CHARTER REVIEW and the U.N. Tenth General Assembly

One of the major decisions facing the current session of the General Assembly is whether to call a General Conference to review the Charter and, if such a conference should be called, when it should meet. Article 109 of the Charter provides that if a conference has not been held before the tenth session of the Assembly, the proposal to call one

> . . . shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

In considering this question, the Assembly has to decide whether anything useful could be accomplished by holding a conference. Is the political climate favorable to a sober evaluation of the machinery of the United Nations, or is there a real danger of exacerbating existing differences? If a conference is held, should attention be directed to constitutional changes, or to modifying procedures within the framework of the existing Charter?

Two years ago there was considerable interest in the question of a review conference and a number of states came out strongly for Charter revision. The UN, as constituted, they believed, was incapable of averting a threat to peace and incapable in achieving universality of membership. Those governments favoring revision were not deterred by the provision that there could be no amendment to the Charter without a two-thirds vote of the Conference and ratification by two-thirds of the member states including ALL the permanent members of the Security Council.

There was a feeling that if the attempt at revision failed, nothing would have been lost, and if proposed amendments resulted in a weakening of the Charter, they could be blocked by non-ratification. The expressed opposition of the USSR to any modification was not, it was felt, necessarily immutable; Soviet policy was sometimes subject to sudden changes. The danger of widening the existing breach between East and West was not so great as might be thought; the West had frequently acted successfully despite objections from the USSR. As for the danger of alienating friends and increasing friction between the colonial and non-colonial powers, some means could be found to deal with this problem. Also discounted was the risk of raising false hopes in the public mind; *it was often salutary for public opinion to be ahead of governments in charting new courses.* (Italics added)

Although this attitude was not that of the majority of delegates to the General Assembly in 1953, it was indicative of a strong current of opinion which found expression when three agenda items came up for discussion. These were: an Argentine item on the publication of documents concerning the drafting and application of the Charter; a Netherlands proposal for a repertory of the jurisprudence of the UN and for solicitation of preliminary views from governments concerning possible Charter revision together with their tentative proposals and suggestions; and finally an Egyptian item urging the creation of a technical committee of member states to study and report on amendment of the Charter on the basis of proposals to be submitted by governments.

Twenty-eight delegates availed themselves of the opportunity to express their views on Charter revision. Of these, 20 favored amendment of one or more articles; 8 flatly rejected any alteration of the existing document.

Proposals for revision included:

1. removal of the veto power from all questions of pacific settlement of international disputes and from admission of new members;
2. redefinition of the sphere of domestic jurisdiction covered by Article 2;
3. making the Charter more flexible and more democratic by providing a greater role for the General Assembly;
4. greater emphasis on the issues of national liberation and self-determination to provide for more rapid acceptance of dependent territories into the community of independent nations;
5. redrafting of the Charter in clear and unambiguous terms;
6. correction of the disproportion between the obligations assumed by the UN and the means at its disposal.

There were also proposals for changes in procedure or practice.

Despite such expressions of dissatisfaction, the majority of states were hesitant to take any step which might commit them irrevocably. The representative of the United Kingdom declared that, "The best attitude for all of us at the present time is to refrain from taking up rigid positions one way or the other on any of the particular controversies."

The general feeling was that the Assembly should limit itself for the time being to having such preparatory work done as would assist member states in their own study of the Charter provisions and United Nations practice.

The ninth session of the Assembly passed with almost no reference to either Charter review or Charter revision. The shift in attitude which had been taking place was even more marked at the celebration of the 10th Anniversary of the UN in San Francisco. By this time the Bandung Conference had strengthened the position of the Asian nations as a group, the principle of reliance on regional security arrangements had gained increasing acceptance in the West, the Austrian Peace Treaty had been signed, the Assembly's unanimous resolution on peaceful uses of atomic energy had laid the foundation for international cooperation, and arrangements were underway for a meeting of the heads of the Great Powers. The delegate of New Zealand expressed the prevailing mood when he said, "we cannot but feel in the air a new infusion of hope, a new sense of opportunity."

In this atmosphere only 6 states spoke out affirmatively for Charter revision. They were Chile, the Dominican Republic, El Salvador, Pakistan, Panama, and the Philippines. The delegate of Panama declared, "if we postpone revision until there is a favorable ideological climate when revision may be welcomed with open arms, we may fall into a dull and sterile apathy . . ."

Three other countries, Argentina, Honduras, and Peru, also indicated an interest in Charter revision. The Peruvian representative voiced the rather wistful hope that if "the Great Powers reach agreement on collective security and the reduction of armaments, the proper climate will be established for certain amendments the Charter requires."

The dominant argument against revision, however, was expressed in its most succinct form by the representatives of Luxembourg and Indonesia. The latter declared, "I indeed sometimes wonder what is really needed. A revision of the Charter or a revision of the minds of man."

With the exception of Pakistan and a few strongholds in Latin America, there seems to be little inclination for Charter revision at the present time. As far as the holding of a Charter review conference is concerned, the only delegate who spoke to this point at San Francisco was the Swedish representative who said he was not then prepared to state his position.

Aside from the revisionists mentioned above, the only country which may come out in favor of a conference in the not too far distant future is the United States. It may be noted that last May, the United States permanent representative to the UN told a sub-committee of the U. S. Congress that, "a Charter review conference held AT THE PROPER TIME is necessary."

Although it is never easy to predict the course of action which 60 nations may take, it now appears probable that the Assembly will adopt the suggestion made by the Secretary-General. This consists of approval in principle of the idea of a review conference, leaving the date open for subsequent determination. It is also possible that the Assembly may set up some machinery for further study and review both with regard to possible amendments to the Charter and to procedures which might increase the efficiency of the United Nations.

(Edited from INTERNATIONAL CONCILIATION, September 1955)

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Simple Simon Sez: Home Cooking is something many a wife ain't when she'd oughta been.

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An Example For All Mankind

It has ever been the pride and boast of America, that the rights for which she contended were the rights of human nature . . . the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all other qualities which ennoble the character of a nation and fulfill the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre, which it has never yet enjoyed, and an example will be set, which cannot but have the most favorable influence on the rights of Mankind.

James Madison (1783)

Here Are Seven Ways To Make The UN More Effective

By Carlos P. Romulo

From: *The Rotarian*, October '55

Former President of the U. N. General Assembly and Foreign Minister of The Philippines, General Romulo is now Ambassador to the U.S.A.

The United Nations is dedicated to the great although difficult task of harnessing man's goodwill for peace. It is the most potent organization ever to have dramatized the solidarity of the human race against creed, color, or national pride. No opportunity greater than the common counsel of its 60 sovereign members has presented itself in the interest of the enduring security of mankind.

It would be a sad commentary on our collective intelligence to waste the unparalleled opportunity which the United Nations means to us. Everything good we have wished for is cradled in that opportunity. Under the auspices of the organization, we are writing a rule of law for all nations. Under its expert guidance we are drawing the blueprints for a more abundant life. Nothing is being left out to enhance man's fundamental rights and secure his essential freedoms for all time to come.

In the United Nations we have the force that can eradicate the root causes of war. Regardless of the obstacles that may stand in the way, it is our imperative duty to follow the road it has traced to the goal of peace. The alternative to this peace is no longer war, but extinction. We have to decide quickly to live together as good neighbors, in peace and for peace, or forfeit our right to live at all.

However, in order to make the United Nations more effective I believe certain changes are necessary. These are:

1. The veto power in the Security Council must be abolished; if this cannot be done now, some way must be found to dilute or water it down. A step in the right direction was taken when the General Assembly approved the "Uniting for Peace" resolution. We must go further.

2. The United Nations must be a really universal organization. The veto power on membership must be eliminated.

3. Asia, as a geographical division, like Latin America, the Middle East, Western Europe, the British Empire, etc., must have at least one seat in the Security Council reserved for an Asian country. At present an Asian country, with the exception of China, which is considered one of the Big Five, cannot have a seat in the Council unless it is a member of the British Commonwealth. This is patently anomalous and it must be corrected without delay.

4. The Trusteeship Council must be strengthened. It must be given more powers. As it is now constituted, all it can do is to approve resolutions expressing pious hopes.

5. There must be less proliferation in the agencies and activities of the United Nations. But greater emphasis and concentration should be placed on the United Nations technical assistance program to help underdeveloped countries.

6. The record of the United Nations these last ten years shows unmistakably that it has provided the world with the proper foundation on which the structure of durable peace can be built. But the United Nations record also shows that it lacks the power to deal effectively with the threat of war. This is due to the magnitude of the problems affecting peace and security that it has to deal with and because of the limitations upon its authority as embodied in its Charter. The United Nations must therefore be empowered to enforce universal disarmament with proper safeguards under just law.

Summit meetings, Foreign Ministers' conferences, calls for a cease-fire, are essential and commendable, but they are not basic. They do not dispose of the mounting threat of war. They are a lifeline thrown out in desperation, but the best the line can do is to haul people back into a ship with a leaking bottom. If we want the cause of peace to be seaworthy, it means we need a real hull, the hull of enforceable just law, and it must be enshrined in the United Nations Charter.

7. Similarly but more importantly, if we want the United Nations to have the unswerving faith of the world, the Deity must be invoked in our Charter. Only so, as I said when I signed the Charter in San Francisco in 1945, can we hope to make it live in the hearts of all peoples everywhere.