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AGENDA ITEM 55

Proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter (Article 109 of the Charter) (*concluded*)

1. The PRESIDENT (*translated from Spanish*): The Assembly has before it today for its consideration a revised text of the joint draft resolution proposed by Canada, Ecuador, Iraq, Thailand, the United Kingdom, the United States and Uruguay [A/L.197/Rev.2]. The last-named country was not among the sponsors of the earlier texts. As you will have noted, the revision consists in an amendment of paragraph 2 of the operative part whereby the proposed committee would consist of all the Members of the United Nations instead of a limited group, as originally suggested.

2. Mr. ROMULO (Philippines): The Philippine delegation has been deeply impressed, as I am sure all of you have been, by the calibre of the debate on the matter of a conference to review the United Nations Charter. Whatever the disagreements of those who have spoken on this question, there has been no disagreement about one fact of towering importance: the fact that the existence of the United Nations must not be jeopardized or its authority weakened. Both the advocates and the opponents of Charter reform stand as one in their desire to save the United Nations and to serve the cause of world peace through world organization.

3. The Philippine delegation does not question the sincerity or good sense of people who arrive at different conclusions after stating that their principal desire is to uphold the United Nations. I can see how the desire to serve the cause of the United Nations can lead in opposite directions, for this is no open and shut question. We are not working with slide rules here, and — I want to emphasize this — we are working with the measureless flow of history itself. The complexity of the issue is as wide and vast as the world itself. Yet there is at least one fixed point on which all friends of the United Nations should agree. We can agree that our own personal opinions or the official positions of our Governments must not be allowed to decide this question, for the United Nations has its mandate only nominally through the actions of Governments.

4. Basically and primarily, the United Nations derives its ultimate power from the will of the world's peoples.

It was born in the hopes of those peoples. It derives its total strength, not from the discussions on this floor, but from the determination of the world's peoples to keep it alive. It is no disparagement of all our efforts in the cause of the United Nations to say that the United Nations is alive today because the peoples have willed it so.

5. There is not a nation in the world today that would dare to advocate that the United Nations be abolished or that it be reduced in strength. That nation would find itself the target of a surging and articulate public condemnation the world over. And if there is anything more powerful in the world today than nuclear weapons, it is the opinion of the human community.

6. We cannot consider this question purely according to the national self-interest of the Governments here represented. To do so would most certainly create the very danger to the United Nations we all say we want to avoid. Woodrow Wilson, who in many ways really was a founding father of the United Nations, used to say that his clients were the next generation. Our clients are today's generation. Unless that generation is well represented, it is possible that there will be no other.

7. What is it, therefore, that the world's peoples expect of the United Nations? What do they want it to become? Only as we give honest answers to these questions can we debate the question of Charter review with meaning and purpose.

8. Is there any doubt in the mind of any representative here that the world's peoples expect the United Nations to fulfil the purpose set out in the preamble to the Charter, namely, to do away with the scourge of war? There is no point in involving ourselves with fancy legalisms or immaculate interpretations concerning this part of the preamble. Nothing that we say can change the momentous fact that the world's peoples will judge us according to our ability to preserve the peace, for the preservation of the peace may be synonymous today with the preservation of life itself.

9. If we say that the United Nations cannot be expected to keep the peace because the big Powers never really laid the foundations of the peace, we may be stating a political fact; but this has little meaning for the world's peoples, and they are right.

10. No force in the world, I repeat, is greater than the longing of men everywhere for a planet made safe and fit for human habitation. And if we ourselves do not really believe that our principal job in the United Nations is to achieve that purpose, then the human beings of this world will sweep this Organization aside. And all the perfectly constructed legal arguments concerning a proper interpretation of the Charter, and all the carefully reasoned protests of carefully reasoning men, will be but feeble sounds alongside the great swells of the public will.

11. I believe that people everywhere are profoundly worried by what has been happening to the world in general and to the United Nations in particular. They are worried because they know that an atomic armaments race is on, and they know where armaments races lead. They are worried because they know that if the United Nations fails to prevent war, the probable effects will be measured in the extermination of man, at worst, and in the poisoning of the human genes, at best.

12. There is a sense of the ultimate in the concerns of men today. Somehow we have to find a way to get through to people, to establish the great connexions with people that make the United Nations the instrument of their safety they believe it to be, and to make the United Nations relevant in the solution of the main problems.

13. If we take soundings — which is to say, if we find out what our constituents in the human family are really thinking — we will learn that the biggest, and not the smallest, things are expected of us. As public men and representatives of our Governments, we are perhaps over-enamoured at times with the small, single steps at one time; but the large strides are what the world's peoples want and deserve.

14. As I say, the peoples look to the United Nations for the control of armaments. They know that control must rest on much more than polite agreements or solemn declarations or smiling faces. All our yesterdays are littered with Locarnos, and we are expected to abandon the habit of error. The peoples look to us to define the basis of enforceable disarmament under law. And, in an even more fundamental sense, they look to us to deal with the situations that lead to war itself.

15. In short, the world's peoples expect the United Nations to eliminate the present prime condition of world anarchy. They expect the United Nations to have a force of its own adequate to deter aggression, instead of improvising after the damage occurs, as in Korea. They expect that any force vested in the United Nations will be fairly and responsibly constituted, and that no single nation will be asked to put up the overwhelming bulk of the men and the material.

16. The people have a wisdom about these things, and they know that no armaments plan can be effective and enforceable unless there is a direct connexion between the United Nations and the individual violator.

17. At Nuremberg, the victors said that not nations but individuals make war and must be held accountable for the crime of war. If this is true, then steps leading to war must inevitably come under the same principle. Violations of world law concerning disarmament or control of nuclear weapons are steps leading to war. They are no less crimes against the world community than war itself. And the United Nations must have authority over the individual violators. If we fail to support this principle and give it standing and authority, then Nuremberg loses its status in world justice and becomes instead the long limb of lynch law.

18. Perhaps the great expectations that still exist among our clients make us uneasy because we are so well versed in the difficulties and the complexities. Indeed, we may know them too well. We have been living so intimately with our day-to-day problems that the historical vistas tend to become somewhat blurred. We are apt to be impatient with those who seem unappreciative of the tangles and confusions that surround

us and confound us. And so we counsel patience and more patience, hoping that the world will be convinced that we are doing our best.

19. But the great danger here is that we ourselves may lose our perspective and a true sense of the historical panorama. The difficulties in which we are enmeshed, and our razor-sharp awareness of the day-by-day complexities, may cause us to put our working problems ahead of the basic problem. It may well be that the view of the people is the only correct one.

20. It is because of this, and because I feel that it is time for us of the United Nations to bring our own perspective in line with that of the human community we represent, that I advocate a long, hard look at where we have been and where we are going.

21. We can take an inventory of our assets and liabilities. We can ask whether events since the San Francisco Conference, in 1945, require new approaches, new methods. We can attempt to ascertain whether a United Nations Organization which was born in the pre-atomic age has the structure and the substance required to control the war-making powers of nations. We can ask ourselves whether it is proper and fair to the hopes of the world's peoples that the United Nations has so far largely been a collection of separate foreign policies, rather than an organization with policy-making powers of its own. We can ask whether the peace in the world is to depend on improvised good manners or on the workable machinery of law that transcends human whims and changeability.

22. The fact that we may not desire to ask these questions will not keep the world's peoples from asking them. We do not save the United Nations by avoiding these questions. The questions are real. They become more severe, not less, as they are deferred.

23. A review conference is far from the be-all and end-all of a solution to all our problems. It will bring to pass no miracles in world organization or world peace. But at least it will set a time and place for full and appropriate consideration of our ability to do our main job.

24. I do not hold with the argument that a properly constituted review conference would result in a break-up of the United Nations. If the United Nations is so weak that it cannot stand honest self-examination, then it is living on borrowed time indeed. It is precisely because I believe the world's peoples own the United Nations that their voice becomes mandatory.

25. We are representatives and delegates, true; but in an even greater sense we are custodians, the custodians of the greatest idea yet to be conceived by the mind of man — that the violence among nations in the world may yet yield to the courage and imagination of men in constructing a rule of law, and that our modest-sized planet may in time and in fact become the good earth.

26. For these reasons, the Philippine delegation supports the proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter, as embodied in the seven-Power draft resolution before us [A/L.197/Rev.2].

27. Mr. QUIROGA GALDO (Bolivia) (*translated from Spanish*): Today, ten years after the founding of the United Nations, we have the opportunity to call a conference for the purpose of reviewing the Charter signed at San Francisco. Now that the interval agreed upon by the founders of this Organization has elapsed, we must ask ourselves whether or not the Charter has

enabled us to fulfil the purposes for which a new organization was created to replace the League of Nations which had been destroyed by the triumph of political expediency over the ideal of an international order of law, on which it had been based.

28. As we take up this important problem, our minds naturally revert to events of a not-too-distant past, and we are led to compare the first ten years of the League of Nations with the same period in the life of the United Nations.

29. The League of Nations experienced its first crisis at the beginning of its second decade. The United Nations is now entering its eleventh year without facing any imminent danger that could give us serious ground for concern over its immediate future. On the contrary, if we regard the past years in the proper perspective of time and place, we see that, despite the sceptics and pessimists, our Organization has succeeded in overcoming formidable obstacles, among which I need only mention the Korean conflict and the smouldering threat of the cold war.

30. Unlike the Covenant of the League of Nations, whose weakness was its almost complete lack of practical measures for the settlement of international disputes, the United Nations Charter lays down specific procedures for preventing the use of force and for collective action against aggressors. In short, the Charter of this Organization is not merely a piece of paper, as was largely the case, unfortunately, with the Covenant of the League. This time we have a system of provisions born of a firm determination to apply them should occasion arise.

31. So great is the merit of the Charter that it has survived at a time when everything seemed to threaten its existence, and at a period in history when political conflicts have reached a magnitude comparable only to that which characterized the Roman Empire at its zenith.

32. The experience of these last ten years has led us to regard the Charter as an unusually effective political and legal instrument. This is due mainly to the fact that the Members of the United Nations are prepared voluntarily to limit their own sovereignty. The Member States of their own accord restrict the exercise of their sovereign power in order to promote the collective purposes and principles of the Organization. It can be said that our Organization embodies the concept of Triepel, who regarded the collective will as a fusion of the separate wills of States, and as a creator of international rules that cannot be abrogated unilaterally because their binding character depends, not on the will of any single State, but on social necessities.

33. Should a Charter thus conceived and functioning in conformity with this spirit be reviewed? I do not wish to set myself up as an apologist for the Charter, but neither do I wish to be its detractor. The experience of the past decade throws into relief both its virtues and its defects, and on calm analysis the balance seems to be more favourable than unfavourable. The Bolivian delegation does, however, agree with those who maintain that there are shortcomings in the Charter, although, in so agreeing, we are thinking mainly of certain theoretical aspects of the problem.

34. Thus, for example, I do not believe that any Latin American delegation accepts without reservation the rule of the unanimity of the five Powers, as laid down at the San Francisco Conference. From the theoretical

point of view, it cannot be denied that the rule of unanimity negates a principle which is the very foundation of our Organization, namely, the legal equality of States. However, if we are to be realistic, we must admit that this rule has so far prevented the disintegration of the United Nations in consequence of the withdrawal of certain Powers, which, finding themselves in disagreement with certain resolutions of the General Assembly, might have completely and irrevocably left the Organization. We might find food for thought on this point in the decision of France, which, although withdrawing from the United Nations temporarily, has not absented itself from the Security Council.

35. I consider that the rule of unanimity and Article 18 of the Charter are complementary to one another. Article 18 provides that each Member of the General Assembly shall have one vote, which, for small and medium-sized States, means primarily that they have the same rights and duties in the United Nations as do the great Powers. However, political realities show us that the preservation of world peace depends primarily on the great Powers, and that we cannot here achieve an ideal democracy based upon the strictly equal voting procedure provided for in Article 18.

36. Article 23 of the Charter therefore establishes a necessary balance between the aspirations of the majority and the essential interests of the five great Powers, by means of the Security Council, which is responsible for matters relating to war and peace, collective security, the pacific settlement of disputes, and military and economic sanctions against aggressors. The right of veto in the Security Council strikes a political balance between the aspirations of the majority and the vital interests of the five great Powers.

37. How, then, can Article 23 and, in general, Chapter V, be modified? Should they be replaced by a qualified vote? This does not seem acceptable. While the veto admittedly cannot be accepted in all its implications because of its contradiction with the principle of legal equality, it is equally true that a qualified vote would be a monstrous negation of this principle, which is of vital importance for most of the Members of the United Nations.

38. The most difficult task of the conference for the review of the Charter will undoubtedly be the study of ways of modifying the right of veto; the solution of this question will largely determine the very future of the United Nations. Will the conference be able to find a better system of balances than that at present provided by the interaction of Articles 18, 23 and 27?

39. My country does not object to the calling of the conference provided for in Article 109, paragraph 3, of the Charter, but it does believe that the review of the Charter will be possible only in auspicious political circumstances — that is to say, when the cold war has given way to peaceful coexistence between East and West, and when the iron and bamboo curtains which today divide our small planet have been removed.

40. Some of the preceding speakers have advanced the indisputable view that the fault is not with the Charter but with ourselves. As the Indian representative aptly stated, "we could very well devote our endeavours . . . to improving our loyalties in regard to the spirit and the purposes of the Charter [533rd meeting, para. 35]." Similarly, the Argentine representative said that "the efficacy of juridical institutions rests not only on the

wisdom of their guiding principles, but also on the spirit which inspires the human behaviour, individual or collective, to which they relate", and that "the success of such institutions is governed, not so much by the perfection of the precepts which regulate that behaviour, as by the application in practice of ever higher values [545th meeting, para. 114]".

41. In Latin America, we have had considerable experience in this field. The history of the institutions of Latin American countries shows that the authors of the various constitutions aimed at regulating the lives of our peoples performed a veritable labour of Sisyphus. Many of those constitutions were in force only a few months or, as frequently happened, only a few weeks. Each successful revolution imposed a new constitution which generally lasted only as long as the government of the man who happened to be in power.

42. Our painful experience in drafting, revising and amending constitutions has taught us that it serves no purpose for them to be perfect if the motives of the governments responsible for their interpretation are not good. A set of simple precepts, faithfully and honestly interpreted, will always be better than the most brilliant legal formulations in the hands of unscrupulous men.

43. The 111 Articles of the United Nations Charter are unquestionably an expression of wisdom and experience. The interpretation given to the letter and the spirit of these provisions over the past ten years justifies our confidence that those who review this outstanding instrument of international law will not forget that rules exist only by common consent, and are valid in national or international life only to the extent that they enjoy the indefectible support of the peoples concerned.

44. Mr. DUNCAN (Panama) (*translated from Spanish*): When agreement was reached ten years ago at San Francisco on the terms of the United Nations Charter, those responsible for that extremely important work were obviously of the opinion that in the course of time the Charter would necessarily require review. That opinion was embodied in Article 109, paragraph 3, by virtue of which we are engaged in the present discussion.

45. It neither is nor can be a valid argument against reviewing the Charter to say that its purposes are the same today as when it was first drafted, and that they have undergone no change of any kind.

46. After the defeat of Nazism in the war of liberation which put an end to the servitude under which so many peoples were labouring, this Organization set out in the Charter its fundamental purposes: to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish conditions under which international obligations are respected and carried out, and, above all, to work for the creation and maintenance of relations among nations, large and small, which would ensure peaceful coexistence and international peace and security.

47. These lofty purposes have, to be sure, undergone no change, and all the States which make up this Organization are pledged to uphold them. At the same time, however, it is difficult not to admit that the methods and procedures available to the United Nations for ensuring that its purposes meet with success rather than failure are not and cannot be the same as those of ten years ago. The reason is simply that the times have changed more rapidly than had been foreseen.

48. We are faced today with an international situation very different from that which confronted the representatives of the nations which produced the Charter and laid down therein the methods and procedures according to which the United Nations was to act. In many cases, these methods and procedures have proved deficient, and they are perhaps not the most suitable for dealing with the new problems which have arisen in this age of the emergence of new States in the community of nations, of new ideals and new standards of international action, and of new and unexpected situations in the relations among peoples — an age in which blocs of States with opposing aims and discordant views have been formed, an age in which, finally, the possibility has been discovered of using the tremendous resources of atomic energy for good and for ill, for peace and for war.

49. In view of this new and extraordinary situation, and of facts of such great importance, it is clear that we must proceed, without undue haste but also without endless procrastination, to agree on the best means of reviewing the Charter so that we may be able, at this time, to interpret and fulfil the purposes of the United Nations more effectively. Some of the Charter's provisions — and these are in the majority — are clear and precise, and have not lost their effectiveness or been weakened by any ambiguity, but there are others which we all know are not equally clear and precise and have left and still leave room for differing interpretations and conflicts of opinion. This state of affairs, far from facilitating the work of the United Nations, paralyses the Organization, reduces its efficacy and, what is worse, undermines its prestige and authority.

50. This diversity of interpretation to which certain provisions of the Charter lend themselves has, much to our regret, been the cause of the recent withdrawal from these halls of the representatives of two nations, both of them founders of this great Organization and respected and esteemed by us all. One is the Union of South Africa, whose stoic virtues and its genius in combat in defence of its freedom are indelibly stamped in our memories; the other is France, which has won our sincerest affection and admiration for the glorious pages which it has written in the book of history and for its epic struggles on behalf of the rights of man and the freedom of peoples.

51. In view of the circumstances thus briefly sketched, the delegation of Panama is not and cannot be among those who, where the problem of reviewing the Charter is concerned, believe that the Charter is a kind of sacrosanct political decalogue and that there can be no justification for contemplating its review. On the other hand, my delegation does not and cannot share the view of those who seem to favour the replacement of the present Charter by a new one. The former attitude is based on the supposition that we are living in a static world which does not change and requires no changes in our behaviour; the latter view forgets that nothing can be accomplished by destruction alone and that in the present case we should be ploughing the void if we did not proceed with the moderation which circumstances require. Moreover, under the terms of the Charter itself, any amendment to its provisions must be approved by two-thirds of the General Assembly as well as by the five permanent members of the Security Council.

52. In the light of these considerations, I can say that the position of the Panamanian delegation is absolutely

clear. My delegation considers that the time has come to make arrangements for determining the proper time for reviewing the Charter, the place where the conference to be called for that purpose should be held and the procedures that are to be employed. This work, which is a necessary preliminary to an event of such great importance, will obviously require a reasonable amount of time, exhaustive study and much consultation. It cannot be done hastily if we desire to be mature in our judgements and to achieve our aims.

53. The wording of the draft resolution now before us [A/L.197/Rev.2] is in harmony with the views of my delegation on this important matter. The authors of the draft have dealt with the serious problem under discussion in a spirit of wisdom and moderation. They have realized the imperative need for giving thought to all the steps that must be taken in this matter and mature consideration to all the conclusions, so that even those delegations which today oppose any review of the Charter may have time and opportunity either, perhaps, to modify their position, or at least to appraise accurately any new aspects of the question which come to light before the committee to be set up under this draft resolution, should it be adopted, submits its report to the General Assembly's twelfth session.

54. The delegation of Panama will therefore vote for this draft resolution.

55. The PRESIDENT (*translated from Spanish*): The general debate on this item is closed. Before calling upon the representatives who wish to explain their amendments, however, I shall give the floor to the representative of Iraq, on a point of order.

56. Mr. AL-JAMALI (Iraq): During my absence on 19 November [546th meeting], the representative of Israel challenged my statement on Professor Kelsen's view on the competence of this Assembly to have passed recommendations on Palestine. It seems to me that the delegation of Israel cannot tolerate truth when that truth hurts it, and even if that truth happens to come from a great scholar who is a Jew. I have here a copy of *The Law of the United Nations*, by Hans Kelsen, and I shall read just one quotation from it:

"At the meeting, on November 25, 1947, of the General Assembly's *ad hoc* committee on the Palestine question, the representative of Iraq argued that the partition proposal went beyond 'recommendations'; the representatives of Pakistan and Lebanon contended that the proposed commission would have administrative and legislative powers in Palestine, and that the Assembly was not competent to establish such body ... At the 128th meeting of the General Assembly, the delegate of Cuba pointed out that the General Assembly was empowered only to make recommendations, but that the partition plan was more than a recommendation ... At the 120th meeting of the First Committee of the General Assembly on April 21, 1948, the representative of Syria stated: 'According to the Charter, the General Assembly could make only recommendations and had no power to implement decision. Article 14 was clearly so limited and so were the provisions of Chapter VI.' He referred to precedents of 'Assembly recommendations rejected by various states' ... These arguments are, from a strictly legal point, correct."¹

57. The PRESIDENT (*translated from Spanish*): I call upon the representative of Israel, but not in order for him to make a reply to the reply.

58. Mr. KIDRON (Israel): I thank the President for the privilege of being allowed to come to this rostrum again. I have no intention of arguing about the legal texts. I should merely like to repeat a quotation that I made on Saturday from Professor Kelsen's book — the same book from which the representative of Iraq quoted a moment ago. This quotation appears on the immediately preceding page, and this is how it reads:

"Since at the time the resolution was adopted the territory of Palestine was, if not under the sovereignty, so at least under the exclusive administration, of the United Kingdom, the General Assembly was competent under Articles 10 and 14 to recommend to the Government of the United Kingdom to establish an Arab and a Jewish State with economic union on the former mandate territory, but the Assembly was hardly competent to transfer the administration of Palestine to a commission established by the General Assembly."²

59. The position is here that there is difference between the recommendation of the General Assembly and the implementation of that resolution. The representative of Iraq, in his first intervention, spoke about the illegality, so to speak, of that resolution. According to Professor Kelsen, that resolution was quite in order under Articles 10 and 14 of the Charter.

60. Sir Pierson DIXON (United Kingdom): This has been a most useful and constructive debate on a question which profoundly affects the whole life of the United Nations. We have listened carefully to the contributions that have been made by various representatives, and we have been particularly struck by the concern that has been expressed that the evolution of this difficult question over the next two years should be handled in the most propitious way possible.

61. As the Assembly will have seen, the sponsors of the original draft resolution have now submitted, in their revised text [A/L.197/Rev.2], a new proposal with regard to the kind of committee which should be set up. We originally thought that there would be some advantage in having a small committee with equitable geographical distribution, as proposed in our original draft resolution, but an amendment was thereafter submitted by the delegations of India and Egypt [A/L.201/Rev.1] for the inclusion of a further twelve countries in the membership of the committee, which would have brought the total up to thirty.

62. We therefore took another look at the matter, and we learned that there was a desire on the part of several Members of this Assembly not mentioned in our original draft resolution to participate in the work of the committee on this very important question. We certainly do not wish to stand in the way of anyone on this issue, which touches the heart of the United Nations.

63. We noted with interest the suggestion which was thrown out by the representative of India in his speech on 17 November [543rd meeting] that the Assembly might set up a committee of the whole of its membership. We were the more attracted to this idea because it is our fervent hope that the new Members will be admitted at this session. It seems to us wise, and indeed only right, that the new Members should be associated

¹ Hans Kelsen, *The Law of the United Nations*, Stevens and Sons Ltd., London, 1950, p. 197.

² *Ibid.*, p. 196.

as soon as possible in any consideration of the question of the review of the Charter.

64. We are therefore now suggesting to the General Assembly in our revised draft that the committee should be composed of all the Members of the United Nations. This will ensure that the present Members have their say and it will allow of the new Members playing their important part. I hope, therefore, that this revision will find very general acceptance.

65. In advocating the adoption of the draft resolution thus modified, I should perhaps recall, as I indicated in my earlier intervention [542nd meeting], that it has been deliberately drawn up by the sponsors in elastic terms. Our purpose, in so doing, is to present a proposal which, we feel, should be generally acceptable to the varying shades of opinion which exist not only in the General Assembly at large, but, I may add, among the sponsors themselves.

66. This is a draft resolution of a broadly procedural character, and I need hardly say that there has been no discussion among the sponsors about the kind of modifications that, theoretically, might be introduced into the Charter. Thus, in voting for this draft resolution, no delegation need feel that it is committed to anything beyond the proposal in the draft resolution itself, which, as I have said, is of a broadly procedural character.

67. I should like, finally, to say a few words about the amendments submitted by the delegation of Syria [A/L.200]. They would completely change the character of the draft resolution. Of course, I agree that the revision of the Charter is a matter of high importance that requires careful study, but the omission of the second and third paragraphs of the preamble to our joint draft resolution and the addition of the words "the desirability of the review of the Charter" in the terms of reference of the committee would leave the question too open, in the opinion of my delegation. The committee would, under this amendment, have to discuss the question of whether it would ever be desirable to have a review conference.

68. We are firmly against holding a Charter review conference at the wrong time, but we do believe that it will be desirable to review the Charter at some future date under auspicious circumstances. We are therefore in favour of taking a definite decision in principle, now, that a conference shall be held at an appropriate time, while leaving open the very important question of the timing.

69. As I said in my intervention at the beginning of this debate, the committee will be free to report in 1957 that the time has not yet come. There is no danger of being rushed into a review conference before it is wise to hold one. It is my hope, therefore, that the Members of this Assembly will join with me in supporting this joint draft resolution and that, in order to preserve its character intact, they will also join in voting against the amendments proposed by the representative of Syria.

70. Prince WAN WAITHAYAKON (Thailand): I wish to deal with the amendments.

71. I would recall that, in accordance with the provisions of Article 109, paragraph 3, of the Charter, the proposal to call a review conference has been placed on the agenda of the present session of the General Assembly and is now under consideration. The same paragraph goes on to say that "the conference shall be held if so decided by a majority vote of the Members of the

General Assembly". In other words, if a decision is taken at the present session that the conference shall be held, the vote required, so far as the Assembly is concerned, is a majority vote. If no such decision is taken at the present session, the holding of a review conference will have to be governed by the provisions of Article 109, paragraph 1; that is, a two-thirds vote of the General Assembly will be required instead of a majority vote.

72. The Syrian amendments [A/L.200] would have the Assembly decide to appoint a committee to consider, in consultation with the Secretary-General, "the desirability of the review of the Charter". Such a decision would not be a decision that the conference be held and, in the event of the committee's recommending to a subsequent session of the General Assembly that the conference be held, a two-thirds vote of the General Assembly would be required.

73. In the opinion of the Thai delegation, however, the General Assembly should avail itself of the opportunity, so wisely provided for by the founders of the United Nations, for a review conference to be held after ten years' existence of the world Organization. My delegation, therefore, regrets that it cannot accept the Syrian amendments. It would, however, point out to the Syrian delegation that a conference is to be held at an appropriate time and under auspicious international circumstances, to be considered by a committee in consultation with the Secretary-General. It will be up to the committee to recommend an appropriate time, when the international circumstances are auspicious.

74. In this connexion, my delegation was favourably impressed by a point made by the representative of India, when he explained [543rd meeting] the amendment submitted by Egypt and India [A/L.201/Rev.1]. He wanted the committee to be as widely representative as possible, and he would even have liked to have a committee of the whole. This last idea is a happy one, because the success of the conference depends upon the support of world public opinion; and so the committee should be as widely representative as possible. A committee of the whole would also have the advantage of including the new Members, which it is the hope of my delegation to be able shortly to welcome. It is true that such a large body will take a longer time to deliberate, but the committee has ample time in the next two years to do so. Thus, while appreciating the kind thought of the delegations of Egypt and India in including Thailand in the list of countries to be added to the committee, it appears to my delegation that, if the committee is to be enlarged, it should rather be a committee of all the Members. It has, therefore, agreed with the other co-sponsors in submitting a revised draft resolution [A/L.197/Rev.2] modified accordingly.

75. Mr. PINARD (Canada) (*translated from French*): Canada, like the other co-sponsors of the original draft resolution, wishes to propose an important amendment to the proposal that it originally submitted to the General Assembly. Instead of the committee of eight, which would study the international situation and submit a recommendation on the most appropriate time for calling a review conference, we propose, as the United Kingdom representative has just suggested, that a committee of the whole Assembly should study the question. I should like to explain briefly why we have changed our minds and amended our original proposal.

76. It seemed to us that the General Assembly, in dealing with this question, could either carry out the

proposed study by itself or entrust the task to a smaller subordinate body. When we chose the second course, the prospects of the admission of new Members did not seem to be as promising as they now appear to be. If the number of Member States is to increase by about one-third, we think that it would be logical to amend our first proposal and say that the study could now be entrusted to better advantage to a committee of the whole. In that way, the new Members would be able to participate in the study from the very beginning. From that point of view a committee of eighteen, or even of thirty, would obviously not possess the same merits.

77. The amendment proposed by India and Egypt [A/L.201/Rev.1] undoubtedly expresses the General Assembly's earnest desire to enlarge the number of States which would participate in the study; however, we do not find it completely satisfactory. On the one hand, it substantially alters the character of the body which we had in mind, in that it suggests the addition of twelve more members, but, on the other, it does not solve the problem that will arise with regard to the study after new Members have been admitted to the United Nations. Moreover, this committee, even if composed of thirty members, would not really be more representative than the committee of eighteen provided for in our first draft. A smaller committee, in which one or two countries would voice the points of view of each of the principal groups or geographical regions represented in the United Nations, would have been able, in our opinion, to undertake the task which we propose. We think that there is no advantage in merely increasing the number of members on the committee, as proposed by India and Egypt in their draft, unless the committee thereby truly becomes more representative. The main objection, however, relates to the position of the new Members, which would obviously not be represented on a small committee, whether composed of eighteen or of thirty members.

78. The Syrian amendment [A/L.200] seems to have purposes other than those which we had in mind when we submitted our first draft resolution; in fact, it seems to be based on a completely different approach, and for that reason it is not acceptable to us.

79. Mr. BELL (United States of America): I regret having to speak again, but, in view of the amendments which have been presented, I should like to make a brief intervention.

80. At the outset, let me say that I shall not address myself to the substantive comments which have been made on possible amendments or revisions which the Charter review conference might consider or recommend. In our view, this is not the proper place nor an auspicious time for such a discussion.

81. The joint draft resolution contained in document A/L.197/Rev.1 was drawn up after extensive and careful consultations. It was developed in the spirit of accommodation, and it is intended to represent the common denominator among the overwhelming majority of the General Assembly. The fact that there are widely differing points of view has been clearly demonstrated in the debate. The draft resolution represents a compromise of the main currents of opinion.

82. First, there are those who, like the United States delegation, would very much have preferred a decision by the General Assembly to hold an early review conference. On the opposite end of the scale there are those

who dismiss categorically the idea of holding any review conference, anywhere or at any time. There is a third group which, we believe, represents the broad consensus of this Assembly: this group believes that the Assembly should take a decision in principle to hold a review conference, and that, to be successful, this conference should be held at a time when international circumstances are propitious.

83. Having said this, let me comment on the amendments presented by the representative of Syria [A/L.200]. The effect of these amendments, if adopted, would be to destroy a crucial element of the compromise draft resolution. There would be no decision in principle to hold a review conference. That question would be referred to the committee provided for in the second operative paragraph. The objections to the Syrian amendments were stated concisely and clearly by the representative of New Zealand on 18 November. Since I cannot find a single flaw in his language or argument, I will quote him. Sir Leslie Munro said:

"... paragraph 3 of Article 109 of the Charter does enjoin upon the General Assembly at this session a special responsibility for considering the question of calling a review conference. In our opinion, failure to make any positive recommendation would be tantamount to a decision that the review procedure envisaged by the Charter no longer seemed to have any value. We do not think that present objections to the calling of such a conference — however compelling those objections may now appear — should lead us, by express decision or by necessary implication, to take such a pessimistic view of the future. We cannot entirely accept the opinion that, if the political climate improves to the point where Charter review will be profitable, no review will then be necessary. We would not wish to rule out — or even to appear to rule out — the possibility of holding a constructive and useful review conference within the foreseeable future [545th meeting, paras. 10 and 11]".

84. I repeat, the joint draft resolution represents the broad consensus of opinion. It is not all that the United States delegation would have wished. It is not all that other delegations would have wished, but it is a fair and reasonable compromise, I hope that, in the spirit of compromise, the representative of Syria will not press his amendments.

85. Let me turn now to the amendment submitted by India and Egypt [A/L.201/Rev.1] concerning the composition of the committee. We had thought it better to have a fairly small committee broadly representative of the geographic areas and of the views of Member States. The proposed amendment would expand this committee to thirty members. We interpreted this amendment as indicating a recognition of the interest of a great number of delegations in the question of Charter review.

86. The sponsors of the draft resolution, therefore, in recognition of this interest and in a further spirit of compromise, have submitted a second revised draft [A/L.197/Rev.2]. That draft would establish a committee composed of representatives of all Members of the United Nations. It may be pointed out that this formula would permit the new Members, which we hope to have with us, to make a significant contribution.

87. I wish also to note that the sponsors of the original draft resolution are happy to have the delegation of Uruguay join with them in sponsoring this revised text.

88. I hope that this new draft will commend itself to all the Members and that it will be adopted as embodying a fair common denominator of the views expressed during this debate.

89. Mr. NASZKOWSKI (Poland) (*translated from French*): For the reasons which I explained in my statement during the debate on this question [544th meeting], the Polish delegation will vote against the seven-Power draft resolution in its present amended form, a form which, in our opinion, in no way changes the substance or the purposes of this draft resolution.

90. In view of our position, Poland will obviously be unable to participate in the committee referred to in the text if the draft resolution is adopted.

91. I should also like to explain our position on the Syrian amendments [A/L.200] to the draft resolution. We shall vote for those amendments which propose the deletion of certain material passages in the seven-Power draft resolution, but we shall have to vote against the amendments which merely propose the redrafting of certain paragraphs of the draft, for they do not in effect alter the substance of the draft itself.

92. We consider that any attempt to amend the Charter is harmful, detrimental to peaceful international co-operation and prejudicial to the vital interests of our Organization.

93. Mr. MENON (India): The Assembly having concluded the general debate on this item, my delegation now wishes to state its position with regard to the draft resolution.

94. The representative of the United States referred in his recent statement to three different approaches to this problem. I beg to submit that the approaches are more than three and that our approach is, broadly speaking, the fourth one.

95. Let me first of all deal with the draft resolution as we have it before us now [A/L.197/Rev.2]. This revision consists in the redrafting of operative paragraph 2. I am happy to say that, so far as this paragraph is concerned, it is a distinct improvement. If we are going to have a preparatory committee on review, in our opinion it should consist of all the Members of the Assembly because, from whatever part of the world we come, we are considering the basic instrument of the United Nations, and therefore everyone can make a contribution and is entitled to do so.

96. In moving the amendment submitted in the names of India and Egypt [A/L.201/Rev.1], we really had in mind that the committee to be established should have this wider character. But perhaps lacking the courage to put it down as an amendment, we merely made the suggestion that it might be a committee of the whole Assembly. Speaking for my delegation, I am grateful to the sponsors for taking the idea into account. Therefore, so far as that operative paragraph is concerned, my delegation will vote for it.

97. With regard to the draft resolution as a whole, the king-pin of it is in operative paragraph 1, and that is our difficulty. That is why I said that there is a fourth approach to this problem. One approach is to hold a review conference; the second is not to hold it; and the third is to accept it in principle, that is to say, to make the holding of a conference mandatory and leave the time for the future. Our position is that we should leave it in the position that a conference may be called. This Assembly should not bind future sessions or ourselves to the obligatory position of calling a review conference.

98. It is quite true that operative paragraph 1 does provide some safety in this matter by introducing the words "at an appropriate time". But then, the appropriateness of the time, as I said in my previous observations, would be decided by a majority vote in this Assembly. It is more than likely that, if the time was inappropriate, considerations that were inappropriate would enter into our decision; that is to say, the decision on the time might very well be taken in accord with our wishes. We would go so far as to say that a preparatory committee of this character, in discussing this matter, should take into account the idea of calling a conference and, if it so decides, it should call it. I think that meets the purposes of Article 109. In fact, the purposes of that provision are fully met, so far as the letter of it is concerned, by our having this item on our agenda and discussing it now.

99. So long as operative paragraph 1 contains the mandatory word "shall", my delegation will not be in a position to give positive support to this draft resolution. When it comes to the vote, we shall ask for it to be taken paragraph by paragraph, so that our views on each of the subjects can be placed on the record.

100. In my initial statement [543rd meeting], I suggested that the sponsors might find it possible to redraft operative paragraph 1 so as to read that a general review conference to review the Charter might be held at an appropriate time, leaving not only the time of the decision but the decision to hold it at all in the hands of the preparatory committee, subject to report to the Assembly. This would not create a situation whereby the Assembly would lose the facilities provided under Article 109. In our view, all that is necessary would be established by that. On the other hand, introducing this mandatory element places people like ourselves in a position where we fear that the pressures for review may come at an inappropriate time in the context of world politics.

101. It has to be borne in mind that, while a conference can be called by a majority vote, whatever that majority may be, and by a vote of seven members of the Security Council, no revision, no amendment, no alteration of the Charter, is possible except by unanimity among the permanent members of the Security Council. So the purpose of Charter revision is to make agreed improvements. That is not foreseen in this document by making that review obligatory.

102. I recognize the fact that at this session of the General Assembly particularly it has come out very clearly that what is now being sought is not a revision of the Charter but merely a review of it. I submitted the other day that this review is constantly taking place, though not collectively. My Government has given very serious consideration to this problem, which concerns the basic instrument of the United Nations and certainly has greater relevance to countries like ours, which are under-represented in the United Nations, and new countries coming into their nationhood. Therefore any decision we record is not one that is lightly taken. Since the sponsors have not found it possible to remove this mandatory element from this draft resolution, as was very clearly explained by the representative of Thailand a while ago, it remains the position that the sponsors regard that obligatory element as essential. It is not simply a question of leaving it to the future. The draft resolution permits the preparatory committee to fix the time and place for a conference. That time may be in 100 years; it may be in two years; it may be in six

months; but I admit that the word "appropriate" covers that.

103. I am afraid we cannot, therefore, subscribe to operative paragraph 1 as it stands. Therefore we shall vote against that clause. If the conditions had been different, if it had been possible to admit this fourth approach to the problem, in spite of the fact that we think the whole of this procedure is unnecessary at the present time, we should, for the sake of agreement, or near agreement, have voted for it. This is our position. For these same reasons, we shall support the Syrian amendments [A/L.200].

104. Mr. ARENALES CATALAN (Guatemala) (translated from Spanish): I wish to speak merely on a point of detail. Paragraph 1 of the operative part of the draft resolution on which we are about to vote says that the Assembly decides that a General Conference "to review the Charter" shall be held at an appropriate time. In the Spanish text the phrase is translated by the words "*para la revisión de la Carta*". In my delegation's view, the correct translation into Spanish would be "*para revisar la Carta*". Since the original text is in English, I would ask that this point should be borne in mind, as will be done by my delegation when it votes.

105. The PRESIDENT (translated from Spanish): Since, under the revised draft resolution [A/L.197/Rev.2], the membership of the preparatory committee is increased to include all the Members of the United Nations, there is no need for a separate vote on the amendment submitted by Egypt and India [A/L.201/Rev.1], which was designed to increase the membership originally envisaged for the committee.

106. We shall therefore proceed to vote on the revised draft resolution submitted by Canada, Ecuador, Iraq, Thailand, the United Kingdom, the United States of America and Uruguay [A/L.197/Rev.2] and the amendments thereto submitted by Syria [A/L.200].

107. The representative of India has asked for a separate vote on the first paragraph of the preamble of the draft resolution. I shall now put that paragraph to the vote.

The paragraph was adopted by 46 votes to 5, with 6 abstentions.

108. The Assembly will vote next on the first Syrian amendment, calling for the deletion of the second and third paragraphs of the preamble and the substitution thereof of a new second paragraph.

109. I call upon the representative of Burma on a point of order.

110. U HLA MAUNG (Burma): I request that separate votes be taken on the second and third paragraphs of the preamble.

111. The PRESIDENT (translated from Spanish): Since the amendment relates to the two paragraphs, a vote on the amendment will be taken first. If it is rejected, I shall take into account the point made by the representative of Burma.

112. I put the first Syrian amendment to the vote.

The amendment was rejected by 33 votes to 16, with 8 abstentions.

113. The PRESIDENT (translated from Spanish): In accordance with the Burmese representative's request, a vote will be taken on the second paragraph of the preamble.

The paragraph was adopted by 40 votes to 10, with 6 abstentions.

114. The PRESIDENT (translated from Spanish): A vote will now be taken on the third paragraph of the preamble.

The paragraph was adopted by 45 votes to 7, with 6 abstentions.

115. The PRESIDENT (translated from Spanish): We shall now vote on the second Syrian amendment, calling for the deletion of paragraph 1 of the operative part of the draft resolution. The representative of Syria has asked for a vote by roll-call.

A vote was taken by roll-call.

Argentina, having been drawn by lot by the President, was called upon to vote first.

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Iceland, India, Norway, Poland, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan.

Against: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Greece, Guatemala, Haiti, Honduras, Iraq, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Bolivia, Burma, Egypt, Ethiopia, Indonesia, Iran, Lebanon, Liberia, Saudi Arabia.

The amendment was rejected by 35 votes to 14, with 9 abstentions.

116. The PRESIDENT (translated from Spanish): A vote will now be taken on paragraph 1 of the operative part. The representative of Sweden has requested a separate vote on this paragraph.

The paragraph was adopted by 45 votes to 13.

117. The PRESIDENT (translated from Spanish): In view of the vote on paragraph 1 of the operative part, it does not seem necessary to take a vote on the third Syrian amendment, calling for the deletion of the word "Further" at the beginning of paragraph 2 and the inclusion of the words "the desirability of the review of the Charter and" in the body of that paragraph.

118. A vote will therefore be taken on paragraph 2 of the operative part. The representative of Sweden has asked for a separate vote on this paragraph.

The paragraph was adopted by 43 votes to 12, with 1 abstention.

119. The PRESIDENT (translated from Spanish): At the request of the delegation of India, the remaining paragraphs of the operative part will be put to the vote separately.

Paragraph 3 was adopted by 43 votes to 8, with 6 abstentions.

Paragraph 4 was adopted by 44 votes to 6, with 5 abstentions.

Paragraph 5 was adopted by 44 votes to 5, with 9 abstentions.

120. The PRESIDENT (translated from Spanish): I shall put the draft resolution as a whole to the vote.

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the President, was called upon to vote first.

In favour: El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt.

Against: Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Abstaining: Iceland, India, Norway, Saudi Arabia, Sweden, Yemen, Yugoslavia, Afghanistan, Denmark.

The draft resolution as a whole was adopted by 43 votes to 6, with 9 abstentions.

121. The PRESIDENT (*translated from Spanish*): Before calling upon delegations who wish to explain their votes, I should like to make an observation. Rule 154 of the rules of procedure of the General Assembly lays down the procedure to be followed in connexion with resolutions involving expenditure. It has not been possible to comply with rule 154 because the Assembly decided to deal with this item directly in plenary meeting.

122. As, however, the expenditure to be incurred in connexion with this resolution would appear to be relatively small, I do not think there will be any objection if we decide that its financial aspects should be examined by the Fifth Committee in due course, and reported on at an early meeting of the Assembly.

It was so decided.

123. Mr. ZARUBIN (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation feels it necessary to explain its vote on the

draft resolution concerning the calling of a General Conference of the Members of the United Nations for the purpose of reviewing the Charter.

124. The USSR delegation voted against this draft resolution because it considers that the United Nations Charter is fully adequate in its present form to the task of strengthening world peace and developing international co-operation in the political, economic, social, cultural and other fields. As the USSR delegation exhaustively demonstrated during the debate on this question [542nd meeting], a review of the Charter cannot help to strengthen confidence in relations between States, cannot promote the further relaxation of international tension and cannot conduce to the effective functioning of the United Nations.

125. The USSR delegation therefore feels compelled to state that it will not take part in the work of the Committee which has been established to prepare recommendations on the calling of a General Conference of the Members of the United Nations for the purpose of reviewing the Charter.

126. Mr. NOSEK (Czechoslovakia): During the general debate on this item [545th meeting], I stated my delegation's position on the question of convening a General Conference to review the Charter. We believe that discussions of a revision of the Charter and preparatory measures in that respect can only have an unfavourable effect on relations among nations and can only weaken the Charter. Hence, we voted today against the joint draft resolution.

127. For the same reasons, my delegation will not be able to take part in any action aimed at revising the Charter. I declare on behalf of the Czechoslovak delegation that we shall be unable to participate in the work of the Committee established under the resolution which the General Assembly has just adopted.

The meeting rose at 12.50 p.m.