

SIXTH COMMITTEE: ORGANIZATION

SUB-COMMITTEE ON ARTICLES 95, 96, 98 AND 100

SUMMARY RECORD OF THE THIRD MEETING

Held 10 January 1948 at 5.45 p.m.

Chairman: Mr. FAWCETT (United Kingdom)

CONTINUATION OF DISCUSSION ON ARTICLE 98

The delegates of Mexico and Uruguay, speaking in support of their jointly sponsored amendment, were of the opinion that the ratification by a majority of the governments now represented at Havana, should be required for the entrance into force of the Charter. They pointed out that this precedent had been established in Article 110 of the Charter of the United Nations, and they believed that ratification by only twenty states, as required by the Geneva draft of Article 98, would not give the Organization truly international representation. They expressed themselves as being strongly in favour of the deletion of the second and third sentences of paragraph 2 of Article 98, and pointed out that this clause was unnecessary, since any group of states that wishes to start another organization, may do so without reference to Article 98, or to the present Charter. The delegate of Argentina supported this position.

The delegates of France and the United Kingdom were not opposed to suppressing sentences 2 and 3 of paragraph 2, but were not in favour of the majority principle expressed in the Mexican amendment. They pointed out that the number twenty was chosen because it represents the smallest number of states which could make the proposed Organization a "going concern". They stated that the notion of an absolute majority imposing its rule on the minority is not a valid argument in this case, because there is no question of the twenty states which do sign the Charter, imposing their will upon the rest.

The delegate of the United States supported this position, but was in favour of maintaining the proviso on the ground that the proviso is an evidence of good faith and stands as an approval of this Conference since, if the proviso is used in the future, the signatory governments would be accepting a Charter drafted by all the states now present at Havana, and not just by themselves.

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