

Article 100 - Amendments. All amendments to the Charter require approval by a two-thirds majority vote. The only exception to the two-thirds majority rule is in respect of amendments within the limits and in accordance with the procedure set forth in Annex N (to Chapter VIII) where a simple majority is provided for.

Article 100, however, differentiates between amendments which alter and amendments which do not alter the obligations of Members.

The determination as to whether an amendment alters the obligations of Members will be made by the Conference by a two-thirds majority of the Members present and voting. This determination must be made before any amendment is voted upon.

If it is determined by the Conference (or if it is obvious) that an amendment does not alter the obligations of Members (e.g. amendment to purely procedural provisions), it will become effective immediately for all Members upon approval by the Conference by a two-thirds majority of the Members (not only by the Members present and voting).

If the determination by the Conference is that an amendment alters the obligations of Members, that amendment must first receive the approval of the Conference by a two-thirds majority of the Members present and voting. If such approval is obtained the amendment will become effective for the Members accepting it upon the ninetieth day after two-thirds of the Members have notified the Director-General of their acceptance. Thereafter, it will become effective for each remaining Member upon acceptance by it.

The Conference may, in its decision approving an amendment which alters obligations, determine by a two-thirds majority of the Members present and voting that the amendment is of such a nature that the Member which does not accept it within a specified period after it becomes effective will be suspended from membership.

Paragraph 4 provides that the Conference will, by a two-thirds majority of the Members present and voting, establish rules with respect to the reinstatement of Members which have been suspended. It will be noted that this is a function specifically allocated to the Conference and which, therefore, can not be delegated.

A suspended Member may withdraw immediately on giving written notice. The Conference may, however, at any time, by a two-thirds majority of the Members present and voting, determine the conditions under which such suspension shall not apply with respect to any Member which does not accept the amendment.

A Member (which has not been suspended) not accepting an amendment, which alters its obligations and which the Conference has decided must be accepted, will be free to withdraw from the Organization at any time after the amendment has become effective provided such Member has given sixty days' written notice of withdrawal.

Only time can tell with what success and restraint this Article will be applied. It is hoped that it will not be resorted to indiscriminately. For example, many difficult provisions of the Charter were agreed to at Havana on the basis of an overall compromise. There is no doubt that if the various provisions embodying the individual elements of such a compromise were presented for amendment one by one, the required two-thirds