

Charter Review

Article 109 of the Charter, which was originally proposed by the Canadian Delegation to the San Francisco Conference in 1945, states that the tenth session of the General Assembly in 1955 shall have on its agenda a proposal to call a conference to review the Charter, if such a conference has not already been held. Under the terms of Article 109 the conference can be convened by a two-thirds majority of members of the General Assembly or by a vote of any seven members of the Security Council. There is thus no veto over the holding of a conference, but it is by no means certain that it will be held and, if it is, it will almost certainly not take place until 1956. Article 109 provides that amendments to the Charter adopted at the conference must be ratified by two-thirds of the members of the United Nations, including all the permanent members of the Security Council, in order to take effect. There is thus a veto over Charter amendments resulting from a Review Conference, as there is over ordinary amendments under the provisions of Article 108.

At the eighth session of the General Assembly a number of proposals concerning preparatory work to be done in connection with the possible Charter conference were put forward and debated at some length in the Sixth or Legal Committee. Eventually, a resolution co-sponsored by the Canadian Delegation was adopted by the General Assembly. The preamble of this resolution states that there is a need for extensive preparation both by the Secretary-General and member states in order to comply with Article 109, and instructs the Secretary-General to compile and index certain documents of the San Francisco Conference and prepare an appropriately indexed repertory of the practice of the United Nations organs. Amendments put forward by France, the United Kingdom and other countries which were adopted in the Legal Committee, resulted in the deletion of a provision in the original draft resolution which would have asked the Secretary-General to prepare and publish a systematic and comprehensive study of the legislative history of the Charter. Another provision of the original draft resolution which was deleted in committee was an invitation to member states to submit preliminary views on Charter review by March 31, 1955. The Committee failed to adopt an amendment sponsored by the Czechoslovak Delegation, which would have amended the draft resolution in such a way as to divorce the work on the San Francisco documents from any connection with the possible Charter conference. The work to be undertaken by the Secretariat as a result of the Assembly's resolution will be completed by 1955.

The Canadian Representative spoke in favour of the resolution in the Sixth Committee and pointed out that, although it was difficult to foresee whether the realities of the international situation would permit the Charter to be changed in order to remove imperfections, preparatory work was required to provide a basis for discussions of possible Charter revisions. He described Canada's general attitude toward the subject of Charter review as a cautious and realistic one and said that Canada did not wish to put forward any comment on substantive amendment to the Charter at this stage.