by a vote. Certain practical aspects of the suggested legislative history, however, disturbed several delegations: whether it was of such a nature as not to embarrass the Secretary-General; whether the Secretariat had the necessary staff; and what the financial implications were. On the basis of his own estimates, he believed that such a history would fill some 1,500 pages; to prepare it, not only paste and scissors would be required, but brains as well. He would like to have an authoritative statement from the representative of the Secretary-General on the matter.

41. Mr. SCHACHTER (Secretariat) explained that the Secretary-General's memorandum (A/C.6/343) proposed either a comprehensive history or a briefer history of the Charter. For a comprehensive study, the memorandum suggested fifty pages per article, but that figure might be modified after further scrutiny. A concise study would lay a heavier workload on the Secretariat than a comprehensive study, but the printing costs would obviously be less. In either case, the existing staff would be inadequate and five research assistants, who would not be easy to find, would have to be employed. The debate had made it clear that the proposed index might be more complete than had been expected, in which case it would probably require the services of an indexer with legal training. So far as the repertory was concerned, each department would be responsible for the section which was its own special concern; two additional staff members working under the Secretariat committee would be enough to ensure co-ordination.

42. He thought that publication of the San Francisco documents and the index to them would be completed within one year; he hoped that the repertory of practice would be substantially done within one year, but he doubted whether it could be completed in that time. Moreover, translation and publication would require some additional months.

43. Mr. CHAUMONT (France), replying to the representative of Peru, said that, far from altering the character of the original Argentine proposal (A/2415/Add.1), the four-Power amendment (A/C.6/L.307) was in perfect keeping with that proposal, as would appear from a perusal of paragraph 5 of the Argentine explanatory memorandum (A/2415). That document contained no mention of Article 109 of the Charter. Naturally, the Argentine delegation had been within its rights in associating itself with a draft resolution of wider scope than its original draft, but the six-Power draft resolution (A/C.6/L.306/Rev.2) was demonstrably not in conformity with the original Argentine proposal.

44. Mr. VALLAT (United Kingdom) said that the comments made by the representative of the Secretary-General had confirmed his opinion that a brief history of the Charter would impose too heavy and too delicate a task on the Secretariat. As an example of probable difficulties, he recalled that in the draft discussed at San Francisco the words "by the Security Council" had appeared after the word "action" in the last sentence of Article 11, paragraph 2, of the Charter,

whereas those words did not appear in the final text. That being so, the Secretariat would find it hard to select texts for inclusion in the history; preferably the scheme should be dropped.

45. Mr. PHLEGER (United States of America) said that the preamble to the six-Power draft resolution (A/C.6/L.306/Rev.2) rightly referred to Article 109 of the Charter and to the question of reviewing the Charter, whereas the four-Power amendment (A/C.6/L.307) contained no such reference. The six-Power draft resolution also invited States which so desired to submit their views.

46. The United States delegation would support the six-Power draft resolution and would vote against the four-Power amendment.

47. The amendment submitted by Australia and the United Kingdom (A/C.6/L.308/Rev.1) took the view that a study of the legislative history of the Charter was untimely and too costly, and stressed the importance of a complete index. His delegation would vote for that amendment.

The meeting rose at 1 p.m.