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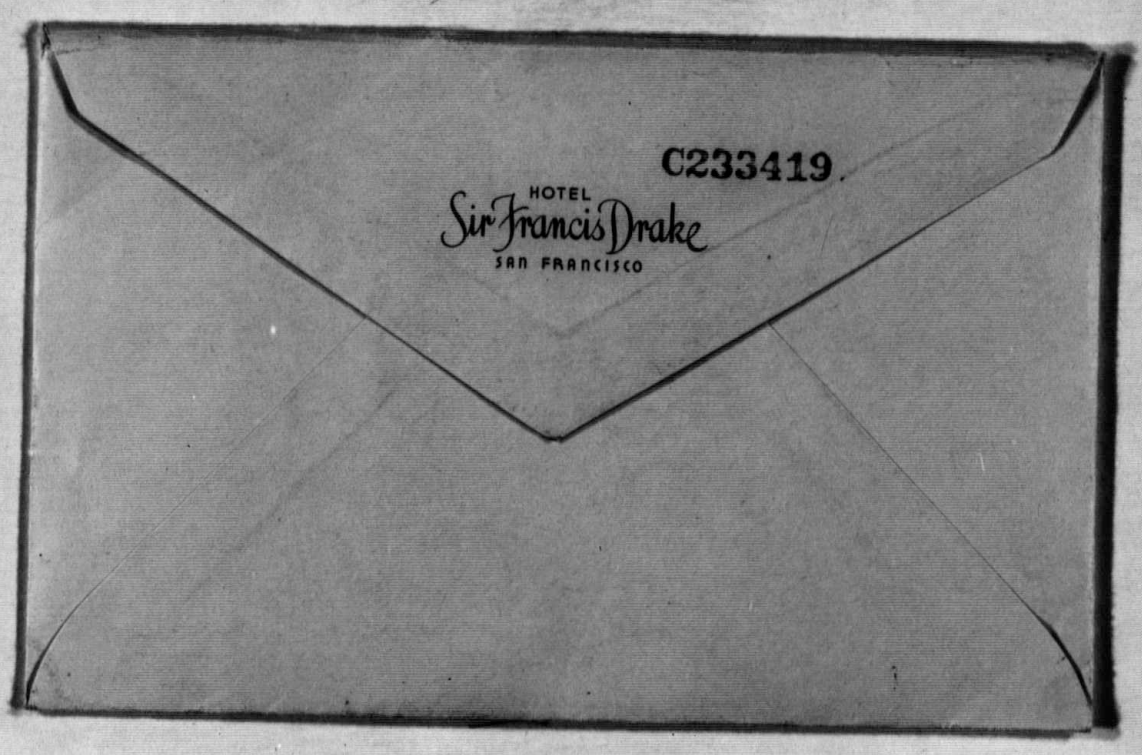

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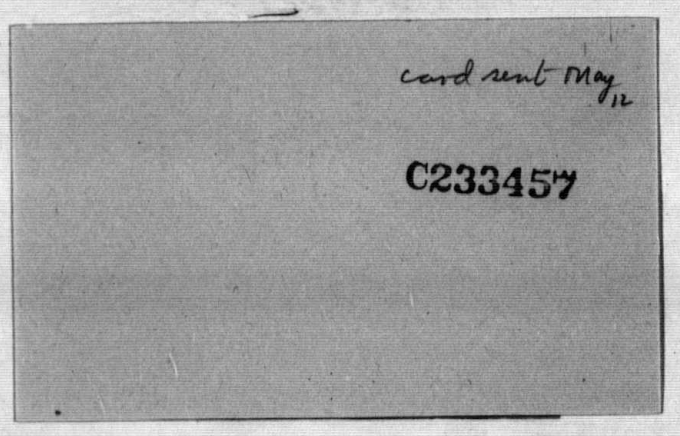

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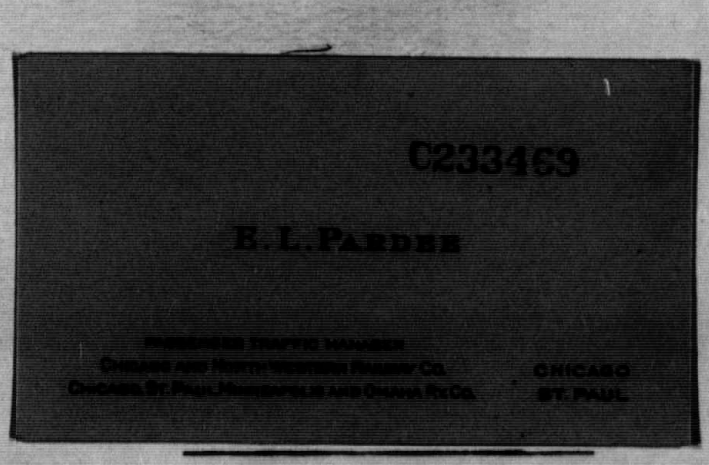

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Mr. J.A. Gibson	200 J
Lt. Col. C.S. Wallace	200 I
Mr. E. Handy	100

e) SECRETARIAT OF CANADIAN DELEGATION

Mr. J.L. Delisle, Assistant Secretary	N 64

f) SECRETARIES TO DELEGATES

Mr. M. Bernier, Secretary to Mr. St.Laurent
Mr. M. Jack, " " Mr. Graydon
Mr. A.B. Macdonald, " " Mr. Coldwell

g) PRIME MINISTER'S STAFF

Mr. J.S. Nicol, Confidential Messenger	100

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PAPIER DE COULEUR

C233473

St. Francis Hotel

Rt. Hon. W.L. Mackenzie King	619 620
Mr.St. Laurent	708 709
Senator King	610 611
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Mr. Robertson	629
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COLOURED PAPER
PAPIER DE COULEUR

Mr Wardle to Lunch

Prime Minister's Office

Room 622

C233474

		1:00 - 2:30	6:00 - 7:30	7:30 - 11:00
Monday	May 7 -	Col. Wallace	Mr. Gibson	Mr. Turnbull
Tuesday	8 -	Mr. Pickersgill	Col. Wallace	Mr. Gibson
Wednesday	9 -	Mr. Turnbull	Mr. Pickersgill	Col. Wallace
Thursday	10 -	Mr. Gibson	Mr. Turnbull	Mr. Pickersgill
Friday	11 -	Col. Wallace	Mr. Gibson	Mr. Turnbull

-=-=-=-=-

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COLOURED PAPER
PAPIER DE COULEUR

HAG

PRIME MINISTER'S OFFICE
(Room 622)

C233475

			1:00 - 2:30	6:00 - 7:30	7:30 - 11:00
Monday	April 23	-	Mr. Turnbull	Mr. Gibson	Mr. Gibson
Tuesday	24	-	Mr. Pickersgill	Mr. Gibson	Mr. Pickersgill
Wednesday	25	-	Col. Wallace	Mr. Turnbull (Gibson)	Mr. Turnbull
Thursday	26	-	Mr. Gibson	Mr. Delisle	Col. Wallace
Friday	27	-	Mr. Delisle	Col. Wallace	Mr. ~~Delisle~~ (Gibson)
Saturday	28	-			
			afternoon: 1:00 - 6:30	Mr. Pickersgill	
			evening: 6:30 - 11:00	Mr. Turnbull	
Sunday	29	-			
			morning: 10:00 - 1:30	Mr. Gibson	
			afternoon: 1:30 - 6:30	Mr. ~~Delisle~~ (Pickersgill)	
			evening: 6:30 -11:00	Col. Wallace	

- - x x - -

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List of photographs distributed at San Francisco:

1. Framed photograph for Mrs. P.L. Velloso (Mr. King and Pat) large
2. " " " Mrs. T.V. Soong " "
3. " " " Mr. E.R. Stettinius (Mr. King-front face - large)
4. Photograph for H.E. Senhor P.L. Velloso (Mr. King-front face - large)

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C233477



HOTEL ST. FRANCIS
DAN E. LONDON, GENERAL MANAGER
UNION SQUARE · SAN FRANCISCO, 19
CABLE ADDRESS SICNAR

Memorandum for the Prime Minister:

1. You wish to be reminded to call, when convenient, on Mrs. Minnie McGouley (Stoddard) at the Fairmont Hotel - Apt. 262.

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MEMORANDUM

C233478

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MEMORANDUM

Mrs Jones

C233479

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OFFICE OF THE PRIME MINISTER

MEMORANDUM re: BROADCASTING

C233481

1) Under Double Summer Time, LONDON is nine (9) hours in advance of San Francisco;

e.g. 12 noon S.F. = 9 pm London

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* * *

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

C233482

Mr & Mrs Palmer
from Sydney are at
Palace Hotel 8099 —
— would like to see
R. M.

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C233403



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St Cecilia Church

Religious: C233484

The House of Providence
Veterans' Land revised

St Paul's Convent
(of Sacred Congregation)
Cardinal Merry
Via Sacra Sapienza

The Fontanini
(Church Hist & Archeo.)

Bodleian Library
Persian Mss

C233485

Professor Villari
(friend of Prime Minister)

Our Agents
Harold Good
The Corporate State.

The Blue Guide

Baedeker.

Le Ressources chrétiennes dans la
Renaissance
Stanislas Grandi Pierrefeu
(Vie Artistique de Léonard de Vinci

Carlyle (Thomas)
(Hero Worship)

Via Stamperia
C233486

Scatieri
Via.
Near Piazza del Popolo
(see church near by)

Via Giulia
Lisio
Florentine (Carlyle)
Via Giulia 120

for Florentine Church

Women in
industrial feminine
Boulebelle
via Piazza dei Spagnoli

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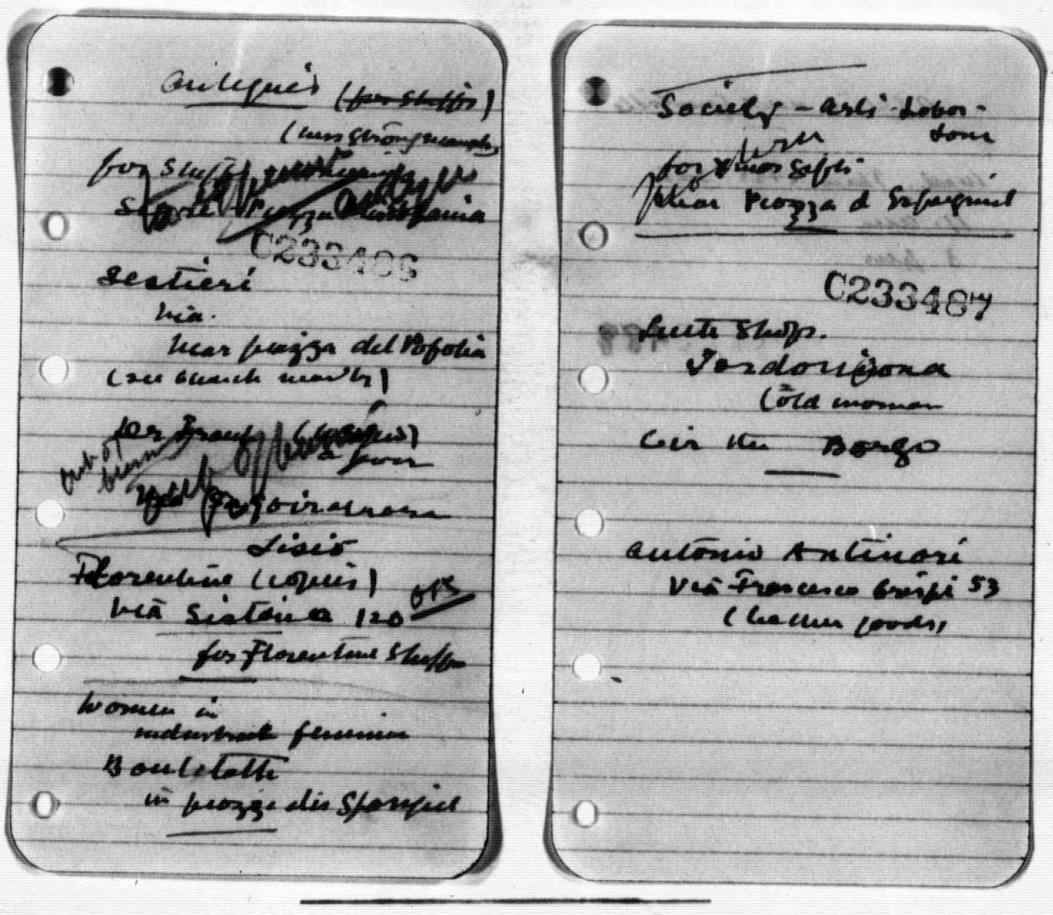
Quilequeí (Hotel Stuffi)
(near Strozzi square)
Hotel Vittoria Alcazzania
C233406
Gestieri
via.
near piazza del Rofolia
(see church near by)
Hotel Brunelleschi (Hotel Stuffi)
Via Tornabuoni
Lisio
Florentine (Quilequi)
Via Sistina 120
for Florentine Stuffs
Women in
industrials feminine
Boutelotte
in piazza dei Signori

Society - Artistic Decoration
for Linen Stuffs
Milan Piazza d Esperanto
C233487
Fratelli Stuffs.
Tordorigona
(Old woman
Via Via Borgo
Antonio Antinori
Via Francesco Crispi 53
(near Lowes)

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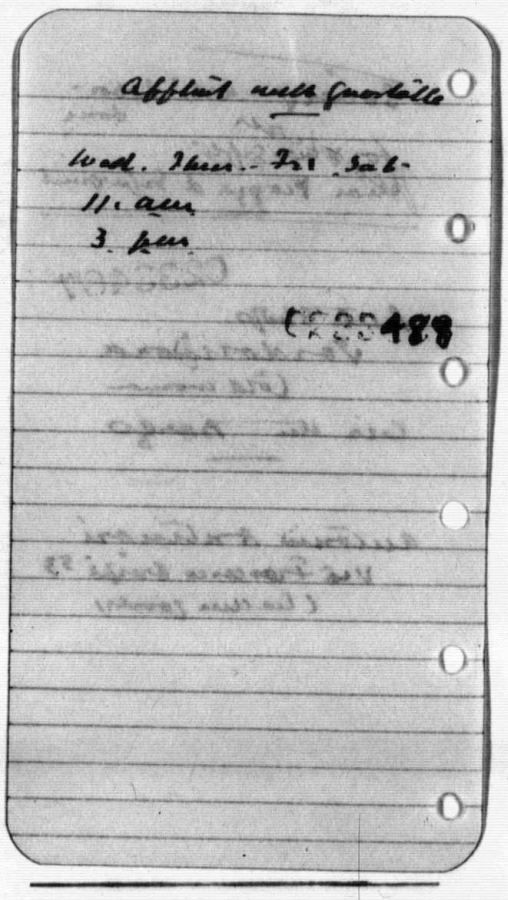
Abfluß nach Quarbille

Wed. Thurs. - Fri Sat -

11. a.m.

3. p.m.

C233487

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CANADA

Senatoffi Canadella

asked for portrait bust for use with federal ch
15.000 lire
£ 120.000

C233483

For portrait bust + federal
+ portrait bust of wife
25.000 half = 12.500
£ 200.000

Federal =

Marble - version plaster
55.00 = 3.000
£ 47.200

left of cost of marble.

Federal weighs 800 -
Rome Toronto 357
Exporters Cap 244. in
Provence -

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Affiliate with Quebec

Work. Thurs. - Fri. Sat.
11. a.m.
3. p.m.

C233388

Guarantee Quebec

Asked for portion work for unemployed
15,000 men
$ 120,000

For portion work - Federal
- provincial work & help
25,000 men = 12,500
$ 200,000

Federal =

Workable - various schemes
55,000 = 3,000
$ 49,000

Gift of existing institutions.

Federal subsidies 800 -
Home Colleges 357
Exhibitions Cap 244. in
Insurance -

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CONFIDENTIAL

CANADIAN DELEGATION

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DELEGATES - Mr. St. Laurent
Senator King
Mrs. Casselman

ADVISERS - Mr. Robertson
Mr. Wrong
Mr. Rasminsky
Mr. Reid
Mr. Ritchie

Commission II - THE GENERAL ASSEMBLY

DELEGATES - Prime Minister
Mr. Graydon

ADVISERS - Mr. Robertson
Mr. Pearson
Mr. Desy
Mr. Rasminsky
Mr. Reid
Miss MacCallum

Commission III - THE SECURITY COUNCIL

DELEGATES - Prime Minister
Mr. Coldwell

ADVISERS - Mr. Wrong
Mr. Pearson
Mr. Wilgress
General Pope
Mr. Ritchie

Commission IV - JUDICIAL ORGANIZATION

DELEGATES - Mr. St. Laurent
Senator Moraud

ADVISERS - Mr. Chipman
Mr. Renaud
Mr. R.G. Robertson
Mr. Chaput.

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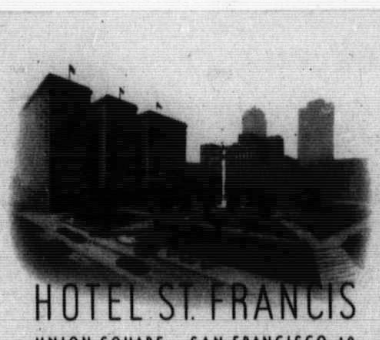

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Canadian Delegation

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Mrs. Casselman	611
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(Invitation)

(After recognition)

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AUSTRALIA

Delegation

Views of

Comments by Mr. Davis

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M E X I C O

(Note: See also papers separately
under Chapultepec Conference WO/15)

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SOUTH AFRICA

(Also invitation to
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SYRIA and LEBANON

(Invitation)

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UNION OF SOVIET SOCIALIST REPUBLICS

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CANADIAN DELEGATION ROOMS

C233508

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453(S) Bernier, Mr. M.

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666 Campbell, Mr. Hugh
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D
456(S) Dawson, W/O Louise
670 Delisle, Mr. J.L.
706 & 707 Desy, Mr. Jean
665 Dunton, Mr. A.D.

E

F
457(S) Fowler, Mrs. E.
718 Frankham, Mr. R.

G
672 Gibson, Mr. J.A.
707 & 708 Graydon, Mr. Gordon

H
272 Hall, Mr. A.L.
663 Handy, Mr. J.E.
202(S) Hill, Miss A.
718 Hinde, Sergeant R.G.

I
731(S) Irving, Miss C.

J
532(S) Jack, Mr. M.
730(S) Jones, Mrs. P.M.

K
606 & 605 King, Hon. J.H.
619-20-21-22, King, Rt. Hon. W.L.M.

L
723 Lemelin, Sergeant J.A.

M
727 MacCallum, Miss E.P.
533(S) Macdonald, Mr. A.B.
723 MacKellar, Sgt. J.C.
730(S) Mather, Miss G.
274 McCorquodale, Miss C.
270 Meagher, Mr. J.J.
457(S) Mitchell, Mrs. R.S.
709 & 708 Moraud, Senator L.

N
623 Nicol, Mr. J.S.

DÉLÉGATION DU CANADA

630 & 629 Pearson, Mr. L.B.
203(S) Perrault, Miss H.
729 & 730 Pope, Major-General.
664 Pickersgill, Mr. J.W.

R
751 Rasminsky, Mr. L.
673 Reid, Mr. E.
724 Renaud, Mr. P.E.
662 Ritchie, Mr. C.S.
628 & 629 Mr. N.A. Robertson
644 Robertson, Mr. R.G.
456(S) Rump, Miss E.S.
743 Russell, Mr. D.H.

S
203(S) St. George, Miss L.
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274 Simond, Miss E.

T
624 Turnbull, Mr. W.J.

U-V

W
668 Wallace, Lt.Col. C.S.
730 & 731 Wilgress, Mr. L.D.
631 & 629 Wrong, Mr. H.H.

(S) - Stewart Hotel SU 7800

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SPECIFIC LOCATION OF BUS AND SEDAN STOPS

C233509

STOP 1 - Veterans Memorial Building - located on west side of Van Ness Ave. at McAllister Street.

Stop 1 - is in front of Veterans Memorial Bldg. on Van Ness Ave.

STOP 2 - Civic Opera House - located on west side of Van Ness Ave. at Grove Street.

Stop 2 - is on Van Ness Ave. in front of Opera House.

STOP 3 - Whitcomb Hotel - located on south side of Market Street, between 8th and 9th Streets.

Stop 3 - Sedan Stop in front of hotel on Market St.

Stop 3A - Baggage Stop on Stevenson Street, between 8th and 9th streets.

Stop 3B - Shuttle Bus Stop for passengers going from Veterans Building to the hotel, is located on west side of 9th, just south of Market Street.

Stop 3C - Shuttle Bus Stop for passengers going from the hotel to the Veterans Building, is located on east side of 9th St., just south of Market St.

Stop 3D - Draft Busses going from hotel to outlying points - location on west side of 8th Street, just south of Market Street.

STOP 4 - Palace Hotel - located on south side of Market st. at New Montgomery.

Stop 4 - Sedan Stop at side entrance of hotel on New Montgomery Street.

Stop 4A - Shuttle Bus Stop and loading area for draft busses at rear entrance of hotel on Jessie Street.

Stop 4B - Baggage stop on Annie Street, between Jessie Street and Market Street.

STOP 5 - Union Square - located on north side of Union Square on Post Street, between Powell and Stockton.

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PUBLIC ARCHIVES
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STOP 6 - Drake - Wiltshire Hotel - located on southeast corner of Stockton and Sutter Streets.

Stop 6 - Sedan Stop in front of hotel on east side of Stockton Street.

Stop 6A - Baggage Stop at side of hotel on ~~south~~ North side of ~~Sutter~~ Compton Place Street.

STOP 7 - Plaza Hotel - located on northeast corner of Stockton and Post Streets.

Stop 7 - Sedan loading in front of hotel on north side of Post Street.

Stop 7A - Baggage Stop at side of hotel on Stockton Street.

STOP 8 - Sir Francis Drake Hotel - located on southeast corner of Powell and Sutter Streets.

Stop 8 - Sedan Stop in front of hotel on Powell Street.

Stop 8A - Baggage Stop at side of hotel on Sutter.

STOP 9 - St Francis Hotel - located on west side of Powell Street, between Post and Geary Streets.

Stop 9 - Sedan Stop at side (north) entrance to hotel on Post Street.

Stop 9A - Baggage Stop at south side of hotel on Geary Street.

STOP 10 - Stewart Hotel - located on Geary Street, between Powell and Mason Streets.

Stop 10 - is in front of main entrance to hotel on south side of Geary Street -- for sedans and baggage both.

STOP 11 - Clift Hotel - located on southeast corner of Geary and Taylor Sts.

Stop 11 - Sedan stop in front of main entrance to hotel on Geary Street.

Stop 11A - Baggage Stop at west side of hotel on Taylor Street.

STOP 12 - Bellevue Hotel - located on southwest corner of Geary and Taylor Streets.

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Stop 12 - Sedan stop in front of main entrance to hotel on Geary Street.

Stop 12A - Baggage Stop at east side of hotel on Taylor St.

C233511

STOP 13 - Hotel Californian - located on northwest corner of Taylor Street at O'Farrell Street.

Stop 13 - is in front of main entrance to hotel on west side of Taylor St.

STOP 14 - Alexander Hamilton Hotel - located on south side of O'Farrell Street between Hyde and Leavenworth Streets.

Stop 14 - Bus, Sedan and Baggage Stop in front of hotel on south side of O'Farrell Street.

Stop 14A - Shuttle Bus Stop across street from hotel on north side of O'Farrell Street.

STOP 15 - Mark Hopkins Hotel - located on southeast corner of California and Mason Streets.

Stop 15 - Sedan Stop at front entrance of hotel on southeast corner of California and Mason.

STOP 16 - Fairmont Hotel - located on east side of Mason Street, between California and Sacramento Streets.

Stop 16 - Sedan Stop at front entrance of hotel on east side of Mason Street.

Stop 16A - Baggage Stop at side of hotel on south side of Sacramento Street.

STOP 17 - Pacific Union Club - located on northwest corner of California and Mason Streets. Sedan and limousine stop in front of club on north side of California Street.

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SHUTTLE BUS STOPS

Shuttle trips will be run from the Veterans Memorial Building to and from the following points:

A. Route:

C233512

1. Alexander Hamilton Hotel

STOP 14 - On O'Farrell St, directly in front of the hotel. Passengers coming to the hotel from Veteran's Building will unload here.

STOP 14A - On north side of O'Farrell Street, directly across the street from the hotel. Passengers going from the hotel will load here.

2. Clift - Bellevue - Califronian Hotels

STOP 11A - On Taylor street, west side of Clift Hotel. Passengers going to these hotel from the Veterans Building will unload here.

STOP 12A - West side of Taylor Street at east side of Bellevue Hotel. Passengers coming from these hotels will load here.

3. Union Square

STOP 5 - On Post Street at north side of Union Square just west of the garage driveway. Passengers from the St. Francis, Sir Francis Drake, Drake Wiltshire, Plaza, and Stewart Hotels , will load and unload at this point

B. Route:

1. Fairmont, Mark Hopkins Hotel, and Pacific Union Club.

STOP 3B - Busses will stop on east side of Mason St. directly in front of the Fairmant Hotel. Passengers from these Hotels will load and Unload at this point.

C. Route:

1. Whitcomb Hotel

STOP 3B - West side of 9th Street, just south of Market Street. Passengers going to the hotel from Veterans Building will unload here.

STOP 3C - East side of 9th Street, just south of Market Street. Passengers coming from the hotel will load here.

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2. Palace Hotel
Stop 4A - South entrance of hotel on Jessie Street.
Passengers will load and unload at this point.

NOTE:

Passengers will board and leave busses at red and green signs indicating the stop Number.

Sedan passengers will be picked up at the entrance to each hotel.

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2. Palace Hotel
Stop 4A - South entrance of hotel on Jessie Street.
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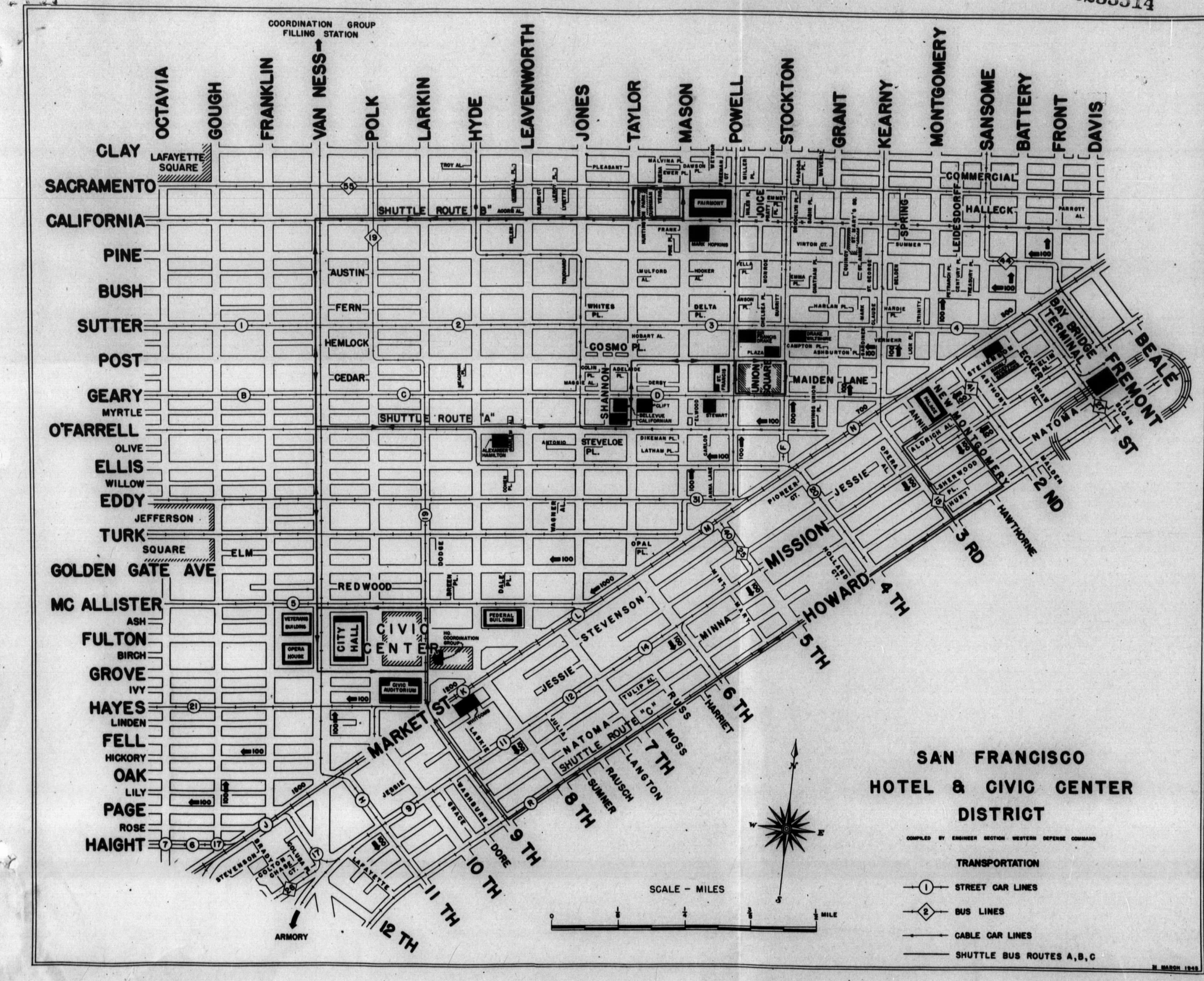

SAN FRANCISCO
HOTEL & CIVIC CENTER DISTRICT

COMPILED BY ENGINEER SECTION WESTERN DEFENSE COMMAND

TRANSPORTATION

- STREET CAR LINES
- BUS LINES
- CABLE CAR LINES
- SHUTTLE BUS ROUTES A, B, C

15 MARCH 1945

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JAG

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CANADIAN DELEGATION

Prime Minister serves on:

Steering Committee

Executive Committee

Commission II (General Assembly)
when it meets as a Commission

Commission III (Security Council)
when it meets as a Commission

Committee 3 of Commission III (Symbol III/3)
meeting as a Committee

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DIRECTORY OF

ADMINISTRATIVE SERVICES

INTERNATIONAL SECRETARIAT

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

ADMINISTRATIVE SECRETARY

WILLIAM D. WRIGHT

Room 408 Ext. 140

ASSISTANTS: Stephen P. Dorsey
Millard Kenestrick
Robert Read
John Russell

Merle K. Wood Ext. 56
(Space and Registration)

Unless otherwise noted, extension numbers shown are connected with INternational 3300, and room numbers indicated are in the Veterans War Memorial Building.

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PERSONNEL OFFICER

R. E. Ward, Jr.

Room 413 Ext. 26

The Personnel Office is responsible for staffing the offices attached to the International Secretariat either for the duration of the Conference or for temporary assignments. Officers needing additional assistance or having more employees than needed should notify the Personnel Office immediately. Personnel who do not satisfactorily meet the requirements of the job should be referred to the Personnel Office for reassignment. Room 413 of the Veterans War Memorial Building will be the central headquarters for the Personnel Office.

Complete first aid facilities will be available for employees of the Secretariat, and the services of this Unit can probably be made available to delegates and their assistants. Cases requiring hospitalization or medical care should be brought to the attention of the Health Unit for appropriate referrals and arrangements.

Mr. Ward and his staff will be of service from the Personnel Relations standpoint, and employees should be encouraged to discuss their personal problems with members of the Personnel staff at any time.

Any other problems relating to personnel management should be brought to the attention of the Personnel Office, and every effort will be made to give efficient and complete solution to these problems.

FINANCE OFFICER

Mr. William J. Honeghan

Room 410 Ext. 123

The Finance Officer is responsible for all financial matters in connection with the United States delegation

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and members of the Secretariat, as well as for the payment which may be necessary in the case of any special equipment purchases.

Salary checks of the Department of State employees who have instructed the payroll unit to forward their checks to San Francisco will be delivered by this office.

Per diem will be paid weekly on each Saturday.

Temporary employees engaged for the Conference will be paid on approximately the third and eighteenth day of each month.

During the Conference a specimen travel voucher will be distributed to each member of the delegation and the secretariat to assist as a guide in the preparation of the final travel expense voucher.

SUPPLY OFFICER

Mr. Bruce L. McDaniel

Room 406 Ext. 56

A Supply Department has been established to handle various office equipment needs for the Secretariat and Delegates. Such problems should be taken up with the following members of the staff:

Mr. Bruce L. McDaniel, Room 406, Ext. 56, for procurement or contractual services.

Mr. R.M.F. Williams, Room 406, Ext. 56, for equipment and supplies.

Mr. R. L. Stegmaier, Room 406, Ext. 267, for typewriter repair problems.

TRANSPORTATION OFFICER

Mr. Donald Watson

Laurel Court, Fairmont Hotel, Ext. 1000

There will be sufficient personnel in the San Francisco Transportation office at the Fairmont Hotel to arrange for any railroad and air reservations and

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accommodations that may be desired for the return of the delegates, Secretariat, and others connected with the San Francisco Conference. It is requested that all transportation matters be taken up at the earliest possible moment with the personnel of this office.

HOTEL REGISTRATION OFFICER

Mr. James McM. Gibson

Room 406 Ext. 56

The staff of the hotel registration officer is responsible for contacts with representatives of the delegations to secure information relative to their hotel and office space arrangements and equipment requirements, as well as contacts with the hotels relative to the assignment of such space in hotels.

CONFERENCE REGISTRATION AND INFORMATION

Mr. John O. Bell

Lobby Ext. 110

The conference registration and information officer is responsible for the registration of and issuance of passes to all persons participating in the international conference. He will maintain contact points at the Veterans War Memorial Building and at each of the major hotels at which delegation headquarters are maintained.

SPACE OFFICER

Mr. Michael M. Harris

Room 406 Ext. 56

The space officer is responsible for the assignment of space for the offices of conference secretariat; for the preparation of the space, including alterations to the building; installation of cables and wiring in delegation office space as well as conference space; construction of partitions; and space layouts.

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ORDER OF THE DAY OFFICER

Mr. William Kano

Room 461 Ext. 256

The Order of the Day Officer will serve as the control center for all service requirements for daily conferences and meetings. He will be responsible for issuing the official "Order of the Day" indicating conferences and meetings which will meet daily with the secretaries of the various committees to make plans for the following day's activities. In addition, members of his staff will be assigned to each committee in order to anticipate service needs and requirements. They will assist in planning the physical arrangements for each meeting, including space allocation and provision of special facilities such as public address systems, charts, etc.

COMMUNICATIONS OFFICER

Mr. Winfield A. Coffin

Room 406 Ext. 220

The Communications Officer is responsible for telephone service, installations and rearrangements associated with the United Nations Conference switchboard, INternational 3300.

He also serves by assisting with other communication matters. He should be called on Ext. 220 when assistance is required.

LOCAL COURIER AND TRANSPORTATION OFFICER

Lt. Col. Roy De Vecchio

Room 319 (Star) HEmlock 5475 Ext. 23
(Victor) INternational 3300
Ext. 287

Transportation service is outlined in detail in the release of April 20, 1945 on UNCIO Motor Transportation Pool Policy issued by the Army Navy Coordination Group headquarters.

Any special problems regarding transportation should be referred to Lt. Col. De Vecchio.

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FOR NEWSREEL USE ONLY

C233520

Excerpt from statement by Rt. Hon. W. L. Mackenzie King, Prime Minister, on the cessation of hostilities in Europe.

In the name of our country, I ask the people of Canada, at this hour, to join with me in expressing our gratitude as a nation for the deliverance, from the evil forces of Nazi Germany. We unite in humble and reverent thanksgiving to God for His Mercy thus vouchsafed to the peoples of our own and other lands.

In this hour of triumph ~~over the evil forces of Nazi Germany,~~ I should like all of you who have fulfilled the duties which it was yours to perform; all who by word, or prayer, or deed have striven to do your best; all of you who have aided by service in any form, to feel that you have helped to rid the world of a great scourge. For all time it will be yours to claim a share in the triumph of Right.

We rejoice to think that, in Europe, the armed forces of Canada have done their full share to defeat the enemy; and have helped, in so great measure to defend and to liberate nations to whose history and civilization our own is so closely akin.

There is much that remains to be done. Until the hungry have been fed, the homeless sheltered, and the sick healed we cannot claim a complete victory over the evil forces which have been seeking the destruction of civilization itself.

I am speaking to you from San Francisco. . . . . Out of the fires of war, the San Francisco Conference has begun to forge and fashion a mighty instrument for world security. The representatives of the nations here assembled are looking beyond the theatres of war and beyond the end of hostilities. They are seeking to secure for peoples everywhere and for generations yet unborn the opportunities of a more abundant life.

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The Canadian Delegation comes to this Conference with one central purpose in view. That purpose is to co-operate as completely as we can with the delegations of other nations in bringing into being, as soon as possible, a Charter of world security.

This Conference is meeting at a time without parallel in the history of human affairs. The present is one of those moments of transition when an old order is passing away. As representatives of the United Nations, we are all here to help lay the foundations of a new world order. The ends that we seek to serve transcend the limits of race, and the bounds of nationality.

We would do well to seek to match our deliberations to the rapid movement of events. While the fires of war are still burning fiercely, the opportunity is given to this Conference to forge and fashion, from those fires, an instrument for world security. In the execution of this great task, there should be no avoidable delay. It is ours to give to grief-stricken humanity a hope of which it is in greater need today than it has ever been before. It is ours to help to bring into being a world community in which social security and human welfare will become a part of the inheritance of mankind.

The support we owe to the fighting forces of the United Nations must extend beyond the theaters of war. It must look beyond the end of hostilities. We owe it to all who have borne the heat of the strife; we owe it to the memory of those who have given their lives, to do all in our power to insure that their services and their sacrifice shall not have been in vain.

In the past, the sacrifices of human life in war have been commemorated in monuments of stone or bronze. The only memorial worthy of the service and sacrifice of this war is one which will help to secure to peoples everywhere the opportunities of a more abundant life.

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May I express my firm conviction that the spirit in which we approach the great task of this Conference will determine the measure of its success. It is for each nation to remember that "over all nations is humanity". It is for all to remember that "Justice is the common concern of mankind". The years of war have surely taught the supreme lesson that men and nations should not be made to serve selfish national ends, whether those ends be isolated self-defense or world domination. Nations everywhere must unite to save and to serve Humanity.

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(2) Mr. Green says that if the Canadian government had so willed, "the great world power" at Dumbarton Oaks could have been the British Commonwealth of Nations rather than the United Kingdom of Great Britain and Northern Ireland. He adds: "The British Commonwealth of Nations could have been the power named as the power to hold a permanent seat on the Security Council". C233523

Mr. Green's conclusion is that the way for Canada to get out of the "humiliating position" in which Canada finds herself is to ask that, in the charter, provision should be made for a permanency on the Security

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Council for the British Commonwealth, rather than for the United Kingdom and Northern Ireland. He concludes "I am sure that there will be no objection to that request in Great Britain.

Comment:

Mr. Green is arguing from a premise which cannot be sustained. The British Commonwealth of Nations has never been, nor can it now be, a single entity in international affairs. The British Commonwealth is not a nation; it is rather a fraternity of nations, who are by formal definition and by long practice, "autonomous communities, in no way subordinate one to the other in any aspect of their domestic or external affairs". There has never been a serious attempt to make the British Commonwealth a single personality in international affairs. It was never done in the League of Nations or in any of its subsidiary agencies; nor has it ever been suggested as applying in the inter-governmental bodies created during the present war.

We cannot at this stage of our history as a free nation turn back upon the process by which we reached that free nationhood. By that I mean the progression from responsible government to federation, and through federation to autonomous nationhood within the British Commonwealth.

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The simplest answer I can give to the point raised by the hon. member for Vancouver South is to repeat to him and to this House a statement which I made on August 4th of last year. In concluding certain remarks about the relationship between the nations of the Commonwealth and the organization of peace I said:

"Inside the Commonwealth we can and do manage as a rule to reach agreement on the general lines of policy which our governments should pursue in dealing with major issues. We find it possible to agree because we have the will to agree and cherish similar international ideals and purposes. If, however, the countries of the Commonwealth, had to reach agreement by some political process yet to be devised, so that all were bound to carry out a single policy, there would be a very different story. The World Council is to be an executive body. It must be capable of prompt and singleminded action. The United Kingdom which is indisputably a great power, will sit on the Council in its own right, and its influence there will be enhanced by its special relationship with the countries of the Commonwealth. The United Kingdom representative will, however, be responsible to London and will take his instructions from London alone.

Supposing we were to change this so that he would become a representative of the British Commonwealth, should he have to withhold action until he has received instructions from half a dozen governments? What should he do if these instructions were in conflict? Should he follow the majority opinion even if it is violently opposed by the government, parliament and people in one or more Commonwealth countries? At the very best, action would be delayed and decisions blurred. At the worst we would run the risk of rendering the Commonwealth impotent in international affairs and perhaps of disrupting it.

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I say to the few in Canada who have advocated such a change that the prestige abroad of the British Commonwealth was never higher than it is today. The prestige is based upon a belief that in the British Commonwealth there has been evolved a unique alliance of a peculiarly tough and enduring kind whose members act together not because they are under any strict obligation to do so but because they have the will to act together. Our friends abroad, furthermore, have discovered that the primary objects for which the members of the Commonwealth act together are objects which can be shared by other countries of good will. They realize that the Commonwealth is not a power bloc exploiting its own interests but a group of like-minded nations whose close association has in the past formed, and should form in the future, a most reliable element within the framework of the world order."

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(66) "Do we understand . . that the views expressed /in the Prime Minister's statement/ coverall of the government's policy as communicated to the Greater Powes ? We should know whether this government has advanced views to the Greater Powers which have not been made known in Parliament . . I should like the Prime Minister to indicate . . what his government has in mind with respect to proposed amendments which may properly come before the Conference, a and which have not been mentioned by him so far in this debate. . ."

The statement which I made on Tuesday last, and particularly the parts reported at pages 29 and 30 of Hansard, give a correct view of the points on which the Government of Canada communicated its opinion to the GreaterPowers.

I mentioned that it was not the intention of the Government to propose /at present detailed amendments in advance of the discussions at the Conference. As to the question of giving weight in the Security Council to those elected members other than the Great Powers which have special voting rights, alternative methods are available. It might be possible to secure the election of important secondary powers either for longer periods or at more frequent intervals.

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Question 2. Then I should like to know if the government has forwarded any communications to the inviting powers or the United States of America as is contemplated by the concluding paragraph of the Prime Minister's letter....to the United States Ambassador.....

(....I gathered that representations had been made. I wonder if that is true and, if so, what they are.)

Suggested answer.

I indicated in my speech moving this resolution that the point of view which I then expressed had already been brought to the notice of the greater powers. This was done some months ago when it seemed possible that the Dumbarton Oaks proposals might be revised in further discussions between the sponsoring governments before they were officially presented to other United Nations as a basis for the discussions at San Francisco. In fact, as Hon. members are aware, no change was made except to add the provisions on the voting procedure in the Security Council following the Crimea Conference. I think it unnecessary to supplement this communication, the substance of which was incorporated in my remarks on March 20th, by any further communication in advance of the conference at San Francisco. The other United Nations will have been made aware of our point of view from the reports which their governments have doubtless received from their representatives in Ottawa.

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Bring in Purposes and Principles from P.M.'s draft - before

Outline of Proposals

(18)

When the Dumbarton Oaks proposals were first made public, I commended ~~them~~ the proposals to the careful and earnest study of the people of Canada. I should like to take this opportunity of saying once again that these issues transcend party lines. They are matters

C233529

-18½- C233530

which are of the most direct interest to all Canadians. It will be of a source of support to the Canadian delegation at San Francisco to feel that many Canadians are seriously studying and considering these questions which concern all of us so deeply.

C233531 It is the opinion of the government that the Canadian delegation should approach the problems which will be encountered at San Francisco in a constructive spirit, and, in the words of the Resolution, that our representatives should use their best endeavours to further the preparation of a charter, which, ~~while~~ though imperfect, will yet be acceptable. The Canadian delegation should do its utmost to secure additions and amendments to the proposals which, while safeguarding our essential interests, will also make the international security organization more durable and solid.

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In matters of such moment to the future of the human race to indulge in destructive criticism is worse than useless. Certainly the Canadian delegation should not vainly attempt to alter the whole structure. We should approach the problems involved in a workmanlike spirit, asking ourselves, as we are bound to do, whether Canada's interests are fully safeguarded and whether there is room, within the limits I have mentioned, for additions and amendments which would make the final structure more solid and durable and which would meet legitimate and responsible criticisms. The Canadian delegation should do its best to secure such changes as can be made for these purposes, but our attitude should be constructive throughout.

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4. Transitional Arrangements

~~have already said that~~ Security Council could never be strong enough to coerce a great military power among its members even if the veto by the Great Powers on the application of sanctions against themselves was removed. That is true of any international system that could be devised. It derives from the facts of power and not from constitutional arrangements. If a Great State is determined on conquest, as Germany was under Hitler, nothing but defeat in total war can deal with the disease. The Security Council will, however, provide a constant forum for discussion and consideration of international problems which might lead to trouble and should greatly assist in bringing about cooperation and friendly solutions of difficulties involving its permanent members.

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~~Such~~ Thus it

/ Security Council cannot deal with really dangerous disputes involving a Great Power as a party. For some not inconsiderable period it probably also ~~cannot~~ deal with the problems arising from the enforcement of the surrender and peace terms against Germany and Japan. The Yalta communique showed that agreement had been reached between ~~these three Great Powers~~ on the procedure to be adopted to control Germany during the years immediately after her defeat. ~~It is wellknown that~~ the victorious Allies intend to concert long-term measures of control. It seems likely that for a considerable period of years the enforcement of peace treaties against Germany and Japan will be handled by machinery separate from the new Organisation. The Security Council will therefore probably not be concerned with the sources of danger arising from ~~our beaten enemies~~.

If dangerous disputes between the Great Allied Powers are in terms excluded, and if other methods are devised to deal with Germany and Japan for a substantial period, the scope of the Security Council will be limited to applying the procedure for pacific settlement and in case of need applying sanctions against small and middle-sized States which might threaten peace. ~~The emphasis placed in public discussion on the security aspects of the Organisation is likely therefore to be somewhat misplaced.~~

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8. Conclusion

Peace is worth a high price. In considering this great plan for organising peace, questions of prestige and pride must be laid aside. Canadian delegation will not return with all it may seek to get. Results of Conference must be weighed at its end and full provision made for parliamentary and public discussion before final commitments entered into by Canada.

C233535

Canada may be as safe from invasion and conquest as any other country in the world, and much safer than most countries. Experience has shown, however, that this safety from invasion does not mean in any way immunity from war. If Canada had unwisely chosen to remain neutral in this war, as she could have done, nevertheless even as a neutral our economy and way of life would have been turned up-side-down. No country has a greater interest in the prevention of general war than Canada. We know with pride how powerful can be our contribution to restraining aggression in relation to our population and resources.

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C233536

SAN FRANCISCO CONFERENCE

Statement by the Prime Minister
in reply to points raised in the
debate on the Resolution.

Suggested Order of Topics.

1. No opportunity to study the proposals and the Prime Minister's speech. (Graydon and Hanson)

2. Why no Canadian Representation at Dumbarton Oaks. (Hanson, p.33)

3. Does preservation of peace not depend on great powers rather than any security organization (Hanson p.32)

N.B.: Contradiction between points 2 and 3.

4. Commonwealth Meeting at London:

(a) Instructions to delegates (Hanson p.32)

(b) Why no Minister? (Graydon, p.66)

(c) Collaboration with U.K. and Commonwealth at San Francisco. (Graydon p.66)

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5. Representations made by Canada to other powers
(Hanson, p.32-33) (Graydon, p.66)

6. Proposed amendments by other countries
(Graydon p.67)

7. Canadian delegation

(a) How are delegates to be chosen -
Conservatives should choose their own.
(Graydon, p.67)

(b) Delegation should include Prime Minister
and the two national party leaders "so that
the potential leader of this country, after
the war, whoever he may be, will be represented".
(Diefenbaker p.166)

(c) Representation to agriculture, labour,
veterans, industry, business
(Graydon p.67)

(N.B.: Coldwell and Gillis also suggested Labour
representation; and Diefenbaker suggested a
veteran should be associated with the
delegation)

(d) Status of non-governmental delegates -
freedom to voice opinions - prior consultation
(Graydon p.67)

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(e) Policy of delegation should be delineated before going to San Francisco

(Graydon p.66)

(f) Government will have no mandate to represent Canada after April 17th.

Lacombe (Two Mountains), LaCroix (Quebec-Montmorency), Dorion (Charlevoix-Saguenay), d'Anjou (Rimouski).

9 B. Relationship of new organization to the League of Nations.

(Graydon p.66)

10 International Court of Justice

11 C. Military Commitments

(The central point of criticism)

(a) When will military agreements be negotiated, and in what form?

(Graydon p.68)

(b) Nature of commitments

Here the essential point to note is that Green (Vancouver South) and Diefenbaker (Lake Centre) represent Prime Minister's outline of the Dumbarton Oaks Proposals as though it were an expression of the view of the Canadian

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government. At the same time, LaCroix (Quebec-Montmorency) and Dorion (Charlevoix-Saguenay) maintain that the mere passing of the Resolution will automatically commit Canada (a) to maintain conscription in peace time, and (b) to participate in all future wars.

Also note that it is curious that Diefenbaker who has objected so constantly to use of Orders in Council under the blanket power of the War Measures Act now argues for blanket authority from Parliament to cover all future contingencies. (p.167)

Tucker has an interesting and thoughtful suggestion for meeting the problem of "consent" at p.173 of Hansard. It might be given a word of commendation.

Diefenbaker's argument about the Fielding amendment of 1919 is disposed of by Doherty's memorandum to the Committee on Amendments to the Covenant of the League of Nations (See appendix "C" to Glazebrook, Canada at the Paris Peace Conference)

10. Opposition to Canada's desire to secure recognition

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for secondary powers - (Diefenbaker p.167; also implicit in Green - See next point)

11. British Commonwealth not United Kingdom should sit as a great power on the Security Council (Green p.119-20). Same position taken by Adamson (York West)

12. What will economic and social council do about trade. (Graydon p.68) I See statement Mackenzie

N.B.: Question echoed by several members on government side.

13. Dumbarton Oaks means World Dictatorship.

"Now we are faced with the very real danger of becoming vassals of a world dictatorship to which we are required to surrender our sovereignty and with it every vestige of our constitutional democratic rights and liberties." (Blackmore p.157)

This statement should, I think, be denied in a kindly way, with regret expressed that Social Credit group cannot support resolution.) ?

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14. Resolution implies approval of Bretton Woods.
(Quelch (Acadia) p.83), asked for an assurance from the Prime Minister that the final act of Bretton Woods would be submitted to Parliament before acceptance by Canada. This assurance should be given. Mr. Quelch will then probably vote with the government.

15. Regional Organization in the Pacific. (Green p.121).

16. International Educational Organization.
(Noseworthy (York South) p.139-40).

17. Poland.
(McCann (Renfrew South), Bonnier (St. Henry), Jutras (Provencher).
N.B. Wilfrid LaCroix who opposed the declaration of war in 1939 is now also a champion of Poland. In view of his attitude when Germany attacked Poland, I believe it would encourage the loyal members from Quebec if his present solicitude for Poland was ridiculed, at the same time a sympathetic attitude is shown to representations from Liberal members.

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Debate on World Security

1)	Introductory		
	No opportunity to study proposals in Prime Minister's speech.	Graydon Hanson	
2)	Why no Canadian representation, Dumbarton Oaks	Hanson	33
3)	Does preservation of peace depend on Great Powers rather than Security Organization	Hanson	32
4)	Commonwealth meeting in London	Hanson Graydon	33 66
	(a) Why no Minister	Graydon	66
	(b) Instructions to delegates	Hanson	32
	(c) Collaboration with U.K. and Commonwealth at San Francisco	Graydon	66
5)	Representations made by Canada to other powers	Hanson Graydon	32 - 33 66
6)	Proposed amendments by other countries	Graydon	67
7)	Canadian Delegation		
	(a) How delegation to be chosen	Graydon	67
	(b) Delegation should include P.M. and two national leaders so that potential leader of this country after the war will be represented.	Diefenbaker	166
	(c) Representation to agriculture, labour, veterans, industry and business.	Graydon	67
	(d) Status of non-governmental delegates - freedom to voice opinion; prior consultation	Graydon	67
	(e) Policy of delegation should be delineated before going to San Francisco	Graydon	66

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(7) Resolution

8) The government will have no mandate to represent Canada after April 17.

9) Relationship of new organization to League of Nations. Graydon 66

(8) 10) Military agreements and commitments. Central point of criticism.

(a) When will military agreements be negotiated and in what form? Graydon 68

(b) Nature of commitments.

11) Regional organization in the Pacific.

(9) 12) Revision of treaties.

(10) 13) Re Canada's desire to secure recognition for secondary powers.

(11) 14) British Commonwealth, not U.K., should sit as a great power on security council. Green 119-20

Attitude of extreme Imperialists. Adamson

15) Attitude of Social Credit Party.

12 & 12½

(a) Dumbarton Oaks equals world dictatorship. Blackmore 157

(b) Resolution ~~is~~ and Bretton Woods

(13) 16) What will economic and social council do about Trade? Graydon 68

(14) 17) Educational organization Noseworthy

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Confidential

Memorandum No. 4

SAN FRANCISCO CONFERENCE

C233544

MEMORANDUM TO DELEGATES AND ADVISERS

It was felt that the delegates might wish to have with them on the train, for reference purposes, some of the basic background material for the conference. The following selection of documents is therefore enclosed :

1. The Dumbarton Oaks Proposals

2. Covenant of the League of Nations

3. The Prime Minister's Speech to the House, March 20, 1945.

4. The Nations Have Declared, Part II - Documents issued by the United Nations, with comments by Lorna Savage. /Part I, containing documents issued up to the Crimean Conference, is unfortunately out of print. It was therefore impossible to secure enough copies for all members of the delegation. A few have been obtained, however, for the delegation library./

5. List of Reference Material to be taken to San Francisco for the use of the Canadian Delegation.

6. Commentary on the Proposals, prepared by the Department of External Affairs (SECRET - See attached receipt form.)

7. Establishment of an International Court of Justice and Other Legal Questions - Brief prepared by the Legal Division of the Department of External Affairs (CONFIDENTIAL - See attached receipt form.)

It will be noted that Documents 6 and 7 are confidential and intended for the personal information of authorized recipients only, to be returned to the Secretariat at the conclusion of the Conference. Members of the delegation are requested to sign the attached receipt and return it to Miss B. M. Bridge, Assistant Secretary to the Canadian Delegation,

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Room 137, East Block.

Some of the less bulky material listed in Item 5 will be taken on the train with the delegation and may be secured from Mr. Delisle.

R. G. Robertson

Secretary.

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CONFIDENTIAL

CANADIAN DELEGATION

C233754

TENTATIVE LIST OF ASSIGNMENTS TO
COMMISSIONS OF THE CONFERENCE

Commission I - GENERAL PROVISIONS

DELEGATES - Mr. St. Laurent
Senator King
Mrs. Casselman

ADVISERS - Mr. Robertson
Mr. Wrong
Mr. Rasminsky
Mr. Reid
Mr. Ritchie

COMMISSION II - THE GENERAL ASSEMBLY

DELEGATES - Prime Minister
Mr. Grayden

ADVISERS - Mr. Robertson
Mr. Pearson
Mr. Davy
Mr. Rasminsky
Mr. Reid
Miss MacCallum

COMMISSION III - THE SECURITY COUNCIL

DELEGATES - Prime Minister
Mr. Coldwell

ADVISERS - Mr. Wrong
Mr. Pearson
Mr. Wilgress
General Pope
Mr. Ritchie

COMMISSION IV - JUDICIAL ORGANIZATION

DELEGATES - Mr. St. Laurent
Senator Moraud

ADVISERS - Mr. Chipman
Mr. Renaud
Mr. R.G. Robertson
Mr. Chaput

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SFC/P

C233547

PROPOSED WORKING PAPER ON ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP.

(This paper is not proposed by any government at this time and does not constitute a withdrawal of the proposals put forward by any government.)

(Note: This draft deals with principles and mechanism only and makes no assumption about the inclusion of any specific territory.)

1. States Members of the United Nations which have responsibilities for the administration of territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, accept the general principle that it is a sacred trust of civilisation to promote to the utmost the well-being of the inhabitants of these territories within the world community, and to this end:

(i) to ensure the economic and social advancement of the peoples concerned;

(ii) to develop self-government in forms appropriate to the varying circumstances of each territory; and

(iii) to further international peace and security.

States Members also agree that their policy in respect of such territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of other members of the world community, in social, economic and commercial matters.

2. As one means of achieving these purposes the Organisation should establish under its authority an international system of trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

3. The basic objectives of the trusteeship system should be to ensure the application in certain territories referred to in paragraph 4 below of the general principles stated in paragraph 1, and in particular without prejudice to the attainment of these objectives, to ensure /equal/ equitable treatment in social, economic and commercial matters for all members of the United Nations.

4. The trusteeship system should apply as follows: ~~only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements~~

(a) to territories now held under Mandate, unless in any given case there is agreement to the contrary /between the United Nations and the state or states directly concerned/;

(b) to territories which may be detached from enemy states as a result of this war as may be placed thereunder by means of subsequent agreements;

(c) to territories voluntarily placed under the system by States responsible for their administration.

It would be a matter for subsequent agreement as to the terms upon which any of the above territories should be brought under the system. ~~which territories would be brought under the trusteeship system and upon what terms~~

5.

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5. The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the /state or/ states directly concerned and should be approved as provided for in paragraphs 9 and 10 below. Except as may be agreed upon in individual trusteeship arrangements placing each territory under the trusteeship system, nothing in this Chapter should be construed in and of itself to alter in any manner the rights of any state or any peoples in any territory.

6. The trusteeship arrangements in each case should ~~include the terms under which the territory will be administered and~~ designate the state which should exercise the administration of the territory.

7. It shall be the duty of the State administering any trust territory to ensure that the territory shall play its part in the maintenance of international peace and security. To this end the State shall be empowered to make use of volunteer forces, facilities, and assistance from the territory in carrying out the obligations undertaken by the State for the Security Council in this regard and for local defence and the maintenance of law and order within the territory.

8. In addition, there may also be designated, in the trusteeship arrangement, a strategic area or areas which may include part or all of the territory to which the arrangement applies.

9. All functions of the Organisation relating to such strategic areas, including the approval of the trusteeship arrangements and their alteration or amendment, should be exercised by the Security Council. The Security Council /should/ may avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 to perform those functions of the Organisation under the trusteeship system relating to political, economic, and social matters in the strategic areas, subject to the provisions of the trusteeship arrangements.

10. The functions of the Organisation with regard to trusteeship arrangements for all areas not designated as strategic should be exercised by the General Assembly.

11. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there should be established a Trusteeship Council which would operate under its authority. The Trusteeship Council should consist of specially qualified representatives, designated (a) one each by the states administering trust territories, and by the permanent members of the Security Council not administering trust territories; and (b) one each by an equal number of other states named for three-year periods by the General Assembly.

12. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions should be empowered to consider reports submitted by the administering State /to accept petitions and examine them in consultation with the administering State, to make periodic visits to the respective territories with the consent of the administering State/ or to take other action, in conformity with the trusteeship arrangements.

13. The administering authority in each trust territory within the competence of the General Assembly should make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council.

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C233549

Statement by the Rt. Hon. W. L. Mackenzie King, Prime Minister of Canada and Head of the Canadian Delegation to the San Francisco Conference on International Organization -- For the Canadian Weekly Newspapers Association

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Next to winning the war, the supreme end to be achieved is the winning of the peace. Peace can only be made lasting through co-operative action on the part of peace-loving nations. The purpose of this Conference at San Francisco is the creation of a general international organization to maintain peace and security in the post-war world.

Although the organization of world security is a co-operative undertaking, concentration on security and on the need to organize force to meet the threat of war will not be enough. Once confidence has been established, international action and organization in many fields will be required to make peace enduring, and to expand the social and humanitarian activities which are a necessary counterpart of world security. The strong bonds of comradeship and co-operation which have been developed under the stress of war, should be made ever stronger in the organization of peace.

I know that you will wish us well in our strivings to secure a world free from aggression and war. I am very glad to see the weeklies of Canada represented at this Conference.

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C238550

Their active interest is a strong indication that the people of Canada are watching and studying the developments which will take place in the forthcoming weeks.

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International Organization, for the Canadian
Weekly Newspapers Association

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~~I am most anxious to send a message to the readers of the weekly newspapers of Canada because I am convinced that success in securing a lasting peace can only come by public acceptance.~~

Since Canada is, in respect of its war effort, one of the most important of the secondary powers amongst the United Nations it is natural that Canada should have taken a lead in offering a solution of the complex problems of the post-war relationship of the smaller and larger nations. ~~However,~~ Although the organization of world security is a co-operative undertaking, ~~To achieve success there will have to be a willingness to give and take. The results should not be regarded piece-meal. They should be assessed as a whole.~~ Concentration on security and

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I know that you will wish us well in our strivings to secure a world free from aggression and misery. I am very glad to see the weeklies of Canada represented at this Conference since it is a strong indication that the people of Canada are watching and studying the developments that will take place in the forthcoming weeks.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

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C233554

3) King is criticized for ruling Bracken out as Frisco Delegate

Comment: The argument used by Mr. Graydon is substantially the same as that set out in the attached argument from the Vancouver Province of March 9: i.e. that as the mandate of Parliament will have expired before the San Francisco Conference assembles, no one can claim to represent the Parliament of Canada, and that in this respect Mr. Bracken's position is no different from that of Mr. Graydon or any other member of Parliament.

This argument is open to at least one major objection, which is that Mr. Bracken was not a member of the Parliament which discussed (and which will approve) the Resolution now before the House, nor has he ever been a member of any Parliament of Canada (i.e. of the House of Commons of Canada. Mr. Graydon, and Mr. Coldwell, and any other member of the 19th Parliament, all did have SOME responsibility to electors in a particular constituency and they were answerable in Parliament for all of their public utterances. Mr. Bracken has never been in a comparable position.

The Prime Minister was careful to indicate that the Canadian representatives would be chosen from both sides of the House and from both Houses of Parliament, but he did not say that the leaders of any party or group would necessarily be chosen. Also made it clear that it was desirable the House should make its decision upon the resolution BEFORE the membership of the delegation were announced.

Unless the delegation is to include persons not members of the Parliament of Canada, then I cannot see what claim Mr. Bracken could possibly have apart from his political affiliation. He could scarcely be considered on any other ground of professional qualification.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

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3) When the new Organization is set up, what will be the status of the old League /of Nations/ and its various collateral oeganizations? Will they be absorbed in the new set-up, or will the old Organization and its collaterals be disbanded altogether ?

C233356

No decision about the status of the League of Nations in relation toths new organization can be taken in advance of the proceedings at San Francisco. If agreement on the proposed Charter is reached, steps can th en be taken to deal with the older organization.

In my statement on Tuesday last I indicated that many activities of a social and humanitarian character might be conducted directly under the supervision of the Economic and ~~XXXXXXX~~ Social Council of the proposed Organization. Some of these services would probably be for th most part a continuation of the very useful activities directed from Geneva.

I spoke also of a number of large inter-governmental bodies - some already functioning, of which I cited the International Labour Organization - which might be related to the World Organization by agreements reached between them and the Economic and Social Council.

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2. Nature of Canadian Commitments.

The arguments used by Mr. Diefenbaker in the last paragraph on page 167 raise points of importance and difficulty. He asked first whether parliamentary sanction would be required in each case before any forces were sent overseas at the call of the Security Council and he connected this with the conscription controversy. He then asked whether Canada would refrain from going as far as the United States might do in that regard.

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Suggested reply. A good deal of play was made by the Honorable Member over the possible limitations on the use of

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Canadian forces which might be attached to a military agreement yet to be negotiated under a draft proposal which has, itself, yet to be considered by the Nations gathered at San Francisco. It seems to me that we are getting into a very hypothetical region of conjecture in this regard. In this connection, the interpretation or possible interpretation placed on my remarks at the opening of this debate seems to have its origin in two passages from my speech. In the first, I was seeking to explain to the House what were the contents of the Dumbarton Oaks proposals and in referring to the section respecting military agreements (chapter 8B, paragraph 5) I explained that, under the proposals as they stand, while a good deal was obscure, it was perfectly clear that any military agreement entered into by Canada in accordance with them would be in the words of the proposals "subject to ratification by the signatory states in accordance with their constitutional processes". I went on to say that that meant that such an agreement would be freely negotiated by the Canadian Government and approved by Parliament before it could come into effect. That portion of my statement was entirely explanatory.

Later on, in outlining some of the difficulties arising out of the proposals, I employed the following sentence:

> "It would seem to be desirable to develop some precedure whereby states not represented on the security council would not be called upon to undertake serious enforcement action without the opportunity of participating in the council's proceedings, or without agreeing separately to join in executing the decisions of the council".

My words were carefully chosen. Honorable Members will note that I was referring in the first place to the situation of states not represented on the Security Council. I hope that from time to time Canada will hold one of the elected seats on that Council. Secondly, I said that it would be desirable that such a state should not be asked "to undertake serious enforcement action" without either participating in the Council proceedings -- and provision for such participation is made in chapter 6D, paragraph 4 of the proposals -- or without agreeing separately to join in executing the decisions of the Council. It will be noted that I referred.

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to serious enforcement action. What I have in mind is this. Would it be practicable for the Government and Parliament of Canada to place the country in a position which might require the severance of all trade with a profitable market or even the despatch of Canadian contingents overseas without any prior consultation or consent on the part of the Government? I am so sure that this would be impracticable that I went on to say that in such circumstances the consent of the country concerned would probably be sought and added that the probably practice might well be made the formal rule.

I might remind the House here that in the event of the application of sanctions a Great Power would not only be sitting on the Security Council during the full consideration of the dispute but under the voting formula would be able of its own accord to block any action whatsoever. I think that it is not asking a great deal to suggest that there should at least be some assurance of consultation before a country outside the Council is called upon by the Council to take action which may drastically disturb ~~our way of living.~~ its national life.

ITW.

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SECRET

SECRET

Membership of the Executive Committee of fourteen: the chairmen of the delegations of Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, Netherlands, Soviet Union, United Kingdom, United States and Yugoslavia

Chairman of the delegation of Luxembourg as chairman of the Committee on Credentials, and the following for the working commissions and committees

---

COMMISSIONS

	I General Provisions	II General Assembly	III Security Council	IV Judicial Organization
President:	Belgium	South Africa	Norway	Venezuela
Rapporteur:	Philippine Commonwealth	Panama	Paraguay	( )
Asst. Sec. Gen.	Lebanon	Liberia	Honduras	Ethiopia

COMMITTEES

	1. Preamble, Purposes, Principles	1. Structure and Procedures	1. Structure and Procedures	1. International Court
Chairman:	Ukraine	Turkey	Greece	Peru
Rapporteur:	Syria	White Russia	El Salvador	Iraq

	2. Membership and General	2. Political and Security Functions	2. Peaceful Settlement	2. Legal Problems
Chairman:	Costa Rica	Bolivia	Uruguay	Egypt
Rapporteurs:	Haiti (membership) Saudi Arabia (general)	Dominican Republic	Soviet Union	Nicaragua

	3. Economic and Social Cooperation	3. Enforcement Arrangements
	India	Mexico
	Guatemala	United Kingdom

	4. Trusteeship System	4. Regional Arrangements
	New Zealand	Colombia
	Luxembourg	China

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Canada, with all other freedom-loving countries, will rejoice at the signature today of the United Nations Charter by the representatives of the fifty nations here assembled.

Today, our hope, may indeed usher in the dawn of a new era in the history of this world. Humanity is crying aloud for peace - a peace based on co-operation and brotherhood among men and nations.

Without peace, there can be no enduring freedom. Without freedom, there can be no lasting peace.

The United Nations Conference has provided the framework for an enduring peace.

~~The extension of war to all parts of the world, terrible as it is, may yet prove, in the perspective of time, to have been, for generations yet unborn, a blessing in disguise. Only in this way, perhaps, could the world have come to realize that~~ the interests of mankind are one, and that the claims of Humanity are supreme.

The hope of the future lies in a recognition of our common humanity and good will between men.

All the principles underlying peace are founded upon the ancient precept "to do justly and to love mercy".

The United Nations Charter is born of good-will. It is based on a recognition of common interests. It is the product of the spirit of mutual aid.

Today the nations represented here are united in the defence of freedom. The signatures their representatives have affixed to the Charter is a pledge to the world that from now

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on, they will remain united in the service of mankind.

~~Today, we hope, may witness the dawn of a new era in the history of the world.~~

The Magna Carta of 1215 has been termed the key-stone of English liberty. May the key-stone of world liberty be found in the United Nations Charter of 1945.

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The United Nations Conference has provided the frame-work for an enduring peace.

~~All the principles [illegible] are founded upon the ancient precept "to do justly and to love mercy".~~

The hope of the future lies in a recognition of the profound truths that the interests of mankind are one, and that the claims of Humanity are supreme.

The ~~United Nations~~ Charter is based on a recognition of common interests. It is born of good-will. It is the product of the spirit of mutual aid.

Today the nations represented here are united in the defence of freedom. The signatures their representatives have affixed to the Charter is a pledge to the world that from now on, they will remain united in the service of mankind.

The Magna Carta of 1215 has been termed the key-stone of English liberty. May the key-stone of world liberty be found in the United Nations Charter of 1945.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

San Francisco conference April 25th (wed)
Leaves " " " April 19th (Monday)
Full afternoon. midnight " 16 (sunday)
" night sat or Monday. " 16
" Shld end on Monday " 12

(Date to know only one week before leaving for San Francisco

Telegram from consuls forbes Watt re

Date of Polling for assembly - April 16

Electors must register at least 2 months

Voting to begin April 23rd ends May 12 (Saturday
(Home to vote May 21st

Nomination also at least one month before election day

San Francisco Conference
May first 4 56 months = May 23
June 4
June 11 (Monday)
June 18
June 6th

If election June 25th
July 2 = July 1 day before
" 9
" 16

Position of Party -
organization & Campaign
Post Conference - Accomplishments
Leaders
Work for others

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[1945]

Statement by the Prime Minister

I think it is desirable that I should make a brief statement to the House in connection with the announcement made in Washington on Friday last concerning an amendment that may be proposed at San Francisco to the system of national representation in the assembly of the United Nations, namely that the United States should have three votes in the Assembly.

While I am not in possession of full information with regard to the matter, it would appear that what is involved is simply a proposal for an amendment to the basic outline agreed on at Dumbarton Oaks. As I informed the House in the course of the debate, there have been a number of suggestions for amendment made by several countries. The Dumbarton Oaks proposals are simply the basis for discussion. They can be changed and they will undoubtedly be changed in some respects before agreement is finally achieved. Among the amendments to be discussed will be the one that was announced in Washington. Whether it will be accepted or not is impossible to say at this stage. What is important, I think, is to keep the matter in perspective and to realize that this is not a part of the Dumbarton Oaks

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plan that has been accepted as the basis of discussion. It is simply a suggestion for amendment and, so far as I can determine, has no status other than that. What we had under discussion in the House were the Dumbarton Oaks proposals. They remain as they were, and it is the Dumbarton Oaks proposals that are to form the starting point for discussion at San Francisco.

In order to make perfectly clear what the position of the government was when the resolution was under discussion last week, I may say that at that time the government was not aware that this amendment was to be proposed. There is no reason why we should have been told at an earlier date. Any country is free to suggest any amendment it wishes, and there is nothing to require early or advance notice to be given. Now that we are aware of the proposed amendment it will be the duty of the government and later of the delegation to determine what course they think should be adopted with regard to it. There is not sufficient information available as yet for clear discussion and consideration of the merits of the proposal.

While I am not in a position at this time to discuss the merits of the proposed amendment, I do wish to comment

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briefly on a curious interpretation that has been given some currency with regard to the proposal. It has been suggested in some quarters that there is a particular justification in the suggested amendment because, as some have put it, "the British Empire has six votes". The implication behind this is that the "Empire"is a political unit that decides with one mind and speaks with one voice - but a voice that has the weight of six. Nothing could be more misleading. The Commonwealth has no votes - not six but none. It is the nations that make it up that have votes, and those votes are freely directed as each thinks right. The record of discussions in the League of Nations and its subsidiary agencies shows many cases where the members of the Commonwealth have not been able to agree and have voted on opposite sides of a question. This situation has been demonstrated beyond the possibility of question by the recognition by the countries of the Commonwealth that each must make its own decision on the question of peace and war. Unhappily unanimity was not reached on this question. On some of the Combined Boards that have so successfully co-ordinated the work of supply, production and shipping in this war, the members are Canada, the United Kingdom and the United States. Would anyone suggest for a moment that this

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means two votes for the Commonwealth to one vote for the United States? It would be absurd to suggest such a thing. On these Boards the Canadian representative represents the Canadian government and no one else.

The peculiar character of the Commonwealth of Nations lies in the fact that it is in truth made up of nations - nations in every sense of the word. Those nations have a community of outlook and tradition - a common love of peace and liberty - a common hatred of tyranny and aggression. But they are not the only nations that have a community of interest. Where could such community and understanding be greater than between ourselves and the United States? But because there is much in common would anyone suggest that Canada and the United States are really one? Where there is a community of interest and outlook, nations will co-operate and work together. Co-operation could not be closer than it is between Canada and the other nations of the Commonwealth and between Canada and the United States. The Pan American Union brings together nations that occupy the same hemisphere and have a community of interest. But no one would suggest that that means the Pan American Union is an entity with 21 votes in world organizations. And yet this statement would be no more misleading than the statement that the British Commonwealth of Nations has six votes.

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There is co-operation between the nations of the Commonwealth - a co-operation that will continue and flourish. But it is not the co-operation of an exclusive circle or bloc. It is that free co-operation that can and, I hope, will become characteristic of the relations between all nations.

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SFCB/ A-MV

lost word but word for ref.

Statement by the Prime Minister

C233570

I think it is desirable that I should make a brief statement to the House in connection with the announcement made in Washington on Thursday last concerning the system of national representation in the assembly of the United Nations, and the possibility that the United States might propose an amendment to the Dumbarton Oaks proposals which would give that great country three votes in the Assembly. It has just been reported that the President has decided that the United States will not request additional votes.

While I am not in possession of full information with regard to the matter, it would appear that what was involved was simply a proposal for an amendment to the basic outline agreed on at Dumbarton Oaks. As I informed the House in the course of the debate, there have been a number of suggestions for amendment made by several countries. The Dumbarton Oaks proposals are simply the basis for discussion. They can be changed and they will undoubtedly be changed in some respects before agreement is finally achieved. What is important, I think, is to keep matters in perspective and to realize that such amendments are not a part of the Dumbarton Oaks plan that has been accepted as the basis of discussion. What we had under discussion

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in the House were the Dumbarton Oaks proposals. They remain as they were, and it is the Dumbarton Oaks proposals that are to form the starting point for discussion at San Francisco.

In order to make perfectly clear what the position of the government was when the resolution was under discussion last week, I may say that at that time the government was not aware that such an amendment might be proposed. There is no reason why we should have been told at an earlier date. Any country is free to suggest any amendment it wishes, and there is nothing to require early or advance notice to be given.

While there now appears to be no need to discuss the merits of the proposed amendment, I do wish to comment

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2) NOTHING "to indidate what position was taking with respect to close collaboration with the United Kingdom and other units of the Commonwealth when the San Francisco Conference is convened".

Le Gouverneur at San Francisco

C233572

The process of continuous consultation and exeahnge of views which works so well among the various nations of the Commonwealth has already enabled us to give and to receive expressions of views. We have been kept informed of views of the United Kingdom Government on the proposals themselves. There has been no suggestion that we should have to declare a "position" on the question of "close collaboration"; that may be taken as what will happen at San Francisco without in any way abridging our right to present our own views on any question which arises.

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Le 6 Mars at San Francisco

C233572

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C233573

OFFICE OF THE PRIME MINISTER

MEMORANDUM

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Question 3. What instructions will be given to Canada's representatives at the London Conference?

(5) Have those instructions been framed, and if they have not been framed will they be presented to Parliament?

Suggested answer.

I indicated in moving this resolution that the purpose of the meeting in London was to continue the exchange of information and views between Commonwealth governments which has been going on for some time. I also indicated that the subject of world organization had been one of the main topics of discussion at the meeting of Commonwealth Prime Ministers in May 1944 and that before and after that meeting there had been constant consultation between Commonwealth governments. The Canadian representatives at the London discussions are fully aware of the views of the Government. The discussions themselves are not of a nature which would require the preparation of formal instructions for their guidance.

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(3)

Question 4. Then I should like to know why Canada was not represented at Dumbarton Oaks. Is it because we were not invited? Having regard to our contribution I regret exceedinly that Canada was not invited to Dumbarton Oaks.

C233576

Suggested answer.

The Hon. member is right in thinking that the Canadian Government was not represented at the Dumbarton Oaks Conference because no invitation was received. That conference was a meeting between officials of the four governments which had been parties to the Moscow Declaration of November 1st, 1943. Its purpose was to develop further the agreement recorded in the Moscow Declaration, that it was necessary to establish at the earliest practicable time a general international organization. Thus the Dumbarton Oaks meetings were not a formal international conference but a gathering of officials of certain governments charged with seeking agreement among themselves on proposals for the consideration of their own governments in the first instance.

lhw

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~~NOTE~~

C233577

SAN ~~FRANCISCO~~ CONFERENCE

The comment in this note concerns the questions raised by Mr. Diefenbaker on March 23rd as recorded on page 167 of Hansard, especially in the right-hand column.

1. Permanent seat for Canada on Security Council.

Mr. Diefenbaker asked whether there was any move to secure a permanent seat based on the expected contribution of Canada.

Suggested reply. I can assure the Honorable Member that the Canadian Government, neither has advanced nor has any intention of advancing a claim to rank equally with the Great Powers on the Security Council. There has also been a good deal of talk, much of it critical, of an alleged desire of the Government to push Canada into a role of leadership of the so-called "middle powers". I was careful in my statement to say nothing which would support this unfounded assumption. The truth is, however, that Canada, although not large in population, has attained, through the vigour of our people and the extent of our resources, a position in which Canadian interests are world-wide. The potential contribution of Canada to the purposes of a world organization cannot be measured by counting heads. It can, however, be estimated by regarding the not inconsiderable part - military, economic and financial - which our country has taken in the alliance against the Axis powers.

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re Bretton Woods

12 1/2

C233578

Draft Paragraphs ~~for inclusion~~ in P.M's Speech winding up Debate on San Francisco

I wish ~~at this point~~ to make one or two brief observations on the speeches made by the honourable member for Acadia and the honourable member for Lethbridge. The contribution of these hon. members to the debate consisted very largely of an attack on the resolutions of the United Nations Monetary and Financial Conference, generally known as the Bretton Woods proposals. I confess that I am somewhat surprised to find the Social Credit Party bringing aid and comfort to the international bankers, who are the chief critics of the Bretton Woods proposals.

The hon. member for Acadia asked the question: Does approval of Section 3 of the resolution before the House imply an endorsement of the Final Act of the Bretton Woods Agreement? The short answer to that question is "no"; the House is not in this resolution being asked to endorse the Bretton Woods proposals. At the same time, I am convinced that collaboration among nations in the economic and financial field is a vital part of any effective system of international security ~~and if members are not prepared to support concrete proposals to this end, I am ashamed of their embarrassment to supporting the present resolution~~.

The Bretton Woods proposals are technical and complicated and I do not propose to enter into a discussion of them. I would be greatly perturbed, however, if by failing to comment on the substance of the hon. members' observations regarding Bretton Woods, I were to leave with the House the impression that I in any sense agreed with those observations. I do not believe that the hon. members gave an accurate interpretation of the proposals nor do I believe that analysis will support the criticisms they have made.

Member after member in the course of this debate has properly insisted on the great importance of achieving international collaboration in the economic as well as in the political field. It is increasingly recognized that prosperity, like peace, is indivisible

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C233879

and that it cannot be achieved through anarchy, or through measures of extreme economic nationalism. The edifice of peace we are seeking to construct will totter if it is not founded on conditions of material well-being throughout the world. We should be making a very poor approach indeed to the great problems to be dealt with at San Francisco, if we failed to take a constructive attitude towards the ~~concrete~~ proposals which the delegates of forty-four United Nations assembled at Bretton Woods have, after long study and deliberation, put forward for the consideration of governments. ~~Our attitude towards these proposals will be a measure of our willingness to translate general declarations in favour of international collaboration into definite and specific action.~~

March 27, 1945

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(14)

International Educational Organization

Mr.Noseworthy (pp.~~139-140~~) asked whether the delegation at San Francisco would support the establishment of an international educational agency or commission as an integral part of any organization set up to maintain peace. He also referred to the proposals which have arisen from meetings of the Allied Ministers of Education in London and asked whether Canada had been invited to take part and, if so, what the position of the Canadian Government was.

~~Suggested reply:~~ It is contemplated that a specialized organization or agency should be established as one of the intergovernmental bodies to be brought into relation with the World Organization through an agreement between the Economic and Social Council and the appropriate authorities of the organization concerned with education. I do not anticipate that there will be much discussion at San Francisco of the nature of the international agency to deal with education. Negotiations have already been in progress for some time looking to the development of plans in this field; and the San Francisco Conference will have a great deal of work on its hands. The Canadian Government has kept in close touch through the Canadian High Commissioner with the discussions in London, which took the form initially of meetings between the Ministers of Education of Allied Governments, and has indicated that it would hope to take part, within the limits of its constitutional responsibilities, in such an organization if it be set

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up. Consideration has been given for some time to the preparation of a constitution for an educational agency and it is to be expected that definite proposals will be presented before long.

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C233582

TERRITORIAL TRUSTEESHIP.

UNITED KINGDOM DRAFT OF CHAPTER FOR INCLUSION IN

UNITED NATIONS CHARTER.

Chapter ..... Territorial Trusteeship.

1. States Members of the United Nations which have responsibilities for the administration of dependent territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, accept the general principle that it is the sacred trust of civilisation to promote to the utmost the wellbeing of the inhabitants of these territories within the world community. This objective implies, in particular (i) the economic and social advancement of the dependent peoples concerned, and (ii) the development of self-government in forms appropriate to the varying circumstances of each territory. Further, such States agree that their policy in respect of dependent territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and wellbeing of other members of the world community, in defence, social, economic and commercial matters.

2. For certain territories in each of the categories mentioned below it is desirable to establish special machinery to ensure the application of the principle stated in paragraph 1 of this Chapter. These categories are :-

(a) territories administed by States Members of the United Nations under Mandate from the League of Nations

(b) certain territories which as a consequence of the present war may be removed from the sovereignty or Mandate of States, not Members of the United Nations.

(c) any other territory to which the special machinery prescribed in this Chapter may be applied voluntarily by the State under whose sovereignty or protection the territory is administered.

3. In order to give practical effect, in the categories of territory mentioned in paragraph 2 of this Chapter, to the principle stated in paragraph 1, the tutelage of such peoples should be made, or should remain, the responsibility of advanced nations, who are best fitted to undertake this responsibility and who are willing to accept it; and that this tutelage should be exercised by them on behalf of the United Nations.

4. The character of the trust must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances. The details will be matters for subsequent agreement between the State entrusted with the administration of the territory and the United Nations. No revision of existing League of Nations Mandates exercised by States Members of the United Nations shall be made without the agreement of the

Mandatory Power/

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Mandatory Power concerned.

5. It shall be the duty of the State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied to ensure that the territory shall play its part in the maintenance of international peace and security. To this end the State shall be empowered to make use of forces, facilities and assistance from the territory in carrying out the obligations undertaken by the state to the Security Council in this regard and for local defence and the maintenance of law and order within the territory.

6. The State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied, shall furnish to the Security Council such information in respect of such territories as the Security Council on the advice of the Military Staff Committee may require, as regards any forces, facilities or assistance which the State may employ from the resources of the territories, in the discharge of the State's obligations in respect of international peace and security under this Charter.

7. The State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied shall render annual reports to the Economic and Social Council on the economic and social advancement of the inhabitants and the civil administration of the territory.

8. A permanent commission shall be constituted to prescribe the form of the annual reports referred to in paragraph 7, to receive and examine them, and to advise the Economic and Social Council on all matters relating to the observance of the terms of trusteeship, other than security matters, which apply to each territory.

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C233584

TERRITORIAL TRUSTEESHIP

An explanatory note on the draft Chapter submitted by the
UNITED KINGDOM DELEGATION

1. His Majesty's Government in the United Kingdom approach the problem of trusteeship from the standpoint that the primary objective of any trusteeship system is the wellbeing of the inhabitants of territories which are not yet able to stand by themselves. In this respect their approach follows closely the lines of Article 22 of the Covenant of the League of Nations. Questions of security policy are also bound to arise in relation to territories under trusteeship and therefore suitable arrangements must be made in any trusteeship system for meeting security requirements. In the draft circulated by the United Kingdom Delegation an attempt has been made to meet in full the security requirements, while at the same time making it clear that the wellbeing of the inhabitants is the major objective of the trusteeship system.

2. His Majesty's Government in the United Kingdom draw a distinction between the principle of trusteeship which should guide Colonial Powers in the administration of their dependent territories (and should therefore be of universal application) and the creation of a special system of international machinery, to apply to certain specified territories. The fact that a particular territory is not placed under such special machinery, does not mean that the parent State is not being guided, or that it is absolved from being guided, by the general policy of trusteeship in its administration of territories outside the system.

3. In framing any trusteeship system, His Majesty's Government in the United Kingdom think it desirable to avoid so far as possible the laying down of rigid or detailed lines of policy in the Charter of the United Nations Organisation. The reason for this is that times change and a policy which may have been considered enlightened and satisfactory in 1945 may prove in later years, with changing world circumstances to be operating to the disadvantage of the inhabitants of the territories or contrary to their wishes as they become more capable of political self expression. Any system drawn up should, therefore, be capable of easy amendment from time to time as circumstances may require. If policy directives are included in the Charter of the Organisation, it will be impossible to bring these directives up to date without an amendment of the Charter itself. The Charter, therefore, should be framed in the broadcast general terms and any details of policy which may be thought necessary should be contained in the Mandates or other similar documents, which should be capable of revision by some less complicated process than that required for an amendment of the Charter itself.

4. Comments on the United Kingdom draft, paragraph by paragraph, follow:-

Paragraph 1.

No further comment seems necessary.

Paragraph 2.

Classification of the categories of territories for which the international machinery of trusteeship may be required is in accordance with the conclusions reached at the Yalta Conference, though drafting amendments

have

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have been made for the sake of greater precision. No special comment seems to be necessary.

Paragraph 3.

This is derivedfrom Article 22 of the Covenant, but revised so as to have regard to the different classification of territories which may be brought under the proposed machinery under paragraph 2 of the draft.

Paragraph 4.

This again is based generally on Article 22 of the Covenant. It recognises that the individual "Mandates" will not necessarily be in standard terms, and that some revision of existing Mandates will be necessary.

Paragraphs 5 and 6.

These paragraphs deal with security matters. For the reasons given in paragraph 1 of this note, the United Kingdom approach to this question differs materially from that adopted in the United States draft, but it is felt that the United Kingdom draft provides all the safeguards which are provided in a different way by the United States proposals. The latter contemplate the division of the territories covered by the trusteeship system into two categories, viz. (a) strategic areas administered by States subject only to a limited degree of supervision by the Security Council and (b) other areas which would be under the supervision of a Trusteeship Council responsible to the General Assembly. In the United Kingdom view, this sub-division is unsatisfactory on three grounds. First, for the United Kingdc Government, the interests of the indigenous inhabitants are a paramount consideration; and in so far as the social and economic problems affecting the inhabitants of territories in the categories mentioned in the Yalta Protocol require a measure of international supervision, this supervision is just as necessary in strategic areas as in other areas. Indeed, it is probabl in areas of strategic importance that the social problems such as housing, labour conditions, etc. are likely to assume special significance. Secondly, and particularly in large territories, it does not seem possible to draw a hard and fast line separating strategic areas from non-strategic areas; and consequently, if the security interests were to be properly safeguarded under the United States scheme of sub-division, it might often be necessary to designate the whole of a large territory inhabited by dependent peoples as a strategic area - a course which, though no doubt satisfactory from the purely military standpoint would be open to criticism on wider grounds in that it would remove from the purview of the Trusteeship Council many of the matters for which the trusteeship system was primarily designed twenty-five years ago. Thirdly, it seems most desirable that a Mandatory Power should be permitted to mobilise the war potential of its Mandated territories as well as of its Colonies, as part of its contribution to the maintenance of international peace and security, provided that the military policy of all States is brought into conformity with their obligations under the United Nations Organisation. The United Kingdom draft, by avoiding any distinction between "strategic" and other areas, but differentiating between civil and security functions, not only meets any possible charge of annexation or infringement o the Atlantic Charter but states in more positive form than does the United States proposal that territories under the "Trusteeship" System will be calle upon to contribute from their resources towards international peace and security. At the same time, the United Kingdom proposal will not embarrass "Mandatory" Powers in the exercise of security functions in the territories concerned.

Paragraph 7.

This deals with reports on the civil aspects of administration only

It

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It does not extend to security matters which are dealt with separately in paragraphs 5 and 6.

Paragraph 8.

Here again, it is made clear that the new international organ analogous to the Permanent Mandates Commission will have no power to intervene in security matters. It will, however, be empowered to deal with the civil aspects of administration in all territories to which the system may be applied. The United Kingdom draft differs from the United States draft in that the former does not go into any great detail as to the methods of procedure or composition of the Trusteeship organ. In this respect the United Kingdom draft follows Article 22 of the Covenant. It contemplates however that the organ should be a Commission under the Economic and Social Council. The matters with which the Commission is concerned will be economic social and humanitarian, and it is appropriate that it should be directly responsible to the body which will co-ordinate the activities of the United Nations Organisation and of its associated specialised organs with regard to these matters.

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LA DÉLÉGATION FRANÇAISE

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MEMOIRE
ET AMENDEMENTS FRANÇAIS
AU PROJET DE DUMBARTON OAKS

■

MEMORANDUM OF THE
FRENCH GOVERNMENT
ON INTERNATIONAL ORGANIZATION
AND TEXT OF PROPOSED
FRENCH AMENDMENTS TO THE
DUMBARTON OAKS PROPOSALS

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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France is pleased that the Governments of the United States, the Union of Soviet Socialist Republics, Great Britain and China deem it necessary to establish between the United Nations, after the end of the present war, an international organization of peace, of security, and in a certain measure, of world economy.

France is all the more favorable to the inspiration which has guided these four Allies in the elaboration of the Dumbarton Oaks plan as it recognizes therein the fundamental ideas which France herself has championed for a long time, and which led most of the victorious nations to constitute, in 1919, the League of Nations.

The fact that the League of Nations did not succeed in imposing respect for right and justice and preventing aggression which, once again, has unleashed on the universe the calamities of war, has in no way turned France from the ideal which was and remains hers.

She believes that a durable peace presupposes an international organization at the same time more extensive and stronger, and requires the establishment of a system of justice and an international authority superior to those of the different states. She would be ready, on her part, to commit herself even further than the Dumbarton Oaks plan and to consent to greater limitations of sovereignty, in exchange for a better international organization. But she admits that during the period which will follow the war, the maintenance of peace depends above all on the agreement of the great powers. She will take care, therefore, to propose nothing which could compromise such an agreement.

It appears indispensable to France that the terrible experiences which humanity has just suffered and for which she has paid very dearly, be taken into consideration in the future organization so that it be really strong and effective. Nothing, in fact, would be more dangerous than a system which would have more or less the appearance of guaranteeing the peace and security of everyone without having the capacity to do so. For such a system would lead to a relaxation of vigilance which would encourage aggression and would even risk giving injustice, if not the blessing, at least the toleration of international law.

It is with the object of helping better to define the conditions capable of giving the proposed organization the greatest strength and the greatest possible effectiveness that the Provisional Government of the French Republic requests that the amendments attached hereto be made to the Dumbarton Oaks plan as supplemented at Yalta.

1. *Aims of the Organization.*

It appears indispensable to the French Government to establish as soon as the aims of the organization have been stated the rules by which the maintenance of peace and international security will be assured: notably, to specify that the solutions of conflicts should be sought for in conformity with right and justice, that treaties bind those who have signed them and that their being respected by all constitutes one of the essential conditions of international order.

It is important to bear in mind these elementary principles of international morality at the time when the United Nations are being invited to grant exceptionally far-reaching rights and responsibilities to the permanent members of the Security Council in view of the decisive action which they are in a position to take in the interest of all.

2. *Members of the Organization.*

It is desirable that (membership in) the organization limited at first to the United Nations might subsequently be opened to other states but it is well to establish in advance the conditions which will govern the new admissions. The French Government deems it necessary that these conditions assure the existence of a

La France se félicite de l'accord réalisé entre les gouvernements des Etats-Unis, de l'U. R. S. S., de la Grande-Bretagne et de la Chine en tant que ces gouvernements estiment nécessaire d'établir entre les Nations Unies, après la fin de la présente guerre, une organisation internationale de la paix, de la sécurité et, dans une certaine mesure, de l'économie du monde.

Elle est d'autant plus favorable à l'inspiration qui a guidé ses quatre Alliés dans l'élaboration du plan de Dumbarton Oaks qu'elle y reconnaît les idées fondamentales dont elle-même s'est faite depuis longtemps le champion, et qui avaient conduit la plupart des nations victorieuses à constituer, en 1919, la Société des Nations.

Le fait que la S. D. N. n'a pas réussi à faire respecter le droit et la justice et à empêcher l'agression qui, une fois de plus, a déchaîné sur l'univers les calamités de la guerre, n'a aucunement détourné la France de l'idéal qui fut et demeure le sien.

Elle estime qu'une paix durable suppose une organisation internationale à la fois plus étendue et plus forte et requiert l'établissement d'une justice et d'une autorité internationales supérieures à celles des divers Etats. Elle serait prête, pour sa part, à s'engager plus avant que le projet de Dumbarton Oaks et à consentir de plus grandes limitations de souveraineté, en échange d'une organisation internationale meilleure. Mais elle admet qu'au cours de la période qui suivra la guerre, le maintien de la paix dépendra surtout de l'accord des grandes Puissances : elle se gardera donc de rien proposer qui puisse, le cas échéant, compromettre un tel accord.

Il lui paraît indispensable que les terribles expériences qui viennent d'être faites par l'humanité et que, pour sa part, elle a payées très cher, entrent en ligne de compte dans la future organisation pour que celle-ci soit réellement solide et efficace. Rien ne serait, en effet, plus dangereux qu'un système qui aurait plus ou moins l'apparence de garantir la paix et la sécurité de chacun sans en avoir la capacité. Car un tel système endormirait la vigilance, ce qui encouragerait l'agression et risquerait même d'accorder à l'injustice, sinon la consécration, tout au moins la tolérance de la loi internationale.

C'est aux fins de contribuer à mieux préciser les conditions susceptibles de donner à l'organisation projetée la plus grande solidité et la plus grande efficacité possibles que le Gouvernement Provisoire de la République Francaise demande que soient apportés au plan de Dumbarton Oaks, complété à Yalta, les amendements dont le texte est ci-joint.

1° *Buts de l'Organisation.*

Il paraît indispensable au Gouvernement français d'établir dès l'énoncé des buts de l'Organisation les règles selon lesquelles sera assuré le maintien de la paix et de la sécurité internationales : de spécifier notamment que les solutions des conflits devront être recherchées conformément au droit et à la justice, que les traités engagent ceux qui les ont signés et que leur respect par tous constitue une des conditions essentielles de l'ordre international.

Le rappel de ces principes élémentaires de morale internationale s'impose au moment où les Nations Unies sont invitées à reconnaître aux Membres permanents du Conseil de Sécurité des droits et des responsabilités exceptionnellement étendus en considération de l'action décisive qu'ils sont en mesure d'exercer dans l'intérêt de tous.

2° *Membres de l'Organisation.*

Il est bon que l'Organisation, limitée tout d'abord aux Nations Unies, puisse ultérieurement s'ouvrir à d'autres Etats, mais il convient de prévoir les conditions auxquelles seront subordonnées les nouvelles admissions. Le Gouvernement français estime nécessaire que ces conditions assurent l'existence entre les Mem-

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certain community of political practices and ideals between original and new members of the organization.

Furthermore, it believes that all members of the organization should accept a minimum of obligations; their participation could not be reconciled, for example, with the benefit of a neutrality which they might insist on maintaining under all circumstances.

3. *Council—Assembly.*

The French Government has no observation to make on the subject of the general dispositions which govern the composition of the Council in the Dumbarton Oaks plan. However, with regard to the assignment of non-permanent seats, it considers in line with the proposals of the Belgian, Canadian and Netherlands Governments that at least half of them should be allotted to those states which would agree to and have the means to participate in, in a substantial measure, the active defense of international order.

On the other hand, the scope of activity (attributions) of the Assembly should be far-reaching. It is at least necessary that it be able to cause an examination by the Security Council of situations which would appear to the Assembly as likely to endanger the peace of the world. Thus, it would be possible for the powers which are not seated on the Council to collaborate more extensively in the work of the organization.

4. *Method of Voting in the Council of Security.*

Without overlooking the element of weakness which the rule of unanimity carries for an institution, the French Government admits that it is not possible in the present state of affairs to set in motion the entire machinery (l'action totale) of the international organization against the will of one of the permanent members of the Council of Security. It is fitting therefore, in its opinion, to distinguish, in connection with the method of voting, between the *recommendations* of the Council and its *decisions,* the former not providing for recourse to the use of force. The French Government suggests that the *recommendations* be adopted by a majority *without qualification* of two-thirds of the members of the Council. The *qualified* majority of two-thirds (majority including unanimity of the permanent members) would on the other hand be required in cases of *decisions.*

This procedure necessitates envisaging the eventuality where the Council would not reach a solution: it appears necessary to determine what would then be the rights and duties of the members of the organization.

5. *International Force.*

The amendments proposed by the French Government to Section B of Chapter VIII relate to certain detailed stipulations (précisions) which should be set out for the purpose of greater efficacy, in the provisions relating to the composition, to the stationing and to the employment of the forces placed at the disposal of the Security Council as well as to the composition of the committee of the Chiefs of Staff.

6. *Regional Arrangements.*

The French Government considers that the adjournment, until after prior decision of the Council, of urgent measures envisaged in certain eventualities by the treaties of assistance concluded between members of the organization and recorded with the Council of Security is incompatible with the security interests of certain states which may require immediate action. In order to maintain the rights of the Council, the signatory states should inform it without delay of such measures as they had to take in complying with the stipulations of these treaties.

bres anciens et nouveaux de l'Organisation d'une certaine communauté de mœurs politiques et d'idéal.

Il estime en outre que tous les membres de l'Organisation doivent accepter un minimum d'obligations : leur participation ne saurait se concilier, par exemple, avec le bénéfice d'une neutralité qu'ils prétendraient maintenir en toute éventualité.

3° *Conseil, Assemblée.*

Le Gouvernement français n'a pas d'observation à présenter au sujet des dispositions générales qui régissent dans le plan de Dumbarton Oaks la composition du Conseil; mais, en ce qui concerne l'attribution des sièges non permanents, il considère, en se rapprochant de la proposition des gouvernements belge, canadien et néerlandais, qu'il conviendrait de destiner la moitié au moins d'entre eux à ceux des Etats qui prendraient l'engagement et auraient les moyens de participer, dans une mesure substantielle, à la défense active de l'ordre international.

D'autre part, les attributions de l'Assemblée devraient être étendues. Il est tout au moins nécessaire que celle-ci puisse provoquer l'examen du Conseil de sécurité au sujet des situations qui apparaîtront à l'Assemblée comme susceptibles de mettre en péril la paix du monde. Ainsi serait ouverte aux Puissances qui ne siégeront pas au Conseil la possibilité de collaborer plus largement à l'œuvre de l'organisation.

4° *Mode de vote au Conseil de Sécurié.*

Sans se dissimuler le principe de faiblesse que comporte pour une institution la règle de l'unanimité, le Gouvernement français admet qu'il n'est pas possible, en l'état actuel des choses, de déclencher l'action totale de l'Organisation internationale contre la volonté d'un des membres permanents du Conseil de Sécurité. Il convient donc, à son avis, de distinguer, au point de vue du mode de vote entre les *recommandations* du Conseil et ses *décisions,* les premières ne comportant pas recours à l'emploi de la force. Le Gouvernement français suggère que les *recommandations* soient prises à la majorité *(sans qualification)* des 2/3 des membres du Conseil. La majorité *qualifiée* des 2/3 (majorité comprenant l'unanimité des membres permanents) serait par contre exigée dans les cas de *décisions.*

Cette procédure oblige à envisager l'éventualité où le Conseil n'arriverait pas à une solution : il parait nécessaire de déterminer quels seraient alors les droits et les devoirs des membres de l'Organisation.

5° *Force internationale.*

Les amendements proposés par le Gouvernement français à la section B du chapitre VIII concernent certaines précisions qui devraient être apportées, en vue d'une plus grande efficacité, aux dispositions relatives à la composition, au stationnement et à l'emploi des forces mises à la disposition du Conseil de Sécurité ainsi qu'à la composition du Comité des Chefs d'Etat-Major.

6° *Arrangements régionaux.*

Le Gouvernement français estime incompatible avec les conditions de la sécurité de certains Etats, qui peuvent exiger l'action immédiate, l'ajournement jusqu'à décision préalable du Conseil, des mesures d'urgence prévues dans certaines éventualités par les traités d'assistance conclus entre Membres de l'Organisation et notifiés au Conseil de Sécurité : en vue de maintenir les droits du Conseil, les Etats signataires devraient lui rendre compte dans le plus bref délai des mesures qu'ils auraient été amenés à prendre en exécution des stipulations de ces traités.

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7. *Economic and Social Cooperation.*

The French Government desires an extension of the authority of the Economic and Social Council and the adoption of measures permitting it eventually to collaborate with the Security Council.

8. *International Court of Justice.*

The French Government did not consider that it should present a particular amendment concerning the International Court of Justice; it wants, however, to express its desire that the contemplated consultations take place fairly rapidly, so that the new Court may be functioning at the time of the opening of the peace conferences.

Such are the principal remarks that the study of the Dumbarton Oaks plan has suggested to the Government of the Republic. These remarks, however, are far from covering the whole of the preoccupations which the study on its part of such an important subject gives rise to.

The ordeals which the world has endured since Germany and Japan have started the aggression by tearing up treaties make it necessary to consider, realistically, the causes of these calamities. Among these causes, one of the most serious has been the erroneous notion that many may have formed of the very efficacy of the principle of collective security.

Collective security constitutes a tremendous force but, if it is badly understood or badly organized, it may also be a cause of weakness. It is a force insofar as it permits peace-loving nations to unite their means of defense against the aggressor state. It becomes a cause of weakness when, giving the assurance to each nation of the collaboration of the others, it is interpreted as an encouragement and even an invitation to nations to relax that vigilance, in the absence of which any system of collective security would become useless; since the general effort is nothing but the sum of individual efforts.

The final failure of the old League of Nations was not due to a vice of the institutions which, every time recourse was had to them without an attempt to evade the consequences of such recourse, met their obligations satisfactorily. The failure was due only to the relaxation of will power.

It is but too evident that the failure of the policy of sanctions which caused the crisis of 1935, might have been avoided, that the infringements of Germany on the liberties of neighboring peoples could have been limited from the start if the nations which are today united to repress violence, had already been united to prevent it. However, the calculated remoteness from European affairs in which some of them lived at the time, the partial disarmament to which a premature confidence in institutions whose efficacy had not been tested had led the others, their fear of assuming under these conditions immediate large risks, led to the disregard in these two circumstances of the adoption of energetic measures which, had they been taken at once, would in all likelihood have spared the world the flood of blood and of tears which has submerged mankind.

Such precedents, which later events placed so clearly in evidence, are worth recalling at the time when the United Nations are invited to assemble in order to elaborate the chart of a new international organization in a period when progress gives to means of aggression a character of decisive efficacy and speed. It is desirable, no doubt, that the text of this chart be established with all possible care and minuteness, that all precautions be taken in the wording in order to fill the gaps and correct the errors which may have been found in the articles of the pact of the former League of Nations. Through the foregoing amendments as well as the sending of a delegation which will collaborate in the deliberations of the San Francisco Conference, the

7° *Cooperation économique et sociale.*

Le Gouvernement français souhaite une extension de l'autorité du Conseil économique et social et l'adoption de procédures lui permettant éventuellement de collaborer avec le Conseil de Sécurité.

8° *Cour Internationale de Justice.*

Le Gouvernement français n'a pas cru devoir présenter d'amendement distinct au sujet de la Cour Internationale de Justice; il tient cependant à exprimer son désir que les consultations envisagées s'effectuent assez rapidement pour que la nouvelle Cour soit en fonction lorsque s'ouvriront les Conférences de la Paix.

Telles sont les principales observations que l'étude du plan de Dumbarton Oaks a suggérées au Gouvernement de la République. Mais ces observations sont loin d'épuiser l'ensemble des préoccupations que suscite de sa part l'examen d'un sujet aussi essentiel.

Les épreuves par lesquelles le monde est passé depuis que l'Allemagne et le Japon ont entrepris l'agression en déchirant les traités imposent de considérer, dans leur réalité, les causes de ces calamités. Parmi ces causes, l'une des plus graves a été la fausse idée que beaucoup ont pu se faire de l'efficacité propre du principe de la sécurité collective.

La sécurité collective constitue une force immense, mais si elle est mal comprise ou mal organisée, elle peut être aussi une cause de faiblesse. Elle est une force en tant qu'elle permet aux Etats attachés à la paix d'assembler leurs moyens de défense contre un Etat agresseur. Elle devient une cause de faiblesse quand, donnant pour assuré à chacun le concours des autres, elle est interprétée comme si elle encourageait et même conviait les Etats à se relâcher de la vigilance sans laquelle tout système de sécurité collective serait vain, car l'effort de tous n'est jamais que la somme des efforts de chacun.

L'échec final de l'ancienne Société des Nations n'a pas été du à un vice des institutions qui, chaque fois qu'on a eu recours à elles, sans essayer d'éluder les conséquences d'un tel recours, ont rempli convenablement leur office. L'échec ne fut imputable qu'au relâchement des volontés.

Il n'est que trop certain que l'échec de la politique des sanctions, qui a déterminé la crise de 1935, aurait pu être évité, que les empiètements de l'Allemagne sur les libertés des peuples voisins auraient pu, dès leur principe, être circonscrits, si les nations qui sont aujourd'hui unies pour réprimer la violence, s'étaient déjà trouvées unies pour la prévenir. Mais l'éloignement systématique où les unes se tenaient alors des affaires d'Europe, le désarmement partiel auquel une confiance prématurée en des institutions dont l'efficacité n'avait pas été éprouvée avait conduit les autres, leur crainte d'assumer dans ces conditions de grands risques immédiats, firent écarter en ces deux circonstances l'adoption de mesures énergiques qui, prises sur-le-champ, auraient, selon toute vraisemblance, épargné au monde le déluge de sang et de larmes qui a submergé l'humanité.

Ces précédents, que les événements ultérieurs ont mis si nettement en relief, méritent d'être rappelés au moment où les Nations Unies sont invitées à s'assembler pour élaborer la charte d'une nouvelle Organisation Internationale dans une période où l'évolution confère aux moyens d'agression un caractère d'efficacité et de soudaineté décisifs. Il est souhaitable sans doute que cette charte soit établie dans son texte avec tout le soin et toute la minutie possibles, que toutes les précautions soient prises dans les termes pour combler les lacunes et corriger les erreurs qui ont pu être relevées dans les articles du Pacte de l'ancienne Société des Nations. Par les amendements ci-dessous comme par l'envoi d'une délégation qui apportera sa collaboration aux travaux de la Conférence de San Francisco, le Gouvernement français

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French Government shows sufficiently the interest which it attaches to that part of the task. But, above technical questions, important as they may be, the French Government wishes to stress that the spirit in which the future international organization shall be constituted and shall function, has, in its eyes, a much greater importance still.

It appears essential to it that the two notions of *responsibility* and *solidarity* hereafter assume their full value.

Responsibility is defined as the concern which every member of the organization should have to collaborate effectively, at the post where geography has placed him and in the measure of his means, to common defense. The new organization should take care not to weaken this concern in propagating a false feeling of security and in encouraging the peoples to disarm without precaution. It is necessary, on the contrary, that it be willing to admit that those among the United Nations which, in spite of the demands made on them for their own reconstruction, shall after the war make the sacrifice of maintaining a strong army and remaining vigilant, will be fulfilling their international duty.

As far as solidarity is concerned, it is the very essence of collective security. But it cannot manifest itself identically in all cases. There are states between which the proximity of a common danger creates a more direct tie. There are others, on the contrary, where collaboration which is also indispensable, cannot become effective, owing to distance, without a certain delay. It is necessary that the machinery to be adopted possess sufficient flexibility to deal with these various situations. The former of these states should be able to conclude themselves treaties of assistance providing for immediate action in the face of danger. For the latter, more lengthy procedures may be contemplated. But in no case should treaties of mutual assistance be considered as a breach of collective security, of which they are, on the contrary, the first elements.

It is by starting with these considerations of geography and past experience that one may aspire, in the opinion of the French Government, to make of collective security not only a great hope of nations, but an instrument which in the future will effectively ward off the danger of aggression. The Government of the Republic is firmly persuaded that the United Nations will succeed in this objective if they are inspired by these principles and are determined to put into practice the solidarity which they have demonstrated for a long period in war and which is leading them to common victory.

PROPOSED AMENDMENTS

Chapter I

PURPOSES

Paragraph 1. To maintain peace and international security *in accordance with right and justice* and to that end take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace *without losing sight of the fact that treaties commit those who have signed them and that respect of these treaties constitutes one of the essential conditions of international order.*

Paragraph 3. To achieve international cooperation in the solution of international economic, social and other humanitarian problems *and be on guard so that essential liberties on behalf of all, without distinction of race, language and creed, be respected.*

montre assez l'intérêt qu'il attache à cette partie de la tâche. Mais, au delà des questions techniques, si importantes qu'elles soient, le Gouvernement français tient à marquer que l'esprit dans lequel se constituera et fonctionnera la future organisation internationale revêt à ses yeux une importance plus grande encore.

Il lui paraît essentiel que les deux notions de *responsabilité* et de *solidarité* prennent désormais leur pleine valeur.

La responsabilité se définit comme le souci que doit avoir tout membre de l'Organisation de concourir efficacement, au poste où la géographie l'a placé et dans la mesure de ses moyens, à la défense commune. Ce souci, la nouvelle Organisation doit prendre garde de l'affaiblir en propageant un faux sentiment de sécurité et en exhortant les peuples à désarmer sans précaution. Il faut, au contraire, qu'elle sache reconnaître que celles des Nations Unies qui, malgré les besoins de leur reconstruction, feront après la guerre le sacrifice de maintenir une armée forte et de demeurer vigilantes, rempliront bien leur devoir international.

Quant à la solidarité, c'est l'essence même de la sécurité collective. Mais elle ne peut se manifester selon des modalités identiques dans tous les cas. Il est des Etats entre lesquels la proximité du même danger crée un lien plus direct. Il en est d'autres, au contraire, dont le concours, également indispensable, ne peut, en raison de leur éloignement, intervenir qu'avec un certain délai. Il faut que le mécanisme adopté soit conçu avec assez de souplesse pour tenir compte de ces situations diverses. Les premiers de ces Etats doivent pouvoir conclure entre eux des traités d'assistance instituant la riposte immédiate au péril. Pour les seconds, des procédures plus lentes peuvent être envisagées. Mais il ne faut en aucun cas que les traités d'assistance soient considérés comme des entorses à la sécurité collective, alors qu'ils en sont, au contraire, les premiers éléments.

C'est en partant de ces données de l'expérience et de la géographie que l'on peut espérer, de l'avis du Gouvernement français, faire de la sécurité collective, non plus seulement une grande espérance des peuples, mais un instrument qui conjure efficacement dans l'avenir le danger d'agression. Le Gouvernement de la République est fermement persuadé que les Nations Unies y parviendront si elles s'inspirent de ces principes et sont décidées à appliquer à la pratique de la paix la solidarité qu'elles ont à la longue affirmée dans la guerre et qui les conduit à la victoire commune.

PROJET D'AMENDEMENTS

Chapitre premier

BUTS

Alinéa 1. — Maintenir la paix et la sécurité internationales *conformément au droit et à la justice,* et à cette fin prendre en commun des mesures efficaces en vue de prévenir et éliminer les menaces à la paix et réprimer tout acte d'agression ou autre atteinte portée à la paix, et effectuer, par des moyens pacifiques, l'ajustement ou le réglement de différends internationaux susceptibles de troubler la paix, *sans perdre de vue que les traités engagent ceux qui les ont signés, et que leur respect constitue une des conditions essentielles de l'ordre international.*

Alinéa 3. — Réaliser la coopération internationale dans la solution des problèmes humanitaires internationaux d'ordre économique, social ou autre; *et veiller au respect des libertés essentielles à l'égard de tous, sans distinction de race, de langue et de religion.*

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CHAPTER III
MEMBERSHIP

Membership of the organization should be open to all peace loving states *proving this by their institutions, their international behavior and the effective guarantees given by them to respect their international commitments. Participation in the organization implies commitments which are incompatible with a neutral state.*

CHAPTER V
THE GENERAL ASSEMBLY

Section B — Functions and Powers

Paragraph 1. Substitute for the last sentence worded as follows: "The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council", the following: *the General Assembly shall always have the right to draw the Security Council's attention to situations capable of endangering the peace.*

CHAPTER VI
THE SECURITY COUNCIL

Section A — Compensation

The Security Council should consist of one representative of each of 11 members of the organization. The representatives of the United States of America, of the United Kingdom of Great Britain and Northern Ireland, of the Union of Soviet Socialist Republics, of the Republic of China, and, (in due course), of France, should have permanent seats. The General Assembly should elect six states to the non-permanent seats, *at least three of these states being selected among those which will have committed themselves to and will have the means of participating to an appreciable extent in the establishment through the Council of the active defense of international order.* These six states should be elected for a term of two years, three of these retiring each year. They should not be immediately eligible for reelection. In the first election of the non-permanent members three should be chosen for a one year term and three for a two year term.

Section C — Voting

Paragraph 1. *To maintain and reestablish peace and international security the Security Council shall proceed, depending upon the case, either by means of "recommendations" or by means of "decisions". The "recommendations" shall be adopted by a majority vote (without regard to qualification) of two-thirds of the members of the Council. The "decisions" shall be taken by a qualified majority (including a unanimous vote of the permanent members) of the two-thirds. In case the Council should not succeed in adopting a resolution, members of the organization reserve the right to act as they will judge necessary in the interests of peace, right and justice.*

CHAPTER VIII
ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY, INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION

Section A — Pacific Settlement of Disputes

Paragraph 1. *Without forgetting to consider the respects due treaties,* the Security Council should be empowered to investigate any dispute or any situation which may lead to international friction or give rise to a dispute in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

Paragraph 7. The provisions of paragraphs 1 to 5 should not

CHAPITRE III
MEMBRES

Devrait pouvoir être membre de l'Organisation tout Etat épris de paix *et le prouvant par ses institutions, son comportement international et les garanties effectives qu'il donne de respecter ses engagements internationaux. La participation à l'Organisation implique des engagements incompatibles avec le statut de neutralité.*

CHAPITRE V
L'ASSEMBLEE GENERALE

Section B. — Fonctions et pouvoirs.

Alinéa 1. — Remplacer la dernière phrase ainsi conçue : L'Assemblée générale ne devrait, sur sa propre initiative, faire aucune recommandation relativement à toute question ayant trait au maintien de la paix et de la sécurité internationales dont le Conseil de Sécurité se préoccupe par :

L'Assemblée générale pourra toujours appeler l'attention du Conseil de Sécurité sur les situations capables de mettre en danger la paix.

CHAPITRE VI
LE CONSEIL DE SECURITE

Section A. — Composition.

Le Conseil de Sécurité devrait être composé d'un représentant de chacun des onze membres de l'Organisation. Les représentants des Etats-Unis d'Amérique, du Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord, de l'Union des Républiques Soviétiques Socialistes, de la République de Chine et (en temps voulu) de la France, devraient avoir un siège permanent. L'Assemblée générale devrait élire six Etats aux sièges non permanents, *trois au moins de ces Etats étant choisis parmi ceux qui auront pris l'engagement et auront les moyens de participer, dans une mesure appréciable à déterminer par le Conseil, à la défense active de l'ordre international.* Ces six Etats devraient être élus pour une période de deux ans, trois d'entre eux se retirant chaque année. Ils ne devraient pas être immédiatement rééligibles. A la premiére élection des membres non permanents, trois devraient être choisis pour une période d'un an et trois pour une période de deux ans.

Section C. — Vote.

1° *Pour maintenir et rétablir la paix et la sécurité internationales, le Conseil de Sécurité procédera, selon les cas, par voie de « recommandations » ou par voie de « décisions » . Les « recommandations » seront prises à la majorité (sans qualification) des 2/3 des membres du Conseil. Les « décisions » seront prises à la majorité qualifiée (comprenant l'unanimité des membres permanents) des 2/3.*

Dans le cas où le Conseil ne réussit pas à prendre une résolution, les membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire dans l'intérêt de la paix, du droit et de la justice.

CHAPITRE VIII
ARRANGEMENTS RELATIFS AU MAINTIEN DE LA PAIX ET DE LA SECURITE INTERNATIONALES Y COMPRIS LA PREVENTION ET LA REPRESSION DE L'AGRESSION

Section A. — Réglement pacifique des différends.

Alinéa 1. — Le Conseil de Sécurité, *sans perdre de vue le respect du aux traités,* devrait avoir le pouvoir d'enquêter sur tout différend ou toute situation susceptible d'entraîner le désaccord entre nations ou d'engendrer un différend, afin de se rendre compte si sa continuation pourrait menacer le maintien de la paix et de la sécurité internationales.

Alinéa 7. — Les dispositions des paragraphes 1 à 5 ne de-

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apply to situations or disputes arising out of matters which by international law are solely within the jurisdiction of the state concerned *unless the manifest violation of fundamental freedoms and of human rights constitutes in itself a threat susceptible of jeopardizing the peace.*

Section B — Determination of Threats to the Peace and Acts of Aggression and Action with Respect Thereto

Paragraph 5. In order that all members of the organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security, *and in particular the right of passage.* Such agreement or agreements should govern the number and types of forces, *the delay within which they should be placed at the disposal of the Security Council and, if appropriate, the zone of their normal location, and clearly state the facilities, the assistance and the communication means to be provided.* The special agreement or agreements should be negotiated as soon as possible and should in each case be subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes.

Paragraph 6. In order to enable urgent military measures to be taken by the organization, there should be held permanently [1] available to the Security Council national *contingents made up of forces belonging to all arms and branches stationed, or the stationing of which would be permanently prepared, if indicated, in appropriate security zones* in view of a combined enforcement action.[2] The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

Paragraph 9. There should be established a Military Staff Committee, the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of arms and to possible disarmament *and to any control measure which might be considered advisable.* It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives *and of a delegate of the members of the organization having committed themselves to placing definite forces at the disposal of the Security Council.* Any member of the organization not permanently represented on the committee should be invited by the committee to be associated with it when the efficient performance of the committee's responsibilities requires that such a state should participate in its task. Questions pertaining to the command of forces should be worked out subsequently.

Section C — Regional Arrangements

Paragraph 2. The Security Council should, where appropriate, utilize such arrangements or regional agencies for enforcement action under its authority but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

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[1] *American text uses "immediately".*

[2] *The French text omits "international" before "enforcement action".*

vraient pas être applicables aux situations ou différends découlant de questions qui, en vertu du droit international, relèvent uniquement de la juridiction nationale de l'Etat intéressé, *à moins que la violation manifeste des libertés essentielles et des droits des hommes ne constitue par elle-même une menace susceptible de compromettre la paix.*

SECTION B. — *Détermination des menaces à la paix ou d'actes d'agression et mesures à prendre à ce sujet*

Alinéa 5. — Afin de pouvoir tous contribuer au maintien de la paix et de la sécurité internationales, les membres de l'Organisation devraient s'engager à mettre à la disposition du Conseil de Sécurité, sur la demande de celui-ci et en conformité avec un ou plusieurs accords spéciaux conclus entre eux, les forces armées, les facilités ou l'aide nécessaire en vue de maintenir la paix et la sécurité internationales, *et notamment le droit de passage.* Cet accord spécial ou ces accords spéciaux devraient fixer le nombre et le type de ces forces, *le délai de leur mise à la disposition du Conseil de Sécurité et, s'il y a lieu, la zone de leur stationement normal, et préciser les facilités, l'aide et les moyens de communication à fournir.* Un tel ou de tels accords spéciaux devraient être négociés aussitôt que possible et devraient, dans chaque cas, être soumis à l'approbation du Conseil de Sécurité et à la ratification des Etats signataires en conformité avec leurs procédures constitutionnelles.

Alinéa 6. — Afin de permettre à l'Organisation de prendre d'urgence des mesures d'ordre militaire, des *contingents nationaux de forces de toutes armes stationnés ou dont le stationnement serait en permanence préparé, s'il y a lieu, dans des zones de sécurité appropriées,* devraient être *en permanence à la disposition* du Conseil de sécurité en vue d'une action coercitive conjointe. La puissance et le degré de préparation de ces contingents et les plans pour leur action conjointe devraient être déterminés par le Conseil de sécurité, avec l'assistance du Comité d'Etat-Major, dans les limites prescrites par l'accord spécial ou les accords spéciaux visés au paragraphe 5 ci-dessus.

Alinéa 9. — Il devrait être pourvu à l'établissement d'un Comité d'Etat-Major, dont les attributions seraient de conseiller et d'aider le Conseil de Sécurité relativement à toute question ayant trait aux besoins d'ordre militaire du Conseil de Sécurité, en ce qui concerne le maintien de la paix et de la sécurité internationales, à l'emploi et au commandement des forces mises à sa disposition, à la réglementation des armements, au désarmement éventuel *et à toute mesure de contrôle qui serait jugée opportune.* Il devrait être responsable, sous l'autorité du Conseil de Sécurité, de la direction stratégique de toutes les forces armées mises à la disposition du Conseil de Sécurité. Le Comité devrait être composé des Chefs d'Etat-Major des membres permanents du Conseil de Sécurité ou de leurs représentants *et d'un délégué des membres de l'Organisation s'étant engagés à mettre des forces consistantes à la disposition du Conseil de Sécurité.* Tout membre de l'Organisation qui n'aurait pas de représentation permanente au Comité devrait être invité par le Comité à s'associer à lui lorsque la bonne exécution des travaux du Comité exige que cet Etat participe à sa tâche. Les questions relatives au commandement de ces forces devraient être décidées par la suite.

SECTION C. — *Arrangements régionaux.*

Alinéa 2. — Le Conseil de Sécurité devrait, chaque fois qu'il convient, faire usage de ces arrangements ou organismes régionaux en vue de l'application, sous son autorité, de mesures coercitives, mais aucune mesure coercitive ne devrait être appiquée, en vertu d'arrangements régionaux ou par des organismes régionaux sans l'autorisation du Conseil de Sécurité.

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However, an exception is made to this rule in the case of application of urgent preventive measures specified in mutual assistance treaties signed between members of the organization and duly reported by them to the Security Council. In any event, signatory states should report as soon as possible on measures which they say they have been led to take in fulfillment of the above treaty stipulations.

CHAPTER IX

ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Section A — Purposes and Relationships

Paragraph 1. With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations, the organization should *bring about* the solution of international problems of a *humanitarian social and other nature and contribute to* guarantee the respect of human rights and fundamental freedoms. The General Assembly and the Economic and Social Council under its authority should *cooperate with the Security Council* in the discharge of this function.

Section B — Composition and Voting

The Economic and Social Council should consist of representatives of 18 members of the organization *among which should necessarily be included, to the extent of at least one half, the countries of which the economic importance is the most considerable.* The states to be represented for this purpose should be elected by the General Assembly for terms of three years. Each such state should have one representative who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present *on the condition that at least two-thirds of the members in the Economic and Social Council participate in the voting.*

Section C — Functions and Powers of the Economic and Social Council

Paragraph 1. The Economic and Social Council should be empowered:

c. bis. *To consider the creation and the control of similar agencies especially insofar as the allocation of raw materials is concerned.*

f. To assist the Security Council upon its request *and submit directly to it in emergency cases any humanitarian, economic, social or other question which it believes of a nature to endanger the peace, the Economic and Social Council having the responsibility of rendering a report to the Assembly.*

Section D — Organization and Procedure

Paragraph 1. The Economic and Social Council should set up an Economic Commission, a Social Commission, and such other commissions *or sub-commissions* which it might consider necessary to establish, *particularly on a regional basis.* These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the organization.

Technical Amendment.

"Any treaty or international commitment having a political character negotiated in the future by a member of the organization shall be immediately registered by the Secretariat and published by the latter as soon as possible. No such treaty or international commitment shall be compulsory before having been registered."

Il est toutefois fait exception à cette règle dans le cas d'application des mesures d'urgence prévues par les traités d'assistance conclus entre Membres de l'Organisation et notifiés par eux au Conseil de Sécurité. En tout état de cause, les Etats signataires devraient lui rendre compte dans le plus bref délai des mesures qu'ils auraient été amenés à prendre en exécution des stipulations desdits traités.

CHAPITRE IX

ARRANGEMENTS RELATIFS A LA COOPERATION ECONOMIQUE ET SOCIALE SUR UN PLAN INTERNATIONAL

SECTION A. — *Buts et relations*

Alinéa 1. — Dans le but de créer les conditions de stabilité et de bien-être qui sont nécessaires au maintien de relations amicales et pacifiques entre nations, l'Organisation devrait *provoquer la solution des problèmes internationaux d'ordre humanitaire, social et autre et contribuer à assurer* le respect des droits des hommes et des principales libertés. l'Assemblée générale et, sous son autorité, le Conseil économique et social devraient *collaborer avec le Conseil de Sécurité* à l'accomplissement de cette fonction.

SECTION B. — *Composition et vote*

Le Conseil économique et social devrait être composé des représentants de dix-huit membres de l'Organisation, *parmi lesquels figureraient obligatoirement, au moins pour moitié, les pays dont l'importance économique est la plus considérable.* Les Etats devant être représentés à cette fin devraient être élus par l'Assemblée générale pour une période de trois ans. Chacun de ces Etats devrait avoir un représentant, qui aurait droit à une voix. Les décisions du Conseil économique et social devraient être prises à un vote de simple majorité des représentants présents à *condition que les deux tiers au moins des membres du Conseil économique et social participent au vote.*

SECTION C. — *Fonctions et pouvoirs du Conseil économique et social*

Alinéa 1. — Le Conseil économique et social devrait avoir le pouvoir :

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c bis) *d'envisager la création et le contrôle d'organismes semblables en ce qui concerne en particulier la répartition des matières premières.*

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f) d'aider le Conseil de Sécurité, sur la demande de celui-ci, *et de le saisir directement en cas d'urgence de toute question humanitaire, économique, sociale ou autre qu'il juge de nature à mettre la paix en danger, à charge pour le Conseil économique et social de rendre compte à l'Assemblée.*

SECTION D. — *Organisation et procédure*

Alinéa 1. — Le Conseil économique et social devrait instituer une commission économique, une commission sociale et toute autre commission *ou sous-commission* qu'il jugerait nécessaire d'établir *en particulier au titre régional.* Ces commissions devraient être composées d'experts. Il devrait y avoir un personnel permanent qui ferait partie du secrétariat de l'Organisation.

AMENDEMENT TECHNIQUE

« Tout traité ou engagement international, ayant un caractère politique, conclu à l'avenir par un membre de la Société, devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré. »

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SPECIFIC LOCATION OF BUS AND SEDAN STOPS

STOP 1 - Veterans Memorial Building - located on west side of Van Ness Ave. at McAllister Street.

Stop 1 - is in front of Veterans Memorial Bldg. on Van Ness Ave.

STOP 2 - Civic Opera House - located on west side of Van Ness Ave. at Grove Street.

Stop 2 - is on Van Ness Ave. in front of Opera House.

STOP 3 - Whitcomb Hotel - located on south side of Market Street, between 8th and 9th Streets.

Stop 3 - Sedan Stop in front of hotel on Market St.

Stop 3A - Baggage Stop on Stevenson Street, between 8th and 9th streets.

Stop 3B - Shuttle Bus Stop for passengers going from Veterans Building to the hotel, is located on west side of 9th, just south of Market Street.

Stop 3C - Shuttle Bus Stop for passengers going from the hotel to the Veterans Building, is located on east side of 9th St., just south of Market St.

Stop 3D - Draft Busses going from hotel to outlying points - location on west side of 8th Street, just south of Market Street.

STOP 4 - Palace Hotel - located on south side of Market st. at New Montgomery.

Stop 4 - Sedan Stop at side entrance of hotel on New Montgomery Street.

Stop 4A - Shuttle Bus Stop and loading area for draft busses at rear entrance of hotel on Jessie Street.

Stop 4B - Baggage stop on Annie Street, between Jessie Street and Market Street.

STOP 5 - Union Square - located on north side of Union Square on Post Street, between Powell and Stockton.

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STOP 6 - Drake - Wiltshire Hotel - located on southeast corner of Stockton and Sutter Streets.

Stop 6 - Sedan Stop in front of hotel on east side of Stockton Street.

Stop 6A - Baggage Stop at side of hotel on ~~south~~ North side of ~~Sutter Street~~ COMPTON PLACE.

STOP 7 - Plaza Hotel - located on northeast corner of Stockton and Post Streets.

Stop 7 - Sedan loading in front of hotel on north side of Post Street.

Stop 7A - Baggage Stop at side of hotel on Stockton Street.

STOP 8 - Sir Francis Drake Hotel - located on southeast corner of Powell and Sutter Streets.

Stop 8 - Sedan Stop in front of hotel on Powell Street.

Stop 8A - Baggage Stop at side of hotel on Sutter.

STOP 9 - St Francis Hotel - located on west side of Powell Street, between Post and Geary Streets.

Stop 9 - Sedan Stop at side (north) entrance to hotel on Post Street.

Stop 9A - Baggage Stop at south side of hotel on Geary Street.

STOP 10 - Stewart Hotel - located on Geary Street, between Powell and Mason Streets.

Stop 10 - is in front of main entrance to hotel on south side of Geary Street -- for sedans and baggage both.

STOP 11 - Clift Hotel - located on southeast corner of Geary and Taylor Sts.

Stop 11 - Sedan stop in front of main entrance to hotel on Geary Street.

Stop 11A - Baggage Stop at west side of hotel on Taylor Street.

STOP 12 - Bellevue Hotel - located on southwest corner of Geary and Taylor Streets.

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Stop 12 - Sedan stop in front of main entrance to hotel on Geary Street.

Stop 12A - Baggage Stop at east side of hotel on Taylor St.

STOP 13 - Hotel Californian - located on northwest corner of Taylor Street at O'Farrell Street.

Stop 13 - is in front of main entrance to hotel on west side of Taylor St.

STOP 14 - Alexander Hamilton Hotel - located on south side of O'Farrell Street between Hyde and Leavenworth Streets.

Stop 14 - Bus, Sedan and Baggage Stop in front of hotel on south side of O'Farrell Street.

Stop 14A - Shuttle Bus Stop across street from hotel on north side of O'Farrell Street.

STOP 15 - Mark Hopkins Hotel - located on southeast corner of California and Mason Streets.

Stop 15 - Sedan Stop at front entrance of hotel on southeast corner of California and Mason.

STOP 16 - Fairmont Hotel - located on east side of Mason Street, between California and Sacramento Streets.

Stop 16 - Sedan Stop at front entrance of hotel on east side of Mason Street.

Stop 16A - Baggage Stop at side of hotel on south side of Sacramento Street.

STOP 17 - Pacific Union Club - located on northwest corner of California and Mason Streets. Sedan and limousine stop in front of club on north side of California Street.

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SHUTTLE BUS STOPS C233600

Shuttle trips will be run from the Veterans Memorial Building to and from the following points:

A. Route:

1. Alexander Hamilton Hotel

STOP 14 - On O'Farrell St, directly in front of the hotel. Passengers coming to the hotel from Veteran's Building will unload here.

STOP 14A - On north side of O'Farrell Street, directly across the street from the hotel. Passengers going from the hotel will load here.

2. Clift - Bellevue - Califronian Hotels

STOP 11A - On Taylor street, west side of Clift Hotel. Passengers going to these hotel from the Veterans Building will unload here.

STOP 12A - West side of Taylor Street at east side of Bellevue Hotel. Passengers coming from these hotels will load here.

3.. Union Square

STOP 5 - On Post Street at north side of Union Square just west of the garage driveway. Passengers from the St. Francis, Sir Francis Drake, Drake Wiltshire, Plaza, and Stewart Hotels , will load and unload at this point

B. Route:

1. Fairmont, Mark Hopkins Hotel, and Pacific Union Club.

STOP 8B - Busses will stop on east side of Mason St. directly in front of the Fairmant Hotel. Passengers from these Hotels will load and Unload at this point.

C. Route:

1. Whitcomb Hotel

STOP 3B - West side of 9th Street, just south of Market Street. Passengers going to the hotel from Veterans Building will unload here.

STOP 3C - East side of 9th Street, just south of Market Street. Passengers coming from the hotel will load here.

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2. Palace Hotel
Stop 4A - South entrance of hotel on Jessie Street.
Passengers will load and unload at this point.

NOTE:

Passengers will board and leave busses at red and green signs indicating the stop Number.

Sedan passengers will be picked up at the entrance to each hotel.

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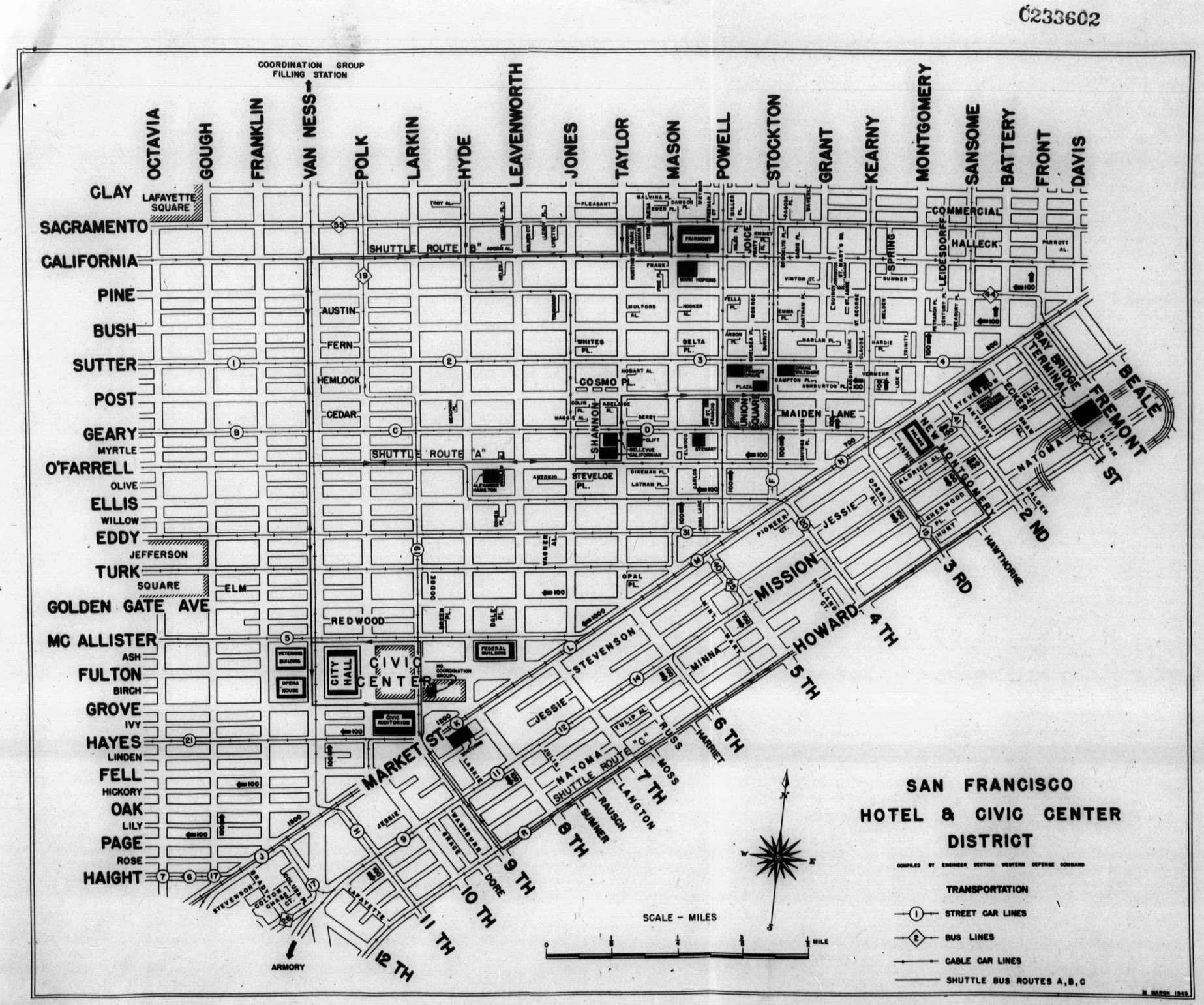

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DIRECTORY OF

ADMINISTRATIVE SERVICES

INTERNATIONAL SECRETARIAT

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

ADMINISTRATIVE SECRETARY

WILLIAM D. WRIGHT

Room 408 Ext. 140

ASSISTANTS: Stephen P. Dorsey
Millard Kenestrick
Robert Read
John Russell

Merle K. Wood Ext. 56
(Space and Registration)

Unless otherwise noted, extension numbers shown are connected with INternational 6300, and room numbers indicated are in the Veterans War Memorial Building.

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PERSONNEL OFFICER

R. E. Ward, Jr.

Room 413 Ext. 26

The Personnel Office is responsible for staffing the offices attached to the International Secretariat either for the duration of the Conference or for temporary assignments. Officers needing additional assistance or having more employees than needed should notify the Personnel Office immediately. Personnel who do not satisfactorily meet the requirements of the job should be referred to the Personnel Office for reassignment. Room 413 of the Veterans War Memorial Building will be the central headquarters for the Personnel Office.

Complete first aid facilities will be available for employees of the Secretariat, and the services of this Unit can probably be made available to delegates and their assistants. Cases requiring hospitalization or medical care should be brought to the attention of the Health Unit for appropriate referrals and arrangements.

Mr. Ward and his staff will be of service from the Personnel Relations standpoint, and employees should be encouraged to discuss their personal problems with members of the Personnel staff at any time.

Any other problems relating to personnel management should be brought to the attention of the Personnel Office, and every effort will be made to give efficient and complete solution to these problems.

FINANCE OFFICER

Mr. William J. Monoghan

Room 410 Ext. 123

The Finance Officer is responsible for all financial matters in connection with the United States delegation

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and members of the Secretariat, as well as for the payment which may be necessary in the case of any special equipment purchases.

Salary checks of the Department of State employees who have instructed the payroll unit to forward their checks to San Francisco will be delivered by this office.

Per diem will be paid weekly on each Saturday.

Temporary employees engaged for the Conference will be paid on approximately the third and eighteenth day of each month.

During the Conference a specimen travel voucher will be distributed to each member of the delegation and the secretariat to assist as a guide in the preparation of the final travel expense voucher.

SUPPLY OFFICER

Mr. Bruce L. McDaniel

Room 406 Ext. 56

A Supply Department has been established to handle various office equipment needs for the Secretariat and Delegates. Such problems should be taken up with the following members of the staff:

Mr. Bruce L. McDaniel, Room 406, Ext. 56, for procurement or contractual services.

Mr. R.M.F. Williams, Room 406, Ext. 56, for equipment and supplies.

Mr. R. L. Stegmaier, Room 406, Ext. 267, for typewriter repair problems.

TRANSPORTATION OFFICER

Mr. Donald Watson

Laurel Court, Fairmont Hotel, Ext. 1000

There will be sufficient personnel in the San Francisco Transportation office at the Fairmont Hotel to arrange for any railroad and air reservations and

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accommodations that may be desired for the return of the delegates, Secretariat, and others connected with the San Francisco Conference. It is requested that all transportation matters be taken up at the earliest possible moment with the personnel of this office.

HOTEL REGISTRATION OFFICER

Mr. James McM. Gibson

Room 406 Ext. 56

The staff of the hotel registration officer is responsible for contacts with representatives of the delegations to secure information relative to their hotel and office space arrangements and equipment requirements, as well as contacts with the hotels relative to the assignment of such space in hotels.

CONFERENCE REGISTRATION AND INFORMATION

Mr. John O. Bell

Lobby Ext. 110

The conference registration and information officer is responsible for the registration of and issuance of passes to all persons participating in the international conference. He will maintain contact points at the Veterans War Memorial Building and at each of the major hotels at which delegation headquarters are maintained.

SPACE OFFICER

Mr. Michael M. Harris

Room 406 Ext. 56

The space officer is responsible for the assignment of space for the offices of conference secretariat; for the preparation of the space, including alterations to the building; installation of cables and wiring in delegation office space as well as conference space; construction of partitions; and space layouts.

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ORDER OF THE DAY OFFICER

Mr. William Kane

Room 461 Ext. 256

The Order of the Day Officer will serve as the control center for all service requirements for daily conferences and meetings. He will be responsible for issuing the official "Order of the Day" indicating conferences and meetings which will meet daily with the secretaries of the various committees to make plans for the following day's activities. In addition, members of his staff will be assigned to each committee in order to anticipate service needs and requirements. They will assist in planning the physical arrangements for each meeting, including space allocation and provision of special facilities such as public address systems, charts, etc.

COMMUNICATIONS OFFICER

Mr. Winfield A. Coffin

Room 406 Ext. 220

The Communications Officer is responsible for telephone service, installations and rearrangements associated with the United Nations Conference switchboard, INternational 3300.

He also serves by assisting with other communication matters. He should be called on Ext. 220 when assistance is required.

LOCAL COURIER AND TRANSPORTATION OFFICER

Lt. Col. Roy De Vecchio

Room 319 (Star) HEmlock 5475 Ext. 23
(Victor) INternational 3300
Ext. 287

Transportation service is outlined in detail in the release of April 20, 1945 on UNCIO Motor Transportation Pool Policy issued by the Army Navy Coordination Group headquarters.

Any special problems regarding transportation should be referred to Lt. Col. De Vecchio.

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J.W.P.

SAN FRANCISCO CONFERENCE

Notes for Press interview on arrival

C233608

1. The vital point: to reach a workable agreement which will give Humanity solid grounds for hope of peace and security for generations to come.

2. Canadian delegation has no special interest to serve: resolved to do our utmost to contribute constructively to drafting of a charter.

3. Reference to entry into Berlin and imminence of military victory in Europe: itself the fruit of co-operation we must seek to strengthen and perpetuate.

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4. The spirit of Franklin Roosevelt hovering over the Conference: like millions of ordinary men and women throughout the world, he too gave his life in the cause of freedom and peace.

5. Relations between Canada and the United States - a pattern of the wider co-operation we are seeking to achieve.

6. Importance of careful and honest reporting - do not stress differences and ignore much wider agreement, merely because differences make better headlines. World security requires support of world public opinion. - Immense responsibility of a free press.

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7. Announcement in Paris and Ottawa today of particular significance to Canada.

(Here make allusion to re-union of the two Canadian Corps in the 1st Canadian Army.)

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SAN FRANCISCO CONFERENCE

Statement by the Prime Minister of Canada
as Chairman of the Canadian Delegation

The Canadian delegation comes to this conference with one central purpose in view. That purpose is to co-operate as completely as we can with the delegations of other nations in bringing into being, as quickly as possible, a charter of world security.

This Conference is meeting at a time without parallel in the history of human affairs. The present is one of those moments of transition when an old order is passing away. We are here to lay the foundations of a new world order. The ends that we seek to serve transcend the bounds of nationality, and the limits of race.

We should seek to match our deliberations to the rapid movement of events. While the fires of war are still fiercely burning, the opportunity is given to this Conference to forge and fashion from those fires an instrument for world security. That instrument must be worthy of the high purpose of those who have sacrificed their all in the cause of this world's freedom. It is ours to give to grief-stricken Humanity, a hope of which it has greater need today than it has ever had before.

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Perhaps this great gathering would permit me, as one who represents a country which has such close ties with the United States, to say ~~at the outset of my remarks~~ how deeply ~~we feel~~ the loss of so close a friend and so good a neighbour as President Roosevelt. To many here who enjoyed his friendship, his death was a deeply ~~moving~~ personal bereavement. But the passing of Franklin Roosevelt was more than ~~that~~. ~~It was a loss to the neighbouring countries particularly at this moment,~~ it ~~was~~ is a loss to the whole world. That places upon each and every one of us a greater responsibility.

~~What nobler memorial could we who are assembled here raise to his memory, than~~ by our united efforts, to build a world organization which would express his life's aims and his life's ideals - a system of international co-operation which would banish from the world the threat of war, and the fear of war.

If the spirit of Franklin Roosevelt pervades the deliberations of this Conference, its success will be assured. Failure to achieve its high aim would be failure not merely of those who are gathered here from the four quarters of the globe; it would be the failure of our civilization which, in different parts of the world, has already come so close to the brink of destruction.

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May I ~~add~~ a further ~~personal word~~ personal reference. All ~~here~~ present will join with Mr. Stettinius in the hope he expressed that before the Conference concludes, Mr. Cordell Hull will be sufficiently restored in health to join in our deliberations. Mr. Hull's name will always be associated with the origins of the World Security Organization. ~~His years of~~ His fortitude, at his age, in making the arduous journey to Moscow in 1943, and the large share he had in shaping the ~~conclusions of the Conference there~~ proposals we are now considering here, earned for him an enduring place among the founders of the ~~organization we are now seeking to bring into formal being~~ United Nations.

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Security is desired by the majority of humankind so that they may build a better world in which men and nations may work together for human happiness. We have learned, on this Continent, that security is not an end in itself, but a means to a greater end.

Canada and the United States have achieved a sense of security toward one another which is so deep that security itself has receded into the background. Our mutual relations are concerned almost wholly with joint constructive efforts of common benefit to our own and other peoples.

I can express no higher hope for the future of mankind than that, out of the instrument we are now fashioning, there may develop relations among all nations similar to those which, for generations, have been a common possession of our two countries.

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The proceedings of this Conference have been greatly facilitated by the preparatory work already done at Dumbarton Oaks and at Yalta by the inviting Powers.

We may all rejoice that the Great Powers have achieved unified proposals for a world security organization. That is a great step forward.

The rapid movement of events on the battle fronts, and the heavy demands upon all who are represented here at San Francisco, make it most desirable to begin as early as possible the detailed consideration of the proposals before the Conference. It is not the intention of the Canadian delegation in plenary session to put forth specific amendments to the proposals. Our delegation will express its point of view, at an appropriate time and place, on specific questions as they arise.

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~~Suggested paragraph~~

~~I do not propose to develop at this time the specific changes which the Canadian delegation would wish to see incorporated in the Dumbarton Oaks proposals.~~ Our sole preoccupation in any amendments which we may put forward at a later stage will be to help in creating an organization which ~~will~~, over the years and the decades to come, will be strong enough and flexible enough to stand any strains to which it may be subjected. We shall not be guided by considerations of national pride or prestige and shall not seek to have changes made for reasons such as these. We recognize the principle that power and responsibility must go hand in hand, and that international security depends primarily upon the maintenance of power. Power, however, is not exclusively concentrated in the hands of any four or five states and the conference should ~~must~~ not act on the assumption that it is. ~~This course~~ Such a position would not only be contrary to the facts, as they have been demonstrated ~~for example~~ in the past five years, but it would also be dangerous to the cause of security itself. For it would foster in many smaller countries the development of a new type of isolationism - a feeling that the task of preserving the peace could be left exclusively to the great powers. Such a habit of thought would make it difficult for the smaller powers to make their contribution ~~which~~ experience has shown that the contribution of smaller powers is not a negligible one to preserving the peace or ~~restoring it~~ the restoration of it when it has been disturbed.

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~~The people of Canada have clearly recognised that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace.~~ The people of Canada are firm in ~~our~~ their resolve to do whatever lies in ~~our~~ their power to ensure that the world will not be engulfed for a third time by a tidal wave of savagery and despotism. That is why our Parliament overwhelmingly endorsed the acceptance of the invitation to Canada to participate in this Conference. It is for that reason, too, that the delegation from Canada was specifically authorized by our Parliament to accept the proposals of the inviting Powers as a satisfactory general basis for the discusssion of the proposed charter, and to use its best endeavours to reach an agreement upon the foundation of a world security organization. The measure of the unanimity of our country is to be found in the delegation to this Conference. The delegates were selected while our Parliament was in session. They were chosen from both ~~sides of both~~ Houses. They represent all important ~~shades~~ of opinion in Canada.

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In conclusion, may I express my firm conviction that the spirit in which we approach this great task is more important than all else. [redacted]". The supreme lesson the years of war has surely taught us is that individuals or nations should no longer be made to serve selfish national ends, whether those ends be world domination or merely isolated self defence. Nations everywhere must unite to save and to serve Humanity. It is for us all to remember that "Justice is the common concern of mankind".

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But the passing of Franklin Roosevelt was more than a loss to neighbouring countries. It is a loss to the whole freedom-loving world. That loss places upon each and every one of us a greater responsibility. If the spirit of Franklin Roosevelt pervades the deliberations of this Conference, its success will be assured. The highest tribute which we, of the United Nations, can pay to his memory is, by our united efforts, to build a world organization which will express his life's aims and his life's ideals - a system of international co-operation which will banish from the world the threat of war, and the fear of war.

May I add a further personal reference. All present will join with Mr. Stettinius in the hope he expressed that, before the Conference concludes, Mr. Cordell Hull will be sufficiently restored in health to join in our deliberations. Mr. Hull's name will always be associated with the origins of the World Security Organization. His years of devoted service to the cause of world freedom; his great political wisdom; his fortitude, at his age, in making the arduous journey to Moscow in 1943; and the large share he had in shaping the proposals we are now considering, have earned for him an enduring place among the founders of the United Nations.

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It might not be out of place for me to say that, as a result of ~~out of~~ our many years of friendship and co-operation, Canada and the United States have achieved a sense of security toward one another which is so deep that security itself has receded into the background. Our mutual relations are concerned almost wholly with joint constructive efforts of common benefit to our own and other peoples.

I can express no higher hope for the future of mankind than that, out of the instrument we are now fashioning, there may develop relations among all nations similar to those which, for generations, have been a common possession of ~~our two countries~~ Canada and the United States.

The proceedings of this Conference have been greatly facilitated by the preparatory work already done at Dumbarton Oaks and at Yalta by the inviting Powers. We may all rejoice that the Great Powers have achieved unified proposals for a world security organization. That is a great step forward — a weighty contribution already made towards the establishment and maintenance of world peace.

The rapid movement of events on the battle-fronts, and the heavy demands upon all who are represented here at San Francisco, make it most desirable to begin as early as possible the detailed consideration of the proposals before the Conference.

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There is much that remains to be done. Over the stricken nations of Europe, hunger, privation and disease now hover in the wake of war. In the liberated homelands of our Allies, we must help to relieve the suffering and to repair the devastation. ~~Until suffering has been alleviated,~~ Until the hungry have been fed, the homeless sheltered, and the sick healed, we cannot claim a complete victory over the evil forces which have been seeking the destruction of civilization itself.

Throughout the war, the response of our people to every appeal of humanity has been magnificent. In every land in Europe, the name of Canada spells the mercy of the Canadian Red Cross. By continuing to bind up the wounds and to dry the tears of grief-stricken millions, we can give to the gratitude we feel so deeply [redacted] its truest and noblest expression.

The United Nations are rejoicing today at the complete defeat of Germany. But the end of warfare in Europe is not the end of the war. There is yet another enemy. The United Nations have still to bring about the unconditional surrender of Japan. The Japanese aggressor must be completely defeated, and his ambitions forever crushed.

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Our national war effort must and will continue until the war in the Far East has also been won.

We, in Canada, were among the first to realize the world-encircling character of the present conflict. We saw with clear vision that the war in Europe and the war in Asia were but one war. We saw that ~~they were~~ a combination of ~~gods of~~ tyranny and aggression which aimed at world conquest and world domination. We decided to ~~fight~~ this monstrous ~~evil~~ The Nazi beast has, at last, been slain in his native lair. It remains to crush ~~the serpent of~~ Japanese militarism wherever ~~it~~ continues to raise its venomous head. The defeat of Nazi Germany should give us new strength to bring the war speedily to its close in every quarter of the globe. There must be no pause until total victory has been achieved. ~~Our~~ response to the present Victory Loan is one way in which we ~~all~~ can reaffirm our determination to ~~be~~ steadfast to the end.

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Finally, we must fight to a victorious close the war against war itself. The hard struggle for peace must go on long after the guns cease firing. Until we win that struggle, we cannot truly say that we have won the war.

More than two and a half years ago, speaking in New York on the defence of common liberties, I said:

> "Victory and peace, some day, will crown the sacrifices of those who fight for freedom. When that day comes, the peoples of the British Commonwealth and the people of the United States will be found at each other's side, united more closely than ever, but they will be part of a larger company. In that company, all the nations now united in the defence of freedom will remain united in the service of mankind."

In Europe, victory has come, and the rest of that prediction is being fulfilled. It is being fulfilled in a measure surpassing all expectations.

I am speaking to you from San Francisco. Here, the representatives of the peoples of the British Commonwealth and the people of the United States are at each other's side. They are united more closely than ever.

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PROJET DE DOCUMENT-TYPE A L'USAGE DES COMITES

PROPOSITIONS DE DUMBARTON OAKS

Chapitre II: Principes

Dans la poursuite des buts visés au Chapitre I, l'Organisation et ses membres devraient agir conformément aux principes suivants :

1. L'Organisation est fondée sur le principe de l'égalité souveraine de tous les Etats épris d'un idéal de paix.

2. Tous les membres de l'Organisation, afin d'assurer à chacun d'entre eux la jouissance des droits et avantages résultant de sa qualité de membre de l'Organisation s'engagent à remplir les obligations assumées par eux aux termes de la Charte.

3. Tous les membres de l'Organisation règleront leurs différends par des moyens pacifiques, de telle manière que la paix et la sécurité internationales ne soient pas mises en danger.

4. Tous les membres de l'Organisation s'abstiendront, dans leurs relations internationales, de re-

AMENDEMENTS DES QUATRE PUISSANCES INVITANTES

(Les parties soulignées sont nouvelles. Les mots biffés indiquent les suppressions

1. L'Organisation est fondée sur le principe de l'égalité souveraine de tous ~~les Etats épris d'un idéal de paix~~ ses membres.

3. Tous les membres de l'Organisation règleront leurs différends internationaux par des moyens pacifiques, de telle manière que la paix et la sécurité internationales ne soient pas mises en danger.

INDEX RELATIF A TOUS LES AMENDEMENTS ET PROPOSITIONS

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EGYPTE, Doc.2, G/7(q)
Le droit international base de la nouvelle Organisation, p.1
Charte de l'Atlantique,p.1
(Les renvois aux observations des autres délégations suivent dans l'ordre).

ETATS-UNIS, ROYAUME-UNI, UNION SOVIETIQUE et CHINE, Doc. 2, G/29
Egalite souveraine des membres,p.2
Reglement des différends internationaux,p.2
Juridiction interne,p.2

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courir aux menaces ou à l'emploi de la force, incompatibles, en toute hypothèse, avec les buts de l'Organisation.

5. Tous les membres de l'Organisation seconderont, dans toute la mesure de leurs moyens, toute action entreprise par l'Organisation conformément aux dispositions de la Charte.

6. Tous les membres de l'Organisation s'abstiendront de prêter assistance à un Etat contre lequel l'Organisation aura entrepris une action d'ordre préventif ou coercitif.

En vue de maintenir la paix et la sécurité internationales, l'Organisation devrait prendre toutes les mesures qu'elle jugerait nécessaires pour que les Etats non-membres agissent conformément à ces principes.

Nouvel alinéa à ajouter après l'alinéa 6 pour remplacer l'alinéa 7 du Chapitre VIII, Section A, qui serait raye :

Rien dans la presente Charte n'autorisera l'Organisation à intervenir dans des questions qui sont essentiellement de la compétence nationale de l'Etat intéressé, ni n'obligera les membres à soumettre ces questions pour règlement en vertu de la Charte;mais ce principe ne portera pas atteinte à l'application du Chapitre VIII, Section B

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PROPOSED MODEL WORKING DOCUMENT
FOR THE COMMITTEES

DUMBARTON OAKS PROPOSALS	AMENDMENTS OF THE FOUR SPONSORING POWERS	INDEX TO ALL AMENDMENTS AND PROPOSALS
Chapter II: Principles	(Underlining indicates new language. Words stricken out indicate deleted language.)	BELGIUM. Doc. 2, G/7 (p) Relationship of large and small states--pp. 1, 3
In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles:	Chapter II: Principles	BRAZIL. Doc. 2, G/7(e) Threat of use of force, p. 3 Doc. 2, G/7(e)(1) Respect for treaties, p. 1
1. The Organization is based on the principle of the sovereign equality of all peace-loving states.	1. The Organization is based on the principle of the sovereign equality of all ~~peace-loving states~~ its members.	CHINA. Doc. 7, G/7(a), May 1 Regard for Principles of Justice and International Law, p. 1
2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.		COSTA RICA. Doc. 2, G/7(h) Abstention from use of force, p.1 Transgressions subject to universal rules, p. 1
3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.	3. All members of the Organization shall settle their international disputes by peaceful means in such a manner that international peace and security are not endangered.	EGYPT. Doc. 2, G/7(q) International law as basis of new Organization, p. 1 Atlantic Charter, p. 1
4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.		(References to comments of other Delegations follow in order.)
5. All members of the Organization shall give every assistance to the Organization in any action undertaken		UNITED STATES, UNITED KINGDOM, SOVIET UNION AND CHINA. Doc. 2, G/29 Sovereign equality of members, p. 2 Settle international disputes, p. 2 Domestic jurisdiction, p. 2

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by it in accordance with the provisions of the Charter.

6. All members of the Organization shall refrain from giving assistance to any state against which preventive or enforcement action is being undertaken by the Organization.

The Organization should ensure that states not members of the Organization act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

New paragraph to be added following paragraph 6, to take the place of paragraph 7 of Chapter VIII, Section A, which would be deleted:

Nothing contained in this Charter shall authorize the Organization to intervene in matters which are essentially within the domestic jurisdiction of the State concerned or shall require the members to submit such matters to settlement under this Charter; but this principle shall not prejudice the application of Chapter VIII, Section B.

URUGUAY. Doc. 2, G/7(a)
Ideals to be recognized, p. 2
Equality as basis of membership, p. 2
Rights of non-members of Council, in relation to equality, p. 3
Independence of nations to be confirmed, p. 5
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Please do not cast this aside as a crank letter. These are facts that most of us are too prone to overlook.

We are already about to lose the Post War Peace with the recognitation of Argintina. If you will delve into history you will find that the Roman Catholic Church has instigated all the Old World wars beginning with the Roman destruction of Greece, and the torturing of Christians in the Roman Arena, and the Pope has again tried to destroy Greece in this war.

If an investigation is made you will find that the Gestapo are all Roman Catholics, and the people who have been tortured and murdered are all Jews and non-catholics.

The Pope put into power Hitler, Musselini, Franco, DeGaul, Gandi, Devalera King Leopold and the French Generals such as Petain who betrayed their countries. The traitors in this and also the last war are the Catholic french in Canada, the Dublin Irish, Argintina and Catholic officials in the U. S. such as our present Secretary of State and Attorney General.

Do not trust the U. S. Mail with important documents, as when Jim Farley was Post Master General he removed all non-catholics and put Roman Catholics in key positions, and they have brasenly sabataged the mails and nothing anti catholic goes thru if they find it.

It is the Roman Catholics all over the world that are yelling Communist, meaning every one who is not a Catholic, and if they are permitted to continue the control of the conquered countries, the war has been fought in vain as that is the exact reason why it was started. The only cowardly act of the U. S. Civil War in the Sixties was the Roman Catholic General Sherman's march from Georgia to the Sea thru undefended country, burning and stealing property, killing women and children just the same as the so called Nasi and Fasist are doing today. It is the Roman Catholic Jesuit creed. It was these same Jesuits that taught the Japs and incited them to war. They have caused all the trouble in India, Arabia, South America and Africa.

If the Russians are going to take prisoners back to reconstruct their country (and they should) let them take the Catholics and they will have the guilty people

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CANADA

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C233638

Please do not cast this aside as a crank letter. These are facts that most of us are too prone to overlook.

We are already about to lose the Post War Peace with the recognitation of Argintina. If you will delve into history you will find that the Roman Catholic Church has instigated all the Old World wars beginning with the Roman destruction of Greece, and the torturing of Christians in the Roman Arena, and the Pope has again tried to destroy Greece in this war.

If an investigation is made you will find that the Gestapo are all Roman Catholics, and the people who have been tortured and murdered are all Jews and non-catholics.

The Pope put into power Hitler, Musselini, Franco, DeGaul, Gandi, Devalera King Leopold and the French Generals such as Petain who betrayed their countries. The traitors in this and also the last war are the Catholic french in Canada, the Dublin Irish, Argintina and Catholic officials in the U. S. such as our present Secretary of State and Attorney General.

Do not trust the U. S. Mail with important documents, as when Jim Farley was Post Master General he removed all non-catholics and put Roman Catholics in key positions, and they have brasenly sabataged the mails and nothing anti catholic goes thru if they find it.

It is the Roman Catholics all over the world that are yelling Communist, meaning every one who is not a Catholic, and if they are permitted to continue the control of the conquered countries, the war has been fought in vain as that is the exact reason why it was started. The only cowardly act of the U. S. Civil War in the Sixties was the Roman Catholic General Sherman's march from Georgia to the Sea thru undefended country, burning and stealing property, killing women and children just the same as the so called Nasi and Fasist are doing today. It is the Roman Catholic Jesuit creed. It was these same Jesuits that taught the Japs and incited them to war. They have caused all the trouble in India, Arabia, South America and Africa.

If the Russians are going to take prisoners back to reconstruct their country (and they should) let them take the Catholics and they will have the guilty people

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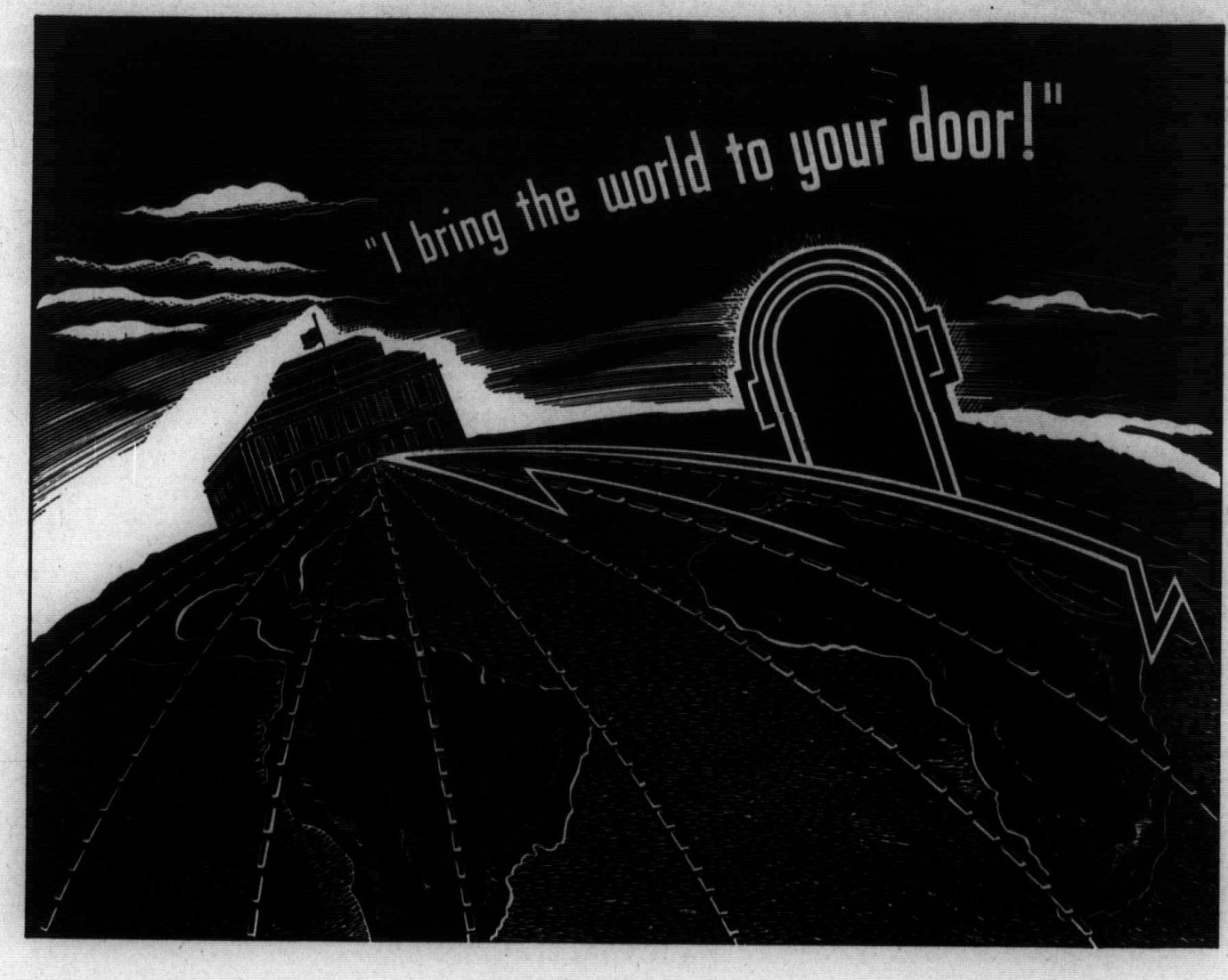
C233629



WELCOME TO OUR FRIENDS OF THE UNITED NATIONS

World-Wide Facilities of the American Cable & Radio Corporation Are At Your Disposal

To build a secure, peaceful and prosperous "One World" is the hope of all civilized peoples and the goal of this historic conference. Through the magic of world-wide radio and cable communications, bringing nations and industries into closer co-operation, A. C. & R. and its associates are helping to hasten the day of achievement.

Associated companies of A. C. & R. maintain constant and rapid communication with all liberated countries. Our full radio and cable facilities are at your service 24 hours a day. It is our wish to be as helpful as possible in maintaining close and constant contact between conference delegates and their respective governments. May we, therefore, suggest that for facility and speed all messages should be routed via the company having the fastest and most complete service to the point you wish to reach.

A. C. & R. associates have more than one channel of communication to most countries—but we can serve you best if you will route your message via the most *direct* service. Any telegraph or cable company can pick up messages to be sent via an A. C. & R. associate—but the routing of the message must be marked. If you use All America Cables and Radio, Inc., messages should be routed "Via All America." Messages to go through Mackay Radio and Telegraph Company, Inc., should be marked "Via Mackay." Those to go by Commercial Cable Company should be marked "Via Commercial." If we can be of any service, please call us.

All America Cables and Radio, Inc.
The Commercial Cable Company
Mackay Radio and Telegraph Company, Inc.

Associated Companies of American Cable & Radio Corporation, Warren Lee Pierson, President

SAN FRANCISCO OFFICE • 22 BATTERY STREET • GARFIELD 1303

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C233629



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All America Cables and Radio, Inc.
The Commercial Cable Company
Mackay Radio and Telegraph Company, Inc.

Associated Companies of American Cable & Radio Corporation, Warren Lee Pierson, President

SAN FRANCISCO OFFICE • 22 BATTERY STREET • GARFIELD 1303

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To | Mr. King, Mr. Graydon and Mr. Coldwell.

C233630

Petition

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

WE THE UNDERSIGNED believing that a world of security, justice and peace requires the setting up of an International Authority democratically representative, which shall have adequate power in the following fields, namely:

(a) Exclusive control over all agencies and instruments of war,

(b) Relief to distressed people everywhere,

(c) Education in world citizenship,

(d) Jurisdiction over aviation, international trade, cartels, currencies and minimum standards of health, labour and living,

(e) Achievement of political and economic freedom for dependent peoples,

(f) Promotion of a closer unity between peoples of related areas,

(g) Creation of a world commonwealth in which the genius of mankind and the resources of the earth shall be used for the widest welfare of all peoples,

Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Joseph Angus.
Celsie Angus.
William Angus.
Eleanor Angus.

ADDRESS 1 Springdale Blvd.
Toronto, Ont.

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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PUBLIC ARCHIVES
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To Mr King

C233631

Petition

FOR A CONSTRUCTIVE PEACE

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Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Mr S. Howe

ADDRESS 168 Springdale Blvd Toronto

6

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PUBLIC ARCHIVES
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CANADA

C233632

To Mr. King.
Prime Minister of Canada.

Petition

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

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(Signed) Mr. + Mrs. S. C. Jennings

ADDRESS 970 Greenwood Ave.

6

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PUBLIC ARCHIVES
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CANADA

Premier King.

C233383

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) W.N. Kent

ADDRESS 42 Runnymede Cres
Toronto

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PUBLIC ARCHIVES
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W. M. King

C233634

Petition

FOR A CONSTRUCTIVE PEACE

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(g) Creation of a world commonwealth in which the genius of mankind and the resources of the earth shall be used for the widest welfare of all peoples,

Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) E. M. Bielby

ADDRESS 715 Dammon Ave

Toronto

Ont

6

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W. L. M. King

C233634

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) E. M. Bailey

ADDRESS 715 Dawson Ave

Toronto

Ont

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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PUBLIC ARCHIVES
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Attention
Mr Wm Lyon Mc Kenzie King

C233635

Petition

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

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Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY**
PETITION the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Mr & Mrs Robert S Casburn

ADDRESS 121 Sunnyside Toronto Canada

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

PUBLIC ARCHIVES
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CANADA

Mr King

C233626

Petition

FOR A CONSTRUCTIVE PEACE

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Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Chas Hollyatt

ADDRESS 9 Norwood Rd

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr King

C233387

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) Mr & Mrs A Edmonds

ADDRESS 289 Mortimer Ave Toronto

6

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PUBLIC ARCHIVES
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C233638

Mrs. Louis D

Premier King

Petition

FOR A CONSTRUCTIVE PEACE

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PETITION the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Mrs. Ralph Dambling

ADDRESS 73 Dalton Ave,
Toronto, Ont.

6

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PUBLIC ARCHIVES
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Wm. MacKenzie King

C233639

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) A. W. Clark

ADDRESS 171 Lonsmore Cr.

Toronto.

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

PUBLIC ARCHIVES
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CANADA

Mr Mackenzie King.

C233840

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) A. T. Wallace
Coral E. Wallace

ADDRESS 42 Macklean Blvd.
Toronto 6. Ont.

6

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PUBLIC ARCHIVES
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Mr King

Petition

C233641

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

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Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Mrs Jewett

ADDRESS 5-11 Concord ave

6

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PUBLIC ARCHIVES
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Mr King.

C233642

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) Mr & Mrs E Jowett

ADDRESS 408 Lammon Ave

Toronto. 6.

6

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PUBLIC ARCHIVES
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C233643

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) R. D. Elliott

ADDRESS 148 Woodington Ave - Toronto

6

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PUBLIC ARCHIVES
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C233644

Petition

FOR A CONSTRUCTIVE PEACE

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(Signed) S. Abramovich

ADDRESS 54 Leslie Kiel Rd Toronto

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C233645

Petition

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

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(Signed) Frank J. Boreham

ADDRESS 3030 Danforth Ave Toronto

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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PUBLIC ARCHIVES
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C233646

Petition

FOR A CONSTRUCTIVE PEACE

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Which International Authority should be open to all nations agreeing to a defined limitation of national sovereignty in these fields, **DO HEREBY PETITION** the Government of Canada to instruct its delegation at the San Francisco Conference to work for the creation of such an International Authority.

(Signed) Gerald Hutton

ADDRESS 124 Donlands Ave.

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W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

PUBLIC ARCHIVES
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CANADA

C233647

Petition

FOR A CONSTRUCTIVE PEACE

WHEREAS the San Francisco Conference has been called to review the Dumbarton Oaks Proposals,

WE THE UNDERSIGNED believing that a world of security, justice and peace requires the setting up of an International Authority democratically representative, which shall have adequate power in the following fields, namely:

(a) Exclusive control over all agencies and instruments of war,

(b) Relief to distressed people everywhere,

(c) Education in world citizenship,

(d) Jurisdiction over aviation, international trade, cartels, currencies and minimum standards of health, labour and living,

(e) Achievement of political and economic freedom for dependent peoples,

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(Signed) Mrs) Chas Low

ADDRESS 28 Glenholme Blvd.
Toronto. Ont.

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(Signed) Darcy Bell

ADDRESS 32 Wolverton Ave.

6

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(Signed) Kelvin L. Lee

ADDRESS 32 Wolverton Ave Toronto

6

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PUBLIC ARCHIVES
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CANADA

C233650

Petition

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(Signed) Hazel Sprecklin

ADDRESS 46 Earl Grey Rd.
Toronto.

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CANADA

C233651

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(Signed) J. Spence M. G. Spence

ADDRESS 23 Baird Ave., Toronto

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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C233652

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(Signed) Thomas Moore

ADDRESS 180 Woodmount Ave Toronto

6

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(Signed) Mrs. M. M. Reed

ADDRESS 109 Brooklyn Ave

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

PUBLIC ARCHIVES
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C233654

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(Signed) G. M. Jones

ADDRESS 56 Langford Ave.,
Toronto 6.

6

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C233655

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(Signed) Elias Bradon

ADDRESS W Fielding

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MG 26 J 4, Volume 339, pages C233387-C234381

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C233656

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(Signed) Mr. & Mrs Robt Elliott

ADDRESS 148 Woodington Ave

6

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

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COMUNICACION A LA CONFERENCIA DE SAN FRANCISCO.

Graves, gravísimos, son los momentos que vive el pueblo español. La represión que sobre él ejerce el Estado usurpador de Franco se ha recrudecido considerablemente. A la pasada etapa de terror, con sus centenares de miles de vidas perdidas bajo los fusiles o las horcas, unas; bajo las enfermedades contraídas en las prisiones, otras; viene a sumarse ahora una nueva e interminable serie de encarcelamientos y ejecuciones, con las cuales, tratando de sostenerse, en un esfuerzo desesperado, quiere el régimen falangista ahogar la voluntad y la lucha del pueblo.

El inequívoco carácter fascista del régimen de Franco, así como sus turbios propósitos para lo futuro, se ponen al descubierto, una vez más, en esta contradicción flagrante; de un lado su propia demagogia, sus constantes y cínicos esfuerzos dirigidos hacia el exterior tratando de aparentar una imposible identificación con las democracias, de otro, el espantoso terror que dentro de las fronteras abate sobre los españoles imposibilitando cualquier expresión democrática del pueblo.

Franco y la Falange ven, con íntimo horror, cómo las derrotas que van sufriendo el hitlerismo y sus cómplices que desembocarán en el aniquilamiento final estimulan la lucha y la unidad de los españoles patriotas, los cuales se disponen a realizar una mutación radical del estado de cosas que prevalece en España, con el fín de que este país vuelva a los cauces legítimos de su libertad y de su independencia que le fueron cegados. De ahí que el mal llamado caudillo y sus secuaces, dejando al aire su incenfundible raíz hitleriana, intensifiquen el terror hasta un límite monstruoso, por medio de las formas más bárbaras e inhumanas, buscando inutilmente salvarse o morir en un mar de sangre.

Pero al Estado franquista le importa bien poco lo que pueda pensarse en el extranjero acerca de sus metódos salvajes. El día 25 del pasado febrero fueron asesinados en Madrid 26 españoles en represalia a la muerte de dos falangistas. A estos 26 inocentes se les sacó de la cárcel y se les ejecutó sin formación de causa, sin indagar quiénes eran y por qué estaban detenidos. Exclusivamente por un actos de venganza. Con ello inauguraba el franquismo una política represiva de rehenes, copiada a la letra de los nazis. Pero aun fueron más allá estos siniestros discípulos de la Gestapo. Organizaron, también por medios violentos, una manifestación pública, con la que trataban de amedrentar al pueblo, y obligaron a sus periódicos a publicar vergonzosas baladronadas, típicas de los sistemas fascistas. El diario "Ya", uno de los más caracterizados del régimen, decía el mismo día 25, saliendo al paso de posibles medidas exteriores que castigasen el nefando crimen:

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"Qué importa lo que diga la prensa estranjera, si después de todod somos nosotros los que decidimos nuestro propio destino? ?Qué nos importa lo que las Conferencias de Cancilleres o Partidos del mundo decidan, si nuestros muertos son los que fijan derroteros a España?".

?Puede permanecer impasible ningún hombre, ningún pueblo, ningún gobierno de carácter democrático ante tan bárbaros propósitos de crimen y destrucción? ?Pueden las Naciones Unidas sentar las bases de un mundo pacífico y libre, tras de aniquilar al nazifascismo, sin liquidar también esta expresión suya que constituye el franquismo, tal vez la más brutal en el empleo del terror?.

Pero conviene advertir que el terror ejercido por Franco y Falange no ha cesado un solo momento. Ni ha decrecido de manera considerable, en este o el otro período. Las cárceles han estado siempre abarrotadas de presos y han sido verdaderos antros de muerte, a causa de las terribles condiciones que tenían que soportar los que en ellas se albergaban. Tampoco han cesado las ejecuciones. Los fusilamientos se han llevado a cabo día a día, desde hace seis u ocho años, unas veces con más intensidad, otras con menos. La población entera ha sufrido las vejaciones, la persecución, el acoso de un sistema implacable de represión que no ha perdonado resquicio en lo moral, en lo social y en lo político para cumplirse inexorable y violentamente. Se puede decir que la represión franquista, unida a la miseria y el hambre originadas en el saqueo nazi de las riquezas del país, ha destruído físicamente a una parte muy considerable de la población.

Hoy-repetimos-la situación es mucho más grave. El régimen franquista está dispuesto al exterminio antes que plegarse a la voluntad democrática del pueblo, y ya ha comenzado a poner en práctica esa salvaje decisión. Vamos a dar a continuación un esquema del cuadro del terror franquista en la actualidad.

a).- Más de 200.000 españoles se hallan todavía en las cárceles, la mayoría de ellos desde hace seis a ocho años.- Millares de éstos detenidos están condenados a la pena de muerte y esperan, con indecible angustia, mes tras mes, año tras año, que se cumpla la sentencia.

b).- Tan prolongada prisión bajo un régimen féroz de torturas, de hambre, de abandono en cuanto a las más elementales atenciones de higiene, ha traído como consecuencia una espantoso situación de miseria y de enfermedades para los reclusos, que viven sin ninguna atención médica y con la muerte segura como perspectiva.

c).- A las bárbaras formas "legales" ya existentes, como la aplicación del Código Militar para toda clase de cue

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ciones políticas, la ley de Responsabilidades Políticas y - el Tribunal Especial para la Represión del Comunismo y la - Masonería, se añaden otras nuevas, tales como los Juzgados- Especiales Ejecutorios, para resolver en materia de responsabilidades políticas, y la reforma del Código Penal, que - establece pena de muerte para toda acción dirigida contra - Franco y los Miembros de su Gabinete, o contra los demás — elementos destacados del aparato estatal y de las organizaciones falangistas, y de 20 y 30 años para el que"insulte,- cometa actos o delitos de menor cuantía" contra los mismos.

d).-En los últimos tiempos se han recrudecido extraordinariamente las ejecuciones. Por funcionarios del Ministerio de Justicia de Franco, hizo entrega a un diplomático — acreditado en Madrid de una lista de fusilados el día 18 de abril de 1944. Esta lista contenía los siguientes datos: Madrid, 19 fusilados; Barcelona, 12 fusilados; Avila 1 fusilado; Santander, 1 fusilado; Bilbao, 5 fusilados; Valencia, 3; Cártagena, 11; Albacete, 2; Ocaña, 10; Chinchilla, 8; Betanzos, 1; Badájoz, 2; Mérida, 4; Sevilla, 3; Cádiz, 1; Málaga 1; Almeria, 1; Guadalajara, 3; Ciudad Real, 1; Alcázar de - San Juan Tomelloso , 2; Jaén, 2; Córdoba, 3; Puerto Santa - María, 8; Melilla, 9; Ceuta 12. Total 120 fusilados.- En el segundo semestre de 1944 y en sólo 13 ciudades españolas — han sido ejecutados 1,160 patriotas. En Madrid hubo, en ese período, 576 fusilamientos; en Gijón (Asturias), 39; en Jaén, 16; en León, 230; en Ocaña, 104; en Ciudad Real, 23; en Bilbao, 30; en Málaga, 40; en Santander, 35; en Guadalajara, - 43. y, así en otros muchos lugares, sin que ello quiera decir que sea ese el número exacto de los crímenes cometidos, no ya en toda España, sino ni siquiera en las mismas provincias y ciudades citadas.

e).-Para revestir de una forma más brutal la represión y siguiendo métodos inconfundiblemente nazis, el 28 del pasado febrero como ya dijimos antes, han sido ejecutados 26- renenes antifranquistas con motivo de la muerte de dos dirigentes falangistas.

Este angustioso, dolorosísimo cuadro, producido por la saña y el rencor zoológico de la Falange, con otras muchas- formas de violencia y persecución que se ejercen en general contra la población y que no enumeramos aquí por no hacer - demasiado prolijo este documento, demuestra que, a pesar de toda la demagogia del Estado franquista, España sigue siendo, bajo él, una enorme prisión, en que, lejos de debilitarse el terror, adquiere cada día mayor intensidad.

Hacia esa Gran Asamblea de las Naciones Unidas, que se celebra en San Francisco, se dirigen los ojos esperanzados- de todos los pueblos del mundo. De su orientación, de sus - decisiones, esperan el afianzamiento de un futuro de paz, - de libertad, de bienestar como el que ansían. La Carta del-

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C233380

Atlantico, las resoluciones de Yalta, han de tener en la Asamblea de San Francisco las realizaciones, las aplicaciones prácticas que lleven la seguridad y la tranquilidad a todos los - hombres de la tierra.

También los ojos y los corazones de los democrátas, de los patriotas españoles se dirigen hacia esa Asamblea, con la esperanza puesta en el justo sentido de sus decisiones. Para que - los últimos vestigios del nazifascismo desaparezcan; para construir sobre los principios del derecho un orden mundial dedicado a la paz, al trabajo , a la seguridad, a la libertad, al bienestar de los seres humanos, conforme a las decisiones de Yalta, - debe desaparecer el franquismo.

Franco y Falange, para sostener su régimen; para impedir que el pueblo recobre su libertad y restablezca la democracia, no dispone de otro medio, que el terror. Es necesario detener la mano que lo ordena y que lo ejecuta. Hay que procurar que el pueblo español pueda manifestar libremente su voluntar e incorporarse al destino de los pueblos libres. Franco y Falange deben ser tratados por las Naciones Unidas como merece su carácter bien - definido de fascista. Por sus crímenes innumerables y constan - tes. Por el sistema de terror que hacen pesar sobre el pueblo español, Y, además -y-pese a sus últimas protestas seudo democráticas-, por servir los intereses del nazismo.

El pueblo español tiene pleno derecho a que se le incluya en las medidas de ayuda previstas en Yalta para que los pueblos vivan en régimen de libertad y democracia, por que fué el primero en luchar valerosa y abnegadamente contra el fascismo, y porque es bien clara, en este aspecto, su voluntad.

No serian sólidas las medidas que se adoptasen para extirpar de la tierra la raiz del nazifascismo, ni sería completo - ni eficaz el castigo que se impusiera a los culpables de los crímenes cometidos por aquel en el mundo, si se dejase con vida a - una de sus más feroces expresiones; el franquismo con sus actividades terroristas.

Los demócratas y los patriotas españoles, todos los antifascistas y los hombres liberales del mundo esperan de esa Asamblea decisiones y medidas que condenen vigorosamente la expre - sión fascista del terrorismo de Franco y Falange, así como cuánto esté a su alcance para poner fin al tremendo martirio de España.

La Conferencia contra el Terror Franquista, celebrada en la Ciudad de México los días 20 y 21 de marzo del año en curso, con asistencia de 513 Delegados representando 2 507 organizaciones, entre ellos la Confederación de Trabajadores de América Latina, Partido de la Revolcufon Mexicana, - sigue . -

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Confederacion de Trabajadores de México, Confederación Nacional Campesina, Confederación Nacional de Organizaciones Populares, Partido Comunista de México y Confederación de Jóvenes Mexicanos, queriendo cooperar con esa H. Asamblea de los pueblos libres del mundo, se atreve a sugerir, en consonancia con aquel problema, para su exámen, las siguientes medidas:

1.- Organización de una encuensta sobre el terror mantenido por Franco y la Falange en contra del pueblo español; ejecuciones y crímenes cometidos, número de encarcelados y régimen que soportan, método y sistema "legal" de la represión, formas de terrorismo político, económico y social contra la población, envío de una Comisión de Juristas a España con ese objeto.

2.- Apoyo a todas las fuerzas de solidaridad moral y material hacia los presos y víctimas de la represión franquista. Gestiones para la liberación de las mujeres antifranquistas presas y de los menores de edad, para la atención médica a los presos enfermos, por la cesación de las ejecuciones, y en general, por la libertad de todos los presos.

3.- Rompimiento de relaciones comerciales y diplomáticas con el régimen de FRANCO.

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ORGANIZACIONES Y PERSONAS QUE APROBARON Y SUSCRIBEN LA COMUNICACION A LA CONFERENCIA DE SAN FRANCISCO

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CONFERENCIA CONTRA EL TERROR FRANQUISTA CELEBRADA
los días 20 y 21 de marzo de 1945.

MEXICO:

Dr. GUSTAVO BAZ, Secretario de Salubridad y Asistencia.-Lic. FRANCISCO TRUJILLO, Secretario de Trabajo y Previsión Social.- Dip. FEDERICO MEDRANO V.,Presidente de la Comisión de Control Político.-ISIDRO CANDIA G.,Jefe del Departamento de Asuntos Indígenas,-Lic.JAVIER ROJO GOMEZ, Jefe del Departamento del Distrito Federal.-SILVANO BARBA GONZALEZ,-Jefe del Departamento Agrario.-RAUL NORIEGA, Director Gerente de "EL NACIONAL".

FEDERACION DE TRABAJADORES DEL NORTE DE SINALOA C.T.M. representando 54 Organizaciones.-SINDICATO INDUSTRIAL DE TRABAJADORES UNIDOS DEL NORTE DE SINALOA.-SINDICATO UNICO DE PANIFICADORES Y SIMILARES DEL ESTADO DE HIDALGO.-Comité Ejecutivo Nacional del SINDICATO NACIONAL NACIONAL DE TRABAJADORES DE LA SECRETARIA DE COMUNICACIONES Y O.P.-Comité Regional en Córdoba,Ver. de la LIGA DE COMUNIDADES AGRARIAS Y SINDICATO DE CAMPESINOS DEL ESTADO DE VERACRUZ.-TRABAJADORES DE LA REGION DE TUXPAN,Ver.-Comité Ejecutivo de laLIGA DE COMUNIDADES AGRARIAS Y SINDICATOS DE CAMPESINOS DEL ESTADO DE CHIHUAHUA.-Comité Ejecutivo de la FEDERACION DE TRABAJADORES DE LA REGION DE TEHUACAN.-Comité Ejecutivo de la FEDERACION DE TRABAJADORES DEL ESTADO DE CHIHUAHUA,C.T.M.-Comité Ejecutivo Nacional de la CONFEDERACION DE JOVENES MEXICANOS.

ESPAÑOLAS:

D.DIEGO MARTINEZ BARRIO, Presidente de las Cortes de la Republica Española.-D. LUIS FERNANDEZ CLERIGO, Presidente de la Comisión Permanente de las Cortes.-General FRANCISCO ---MATZ.-Ing. AUGUSTO PEDRERO.-Lic.GAUDENCIO MORALES.

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Comité de Ayuda a la J.S.U.N. de Chihuahua,-Agrupación Madrileñista "LOS CUATRO GATOS".-Comité de Mujeres Antifascistas "MARIANA PINEDA".-Grupo de Jóvenes Españoles de Veracruz.-Comisión Ejecutiv-a de la UNION GENERAL DE TRABAJADORES DE ESPAÑA.-Grupo de Comunicaciones adherido a la J.S.U.N.-Grupo de Republicanos Españoles de Tampico.-Grupo de Republicanos Españoles de -- Ciudad Juárez,Chih.-Grupo de Republicanos Españoles de Cuernavaca,Mor.-Grupo de Comunistas Españoles de Cuernavaca,Mor.-Grupo de Republicanos Españoles de Perote,Ver.-Agrupación de Republicanos Españoles de Tampico.-Casa de la Democracia Española de - Guadalajara.-Comité de Ayuda al Pueblo Español y a la J.S.U.N.- de Guadalajara, Jal.

ESTADOS UNIDOS DE NORTEAMERICA:

CLUB OBRERO ESPAÑOL.-UNIDAD ESPAÑOLA.-COMITES FEMENINOS UNIDOS. CASA DE GALICIA.-COMITE PRO DEMOCRACIA ESPAÑOLA.-SOCIEDAD FRATERNAL "CERVANTES".-MUTUALISTA OBRERA PORTORRIQUEÑA.-MUTUALISTA OBRERA MEXICANA.-QUEENS COUNTY CITISENS COMITTEE.-VETERANOS DE LA BRIGADA "LINCOLN".-HOTEL AND CLUB EMPLOYEES.-UNION LOCAL 6 - COOKS.-PARTY COOKS AND ASSISTANT.-UNION LOCAL 89.-CHAIN SERVICE RESTAURANTS EMPLOYEES.-LOCAL 42 CIGARS WORKERS.-UNION LOCAL 273. SOCIEDAD NATURISTA HISPANA.-UNIDAD FRATERNAL HISPANA,-VANGUARDIA PUERTORRIQUEÑA.-LUCHADORES DEL PORVENIR PUERTORRIQUEÑO.-FRATERNIDAD DE WASHINGTON HIGHTS.-LOGIA HISPANA DE ASTORIA.-CENTRO FRA-- TERNAL DEL BRONX./UNIDAD FRATERNAL RUSO AMERICANA.-ALIANZA OBRERA ESPAÑOLA.-LA VOZ DE ESPAÑA COMBATIENTE.-COMITE ANGLO AMERICANO DE AYUDA A LAS GUERRILLAS ESPAÑOLAS.

SANTIAGO DE CHILE:

PARTIDO RADICAL.-PARTIDO COMUNISTA.-CONFEDERACION DE TRABAJADORES.-PARTIDO DEMOCRATICO.-PARTIDO SOCIALISTA.-COMISION HISPANO CHILENA.-LAZO HOGAR JUVENIL HISPANO CHILENO.-LEALTAD REPUBLICANA.

URUGUAY:

Junta de la U.N.Española con 70 filiales.-Centro Español Barrio Colón.-Centro Español Barrio Belvender.-Centro Español Barrio Capurro.-Centro Español Barrio Espada.-Centro Español Barrio Unión Centro Español Barrio Cerro.-Centro Español Barrio Reducto.-Centro Español Barrio Buenavista.-Centro Español Barrio Pocitos.-- Centro Español Barrio Malvín.-Centro Español Barrio Puerto.-Casa de España.-SECCION JUVENIL DE LA CASA DE ESPAÑA.-Delegación de - la U.G.T.de España.-CASA DE GALICIA.-ASOCIACION ESPAÑOLA DE COCORROS MUTUOS.-COMITE DE AYUDA AYUDA A LOS PATRIOTAS CATALANES.-CASAL CATALA.-RICARDO GUISASOLA,Delegado del Gobierno de Euzkadi.- CIRCULO BALEAR.

CUBA:

CASA DE LA CULTURA, con 120 Delegaciones.

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COLOMBIA:

AGRUPACION COLOMBIANA DE AMIGOS DE LA REPUBLICA ESPAÑOLA.-
AGRUPACION DE OCHATICA ESPAÑOLA DE BARRANQUILLA.

GUATEMALA:

EMBAJADOR DE GUATEMALA EN MEXICO

POR LOS FIRMANTES

Presidente
Prof. José Mancisidor.

Secretario
Dr. Enrique Arreguín Jr.

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Message.

C233671

St John 6:38 Jesus said for I came down from heaven not to do my own avill, but the will of him that sent me. Revelation 11:15 And the seventh angel sounded; And there avere great noises in heaven, the kingdom of this world are become the kingdom of our God, And of his truth; And he shall reign for ever and ever

First Corinthians 15:49 And as we have borne the image of the earthly, we shall also bear the image of the heavenly.

As every one know, we cannot take eny thing we have gained, from this world when we have to leave, so does, it pay to be rich toward God? doing good where ever we can. Should every one in each County be given a spiritual education?

Must there be Gods way about marriage, Couples must know if God has joined them or not, and must they know when they marry they can never have enother. When God does the joining, they will never want enother for no one could take the place of their loved one.

See Matthew 16:19. And I will give unto you the Keys of the kingdom: And what so ever thou shalt bind on earth shall be bound in heaven: And what so ever thou shall loose on earth shall be loosed in heaven.

Revelation 14:4. These are they which are not defiled with women; for they are virgins. These are they which follow the Lamb wheresoever he goeth. These are redeemed from among people. Being the firstfruits unto

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C233672

love and to the Lamb. These are they with out fault.

Revelation 4:7. Obey him that made heaven the earth and the sea.

When Nations are taught to obey God there can be no more war. Luke 7:5 For he loveth all nations, and every Church the gates of hell can not prevail against it; providing they live the life Jesus taught, they must

Matthew 7:12. Who has lived well laughed often and loved much, who always looks for the best in others whose life is a benediction for complete justic for all people. If we would prevent poverty every one must stand for Christian principles in the use of property and wealth, which will enable each one to work out their own salvation.

Must Gods will be hidden in the hearts of Nations? if good will is to be the order of the day?

Does every interprise know how to Cooperate Nations cooperate and they please God.

St John 14:17 Even the Spirit of truth; whom the world has not received.

Will you send a copy of this message to all Countries government.

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File -

Better Candidates for Public Office
thru Citizens' Rating Committees. C233[illegible]3

-----by Robert Sherran

Back in ancient times it was customary to select the noblest Roman of them all because of his intelligent and able versatility rather than for political aspirations. Time has done much to change politics with each age and era. Circumstances and focal problems do tend to sway and control the progress of anything aggressive and so the social order of voting and its consequences deserve much consideration.

Most voters give little thought to political clubs, and are seldom cognizant of Primary Day and what it represents. Their only interest seems invested in either candidates already selected, or some name familiar to them.

If enrolled to the cause of any particular party, then they, of course adhere to the beaconing of their party's rallies, and consequently listen only to speakers presented by their own organization. Such attitudes often breed and nurture prejudice without fairly adjudging the qualifications of either candidates. A self-cultivated prejudice bars comparative consideration of competitors.

The selection of a public official usually receives very little attention from Mr. John Q. Public, and the nominations of persons for service to a community very often does not result in the choice of those best qualified for the problem. With a National or State candidate the party platform may be paramount, but the evaluation of national issues should be divorced from municipal elections. The real issue in local elections is "Good Government with moderate taxes".

In practically all communities, elected candidates are subservient to local party leaders in distribution of political jobs and this proposed plan neither endorses nor contests such systems, but the sole objective is to check on the fitness of elective candidates and publish an impartial rating of comparative ability and character.

A political club supports the principals of the national organization to which it has pledged allegiance and the members usually hold,-or seek,- a place on the public payroll, or are interested in municipal contacts. Lawyers are numerous, as it offers an ethical method of advertising, made pleasant with crumbs of patronage. Society and church attendance furnish prestige to bolster ambition, but the member without self-interest,------most needed--is a rarity.

We know, that Better Business Bureaus, supported by reputable business firms, have uplifted business morale, and saved thousands of dollars to the general public. Time and money in small portions are minor rudiments indeed, when a proposed platform supported by a little of either may prove the reward of bettering a locality and its environs. A citizen may or may not profit constructively from data furnished by local newspapers, and infrequently they too, lean one way or the other because of their own reserved rights in knowing the pulsations and conditions in an area. Many of the smaller papers exist only because of a large volumn of legal advertising.

Clean sincere activity coupled with able co-operation of others like him merely brings such an able participant within the veritable shade of yesteryears's Minute Men.

Paying dues in any number of social orders may assume a sense of gratifying pleasure because of the associations, but a group of responsible citizens working for the betterment of honest civic movements should be a pleasure because of its return benefits toward striking a happy chord in harmonious neighborhood fellowship.

Taxpayer organizations have failed in effectiveness. They do not control a majority vote and that elements of discord and selfishness exist in such bodies cannot be denied. Politicians frequently own real estate and they are adept in advancing subtle argument to influence action. Rent payers,-who sometimes pay more rent than the average property owner pays taxes,--seldom organize as such, but an association of both classes;---excluding politicians and those not wholly self-supporting,----would constitute a group whose decisions would inspire confidence and sway public opinion.

The single function of such an association would be to assess the worth of candidates for municipal office before an election.

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C233871

THE CITIZENS' POLITICAL RATING COMMITTEE

Every village, town or city should have an organization equipped to check upon the qualifications, business experience and moral standing of candidates seeking public office, irrespective of party affiliations. This does not change, nor is it intended to supplant the present party system of politics. It will present no candidates. The sole function will be to investigate the various nominees for office and assign a rating as to their fitness.

Membership

The following qualifications shall be required for membership.

(a) Must be the owner of real estate and reside in the locality or a self-supporting rent payer and a resident in the community for at least five years.
(b) The wife or husband of a person qualified as above.
(c) Shall be willing to serve on investigating committee when required.

A person qualifying as above shall nevertheless be ineligible if employed by local government, or has among his family or close relatives one so occupied.

Members may be solicited from non-political associations, clubs and churches. At the first meeting a President and Vice President shall be elected and By-Laws adopted. The President shall appoint a secretary who shall receive no compensation, unless for the one month preceding an election, and a Treasurer to serve without salary. An executive committee of three members shall be elected annually for advisory and auditing duty.

Object:

The function of the organization is to investigate all candidates for public office and rate their fitness under a letter and numeral system:--Letter for Character:-Percentage for efficiency.

In the letter rating consideration would be given to length of residence, professional or private misconduct, unsatisfied judgments (readily ascertained in County Clerk's office) etc. By this method persons of high intelligence may carry the handicap of previous character deficiencies, while recent residents will not be on a par with those who presumably know the needs of the community best.

Until more definite standards are fixed by co-operation with other communities:

(A) Shall be assigned only to high reputations fully maintained for a period of ten years or more.
(B) For clean records of less than ten and over five years.
(C) For clean records of less than five years, or with not more than one conviction of a minor offense, former bankrupt, etc.
(D) Character lacking substantiation. More than one conviction, etc.

The percentage for efficiency shall be fixed in accordance with knowledge of the duties to be performed: Civil service requirements for similar positions shall be studied when possible, and rating in such examinations shall be considered in evidence. Without previously proved experience in comparable duties, the limit of percentage shall not exceed 90%.

Assuming one candidate under this proposed plan rates A-80, another B-90, you might have a difficult choice, while a C-95 might be acceptable if his more recent years had been exemplary. D-100 would hardly be acceptable unless his opponent was in the 'C' classification with low percentage.

Operation

The rating will be fixed by the jury system. At a regular meeting, the secretary shall draw 20 names from revolving cylinder for each political office. 12 names constitute the jury, any of whom may decline to serve for reason of prejudice, or shall be subject to rejection without explanation, if challenged by two associates.
Replacement for discarded members shall be filled from others in the panel. The first name drawn will be the foreman, who will arrange for further action at his or her residence, or some other suitable place.

Candidates will be requested to appear for questioning,--either jointly or separately, but unaccompanied by companions. (a candidate declining the invitation would cause many voters to assume he was incompetent, or under a cloud of suspicion.)
The foreman will appoint sub-committees from among jury members to investigate all available information.

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On a following date the jury will convene but will not reveal the individual marks they intend to assign the several candidates. Following discussion they will secretly mark their ratings on blank slips to be received by the foreman, who will then appoint three members, other than himself,--to study the vote and assess the rating averages to be assigned. The result shall be forwarded to the secretary for public release. Secrecy shall guard all proceedings among the jury, who will avoid contact with candidates in the interval between their appearance and the verdict.

With the close scrutiny that is seldom possible for the individual voter, this method offers the public a more accurate idea of the qualifications of candidates, and a higher type must be presented.

When social life or inclination conflicts with membership in a political party, the Rating Committee offers an alternative to attest the solemn duty of citizenship. The higher type of candidate will stimulate young people in the future to contest the power of the sordid group in every political club, that seek much and give indifferent public service.

In the Primaries, election to District Leadership is possible without interference with business life. Among the perquisites of this office is appointment of the registry board, as established by custom, and a Leader is consulted on Nominations. It is a laudable prelude for political advancement. Civil Service appointments may be influenced by his recommendation. (The appointing official-usually elective,- is not obligated to appoint the highest contestant, but can name second or third, usually preferring a subordinate of same political party) yet even the most honest ward captain will relinquish with reluctance the registry appointments as a curtailment of his power,but such an encroachment is not without merit.

Mr. Frank R. Kent is credited with the idea that judges and clerks of the local boards could be appointed by some sort of jury system when they would no longer be obligated to the District Leader and liable to corruptive influence of unscrupulous politicians, for bi-partisan boards have opportunities to doctor the returns when party leaders are in collusion.
He states: "Neither the law, the voting machines, the police, the outside watchers, nor the alleged bi-partisanship presents any real obstacle to fraud when collusion exists."

Any apprehension that the bi-partisanship of a registry board would be impaired by a jury system is answered by using separate lists of the two major parties and equal opportionment as to appointment.

Fortunately, a citizens rating committee requires no law to function and its successful operation would flash the green light for Mr. Kent's plan.

Primary day offers your first opportunity to improve government. The rating system is the second. Fidelity to the honest precepts of a sincere Leader will in turn prove like spreading sunshine to light up even the darkest corners of any illicit political gropings.
Do you prefer to have a candidate's qualifications rated by his obligation to his organization or by his duty to the public?
No patriot lacks an answer.

Copies of this article will be sent
upon receipt of ten cents to
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Harrison N. Y.

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C233676

DRAFT RESOLUTION

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization which have been made public by these four Governments, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

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C233677

(2) that this House recognises that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and indeed to the future well-being of mankind;

(3) that this House approves of the purposes and principles set forth in the Dumbarton Oaks proposals, and is of the opinion that the proposals which have been made public by the four inviting Governments constitute a satisfactory general basis for a discussion of the proposed international organization;

(4) that the charter establishing the international organization shall, before ratification, be submitted to Parliament for approval.

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COLOURED PAPER
PAPIER DE COULEUR

C233680

The Officers and Directors of

The Family

extend to

Mr. W. L. Mackenzie King

the privileges of the Club, for his personal use,

for the period of the United Nations Conference

Bush and Powell Streets

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BOHEMIAN CLUB
SAN FRANCISCO

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Mr. W. L. Mackenzie King

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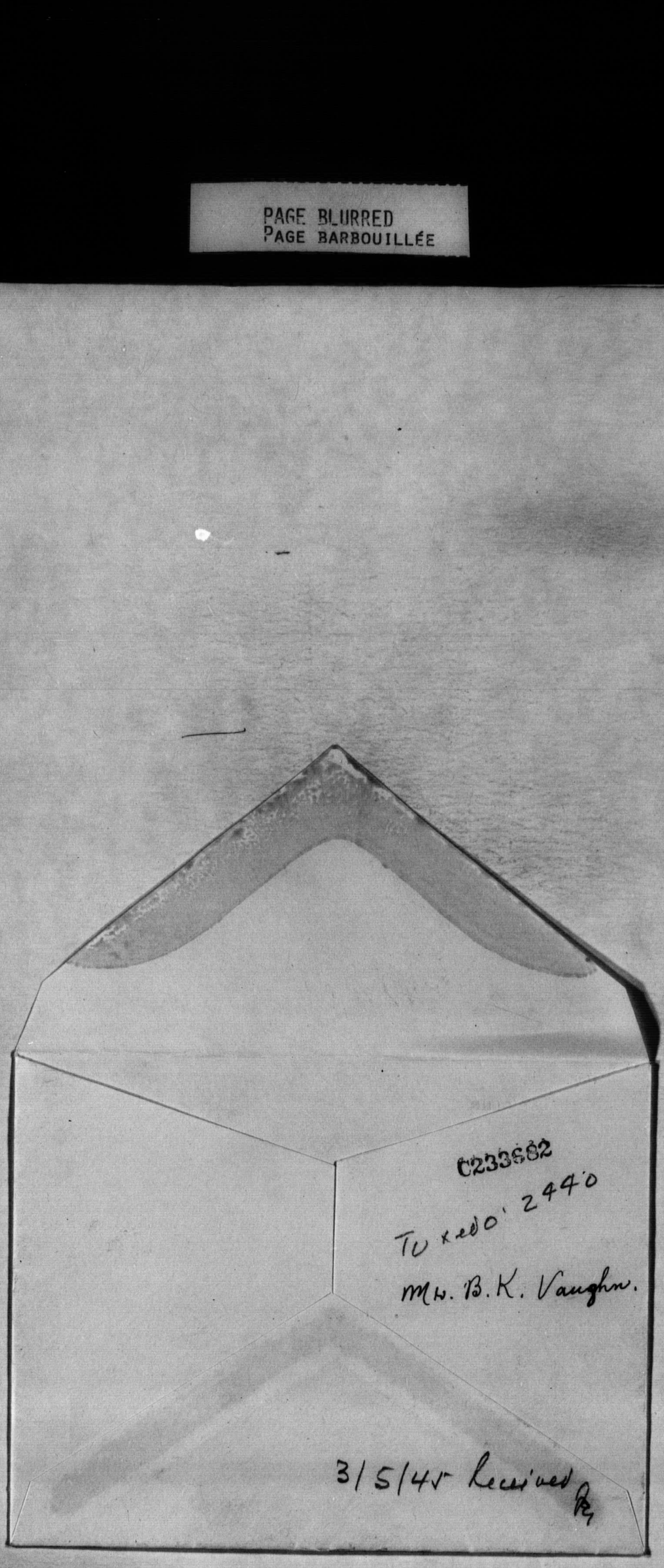

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C233683

Bohemian Club
San Francisco

The privileges of the Club House
are extended to

Mr W. L. Mackenzie King

During the period of
The United Nations Security Conference
Convening at San Francisco, April 25, 1945

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[1945?]

C233684

Mr King

I think Malster has won a strong tactical position by his public appeal. After probably a lot more speeches we shall have to vote again, unless some delay is agreed. All I can think of to take off a record vote is to suggest reference to the Steering Committee for further consideration. I think Mr. Coldwell will be receptive if we support immediate reference as we did in Committee.

Ku

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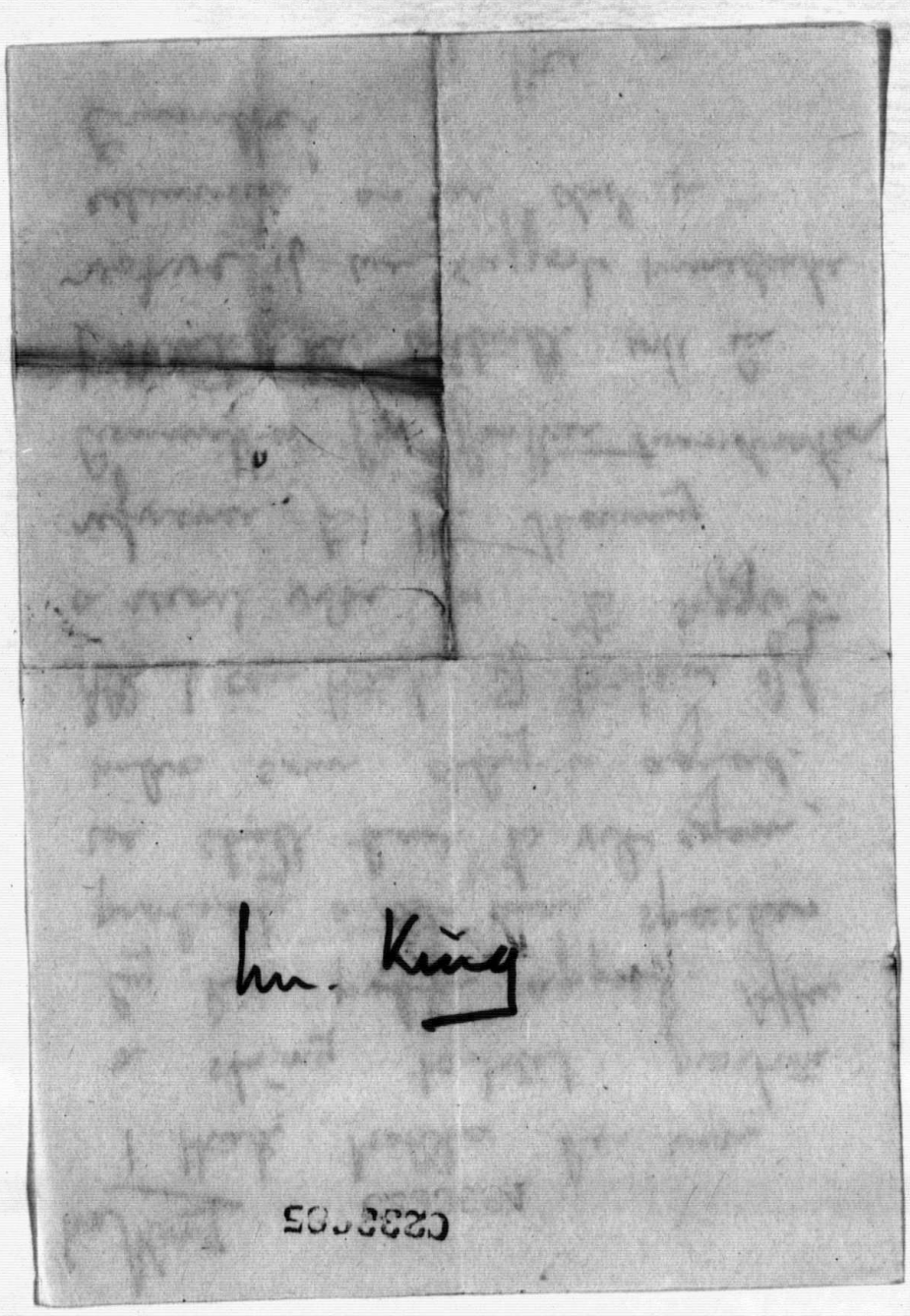

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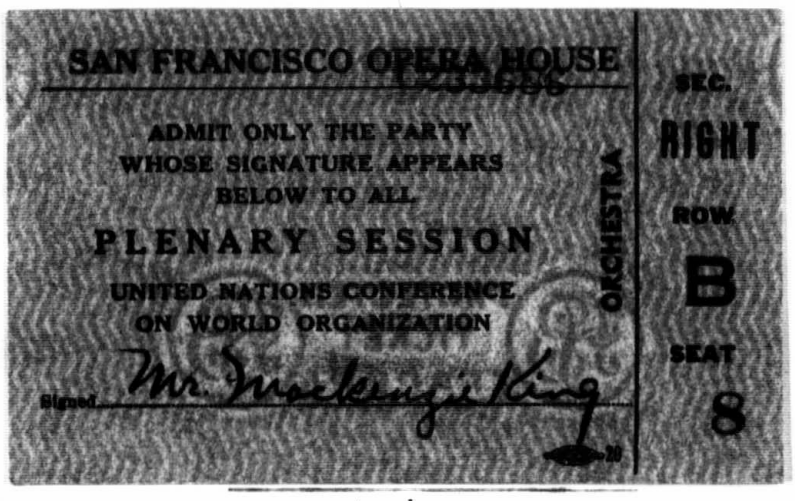
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The Nations Have Declared

Part II

The Documents Issued by the United Nations

with comments by Lorna Savage

- **Crimean Conference**
- **Dumbarton Oaks**
- **Bretton Woods**
  International Monetary Fund
  International Bank for Reconstruction and Development
- **Civil Aviation Conference**
- **Armistice Agreements with-**
  Italy
  Finland
  Bulgaria
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DECLARATION OF PRINCIPLES, KNOWN AS THE ATLANTIC CHARTER, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE PRIME MINISTER OF THE UNITED KINGDOM, AUGUST 14, 1941

Joint declaration of the President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

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3. DECLARATION OF FOUR NATIONS OF GENERAL SECURITY AT MOSCOW, 30th OCTOBER, 1943.

The Governments of the United States of America, the United Kingdom, the Soviet Union and China: united in their determination, in accordance with the Declaration by the United Nations of 1st January, 1942, and subsequent declarations, to continue hostilities against those Axis powers with which they respectively are at war until such powers have laid down their arms on the basis of unconditional surrender; conscious of their responsibility to secure the liberation of themselves and the peoples allied with them from the menace of aggression; recognizing the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments;

Jointly declare:

1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

2. That those of them at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

3. That they will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy.

4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security.

5. That for the purpose of maintaining international peace and security pending the re-establishment of law and order and the inauguration of a system of general security, they will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations.

6. That after the termination of hostilities they will not employ their military forces within the territories of other States except for the purposes envisaged in this declaration and after joint consultation.

7. That they will confer and co-operate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war period.

V. MOLOTOV.
ANTHONY EDEN.
CORDELL HULL.
FOO PING-SHEUNG.

Moscow, 30th October, 1943.

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Introduction

Commentary

The Crimean Charter, incorporating the results of the very recent meeting of the "Big Three" at Yalta, met with a generally favourable reception throughout the United Nations. It has given rise to an appreciable gain in confidence that the Great Powers have not lost sight of the high objectives of the Atlantic Charter and the Moscow declaration.

The extent to which harmony among the United Nations depends upon good relations among the three major powers is increasingly evident. Although a United Nations conference is to be summoned in April to discuss the formation of a United Nations collective security organization along the lines of the charter proposed at Dumbarton Oaks, it will be at least a year or two before such an organization can come into being. In the meantime many of the important decisions which will determine the kind of world in which we are to live will have been made. The Crimean Charter definitely recognizes that these decisions cannot be postponed until the end of the war. Such matters as Poland's eastern boundary have already been settled by the three powers. The course of Allied action is outlined both in liberated areas and in conquered Axis countries. Decisions as to the future of Germany have been made. Of course it would be unrealistic not to recognize that such immediate questions will be determined largely by those countries whose armed forces have been most instrumental in bringing about the defeat of the Axis.

But unquestionably the situation provides some ground for dissatisfaction. More than a year elapsed between the Teheran and Yalta meetings of Roosevelt, Churchill, and Stalin, although in the interval Churchill travelled to Quebec to see Roosevelt and to Moscow to visit Stalin. The long delay in arranging the Yalta meeting and the signs of friction that were apparent in the months preceding it made some system for more frequent meetings of Allied leaders seem desirable. In December 1944 Mr. Eden suggested that the foreign ministers of Britain, the United States, and Russia might fruitfully meet at regular intervals, and this suggestion has been implemented by the Crimean charter.

It has also frequently been suggested that the United Nations should form an Interim Council which could express the viewpoint of all the United Nations on the complex problems which are coming up for decision. This demand may be thrust aside with the argument that the waging of the war demands concentrated responsibility and action. The difficulties in the way of the idea are obvious, but the justice of giving all allied countries a voice in the reforming of Europe is undeniable. The exclusion of de Gaulle from the Crimean conference has obviously been a bitter blow to the pride of France, who is anxious to regain fully her prestige as a great power. Other United Nations may become restive if they feel that events are

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being decided without their consultation and that participation in the United Nations largely means acceptance of decisions already made elsewhere.

The actual decisions reached at the Crimean conference seem, however, to have gained wide acceptance among the United Nations. Particularly welcome was the willingness of all three powers to compromise to reach such an agreement. For instance, Stalin agreed to give both Britain and the United States a voice in the settlement of the vexed Polish problem, while, on the other hand, the United States has abandoned her rôle of onlooker and critic for that of a participant in the reconstitution of liberated countries. If this is the case the differences between the powers which arose over Poland, Greece, and Italy should not recur. Of course agreement between the Allies on complex questions will not be easy, but, in the words of President Roosevelt, in his "Address to the Nation" of January 6, 1945:

> "The nearer we come to vanquishing our enemies the more we inevitably become conscious of differences among the victors. We must not let those differences divide us and blind us to our more important common and continuing interest in winning the war and building the peace . . . the United Nations must join together to make secure the independence and freedom of all peace-loving states so that never again shall tyranny be able to divide and conquer."

The proposals agreed upon by representatives of Britain, the United States, the U.S.S.R., and China at Dumbarton Oaks for the constitution of a United Nations organization to ensure this "freedom and independence of all peace-loving states" will provide the basis for discussion at the United Nations conference to be held at San Francisco in April.

Apart from this crucial question of collective security, however, other United Nations conferences have been held to consider specific questions in which a common policy and international co-operation is necessary, in line with the "functional approach" to the creation of better world conditions, discussed in *The Nations Have Declared,* Part I, pages 4-5. In the monetary and financial conference held at Bretton Woods, and the conference on civil aviation held at Chicago, Canada had a vital interest, and her representatives played an active and constructive part in the negotiations. From these conferences emerged agreements that now must be submitted to the various governments who may accept or reject them as they see fit. The Interim Commission on Food and Agriculture has drawn up a constitution for the permanent Food and Agriculture Organization for submission to United Nations governments. Various other international gatherings, although not "official" conferences, have been of considerable interest: for example, the International Business Conference at Rye, New York, November 1944, and the Trade Union Conference in London, January 1945.

While the agreements reached at these conferences have not been satisfactory to all in every respect, the very fact that delegates from many countries have met and realized the necessity of reaching a common policy acceptable to all the United Nations on these matters is a very encouraging sign. There has been no comparable effort to work out a solution on various specific topics as a foundation for peace during any other war.

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The Crimean Conference

February 3-11, 1945

Commentary

The second historic conference of Roosevelt, Churchill, and Stalin took place on Russian territory at Yalta, a resort in the Crimea on the shores of the Black Sea. Both Roosevelt and Churchill made some interesting visits on their way to and from the conference. Roosevelt stopped at Malta on his way to the Crimea, and on his way home, stopped off at Alexandria, for talks with Churchill to discuss the war against Japan, and held conferences with Emperor Haile Selassie of Ethiopia and the rulers of the Arab states, King Farouk of Egypt, and King Ibn Saud of Saudi Arabia, aboard a warship in the Suez Canal. Roosevelt also proposed a meeting with General de Gaulle in Algiers, but at the latter's instigation this has been postponed. Churchill, accompanied by Eden, returned via Athens, Alexandria, and Cairo, where he also held conferences with the Arab rulers, including the President of Syria.

The first three of the nine sections of the "Crimean Charter" define policy towards Germany. No change was made in the "unconditional surrender" terms (first enunciated at the Casablanca conference) demanded of Germany. More details are given of the proposed occupation of Germany and the decision to set up a central control commission of the three powers at Berlin has been welcomed as an omen that the policies of the powers will be co-ordinated. Detailed plans for the German occupation are apparently being worked out by the European Advisory Commission, composed of representatives of the United States, Britain, Russia, and France, established by the Moscow conference (See *The Nations have Declared,* Part I, page 15). Several steps are outlined to bring about "the destruction of German militarism and Naziism" but the procedure to be followed in reconstituting Germany is left vague. We are given no clues as to the type of regime which will be fostered except for the assurance that the aim of the Allies is not the destruction of the German people.

In the statement on reparations attention has been focused on the statement that Germany will be obligated to make compensation ***in kind*** for the damage caused to Allied nations. As headquarters for this commission are established in Moscow, the great destruction caused by the German occupation of large areas of Russia may be a matter of prime importance and German workers may be commandeered to restore these ruined areas.

The next sections of the report deal with the summoning of the United Nations conference, which can be considered in relation to the Dumbarton Oaks proposals (see page 13), the declaration on Liberated Europe, and specific suggestion on the reconstitution of the Polish and Yugoslavian governments. The policy laid down for the treatment of liberated areas definitely recognizes that intervention of the powers will be necessary to bring about the conditions in which a democratic form of government can be restored. The United States, no less than Britain and Russia, commits herself to such a policy. The Three Powers bind themselves to consult

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with each other and with interested United Nations when conditions make such action necessary. Of interest also is the specific reaffirmation of the principles of the Atlantic Charter and the Joint Declaration of the United Nations.

The recommendations on Poland are notable because of the wide gap which had opened up between Russian policy and that of Britain and the United States on this matter. Russia had withdrawn recognition from the Polish government-in-exile set up in London, in the spring of 1943, and in January, 1945, just before her drive across Poland, recognized the Soviet sponsored Polish National Council set up at Lublin, as the Provisional Government of Poland. Britain and the United States, however, continued to recognize the London Poles. Another complication of the Polish problem has been the friction between the Polish underground, fighting the Germans when they occupied Poland, and the Russians. The suggestion that the Polish provisional government be reorganized to include democratic leaders from both inside Poland and abroad, and that free elections be held, are hopeful auguries for a more representative Polish government which will be recognized by all the powers. In the same way, the provisions in regard to Yugoslavia suggest that the agreement between Dr. Subasic, leader in the Yugoslav government-in-exile, and Marshal Tito, be put into effect immediately.

The two final sections of the report concern the desirability of frequent and regular meetings between the Foreign Secretaries of the three powers, already mentioned, and a reaffirmation of the common determination of the three nations to retain in peace the unity of purpose and action that has made possible the victory of the United Nations.

THE CRIMEAN CHARTER

Text

The Defeat of Germany

We have considered and determined the military plans of the three Allied powers for the final defeat of the common enemy.

The military staffs of the three Allied nations have met in daily meetings throughout the Conference.

These meetings have been most satisfactory from every point of view and have resulted in closer co-ordination of the military effort of the three Allies than ever before.

The fullest information has been interchanged.

The timing, scope, and co-ordination of new and even more powerful blows to be launched by our armies and air forces into the heart of Germany from the east, west, north, and south have been fully agreed and planned in detail.

Our combined military plans will be made known only as we execute them, but we believe that the very close working partnership among the three staffs attained at this Conference will result in shortening the war.

Meetings of the three staffs will be continued in the future whenever the need arises.

Nazi Germany is doomed.

The German people will only make the cost of their defeat heavier to themselves by attempting to continue a hopeless resistance.

The Occupation and Control of Germany

We have agreed on common policies and plans for enforcing the unconditional-surrender terms which we shall impose together on Nazi Germany after German armed resistance has been finally crushed.

These terms will not be made known until the final defeat of Germany has been accomplished.

Under the agreed plan, the forces of the three powers will each occupy a separate zone of Germany.

Co-ordinated administration and control has been provided for under the plan through a central control commission consisting of the supreme commanders of the three powers with headquarters in Berlin.

It has been agreed that France should be invited by the three powers, if she should so desire, to take over a zone of occupation, and to participate as a fourth member of the control commission. The limits of the French zone will be agreed by the four governments concerned through their representatives on the European Advisory Commission.

It is our inflexible purpose to destroy German militarism and Naziism and to ensure that Germany will never again be able to disturb the peace of the world.

We are determined to disarm and disband all German armed forces;

Break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism;

Remove or destroy all German military equipment;

Eliminate or control all German industry that could be used for military production;

Bring all war criminals to just and swift punishment and exact reparation in kind for the destruction wrought by the Germans;

Wipe out the Nazi Party, Nazi laws, organizations, and institutions;

Remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people, and take in harmony such other measures in Germany as may be necessary to the future peace and safety of the world.

It is not our purpose to destroy the people of Germany, but only when Naziism and militarism have been extirpated will there be hope for a decent life for Germans, and a place for them in the comity of nations.

Reparation By Germany

We have considered the question of the damage caused by Germany to the Allied nations in this war and recognized it as just that Germany be obliged to make compensation for this damage in kind to the greatest extent possible.

A commission for the compensation of damage will be established. The Commission will be instructed to consider the question of the extent and methods for compensating damage caused by Germany to the Allied countries. The commission will work in Moscow.

United Nations Conference

We are resolved upon the earliest possible establishment with our Allies of a general international organization to maintain peace and security. We believe that this is essential, both to prevent aggression and to remove the political, economic, and social causes of war through the close and continuing collaboration of all peace-loving peoples.

The foundations were laid at Dumbarton Oaks. On the important question of voting procedure, however, agreement was not there reached.

The present conference has been able to resolve this difficulty.

We have agreed that a conference of United Nations should be called to meet at San Francisco in the United States on April 25, 1945, to prepare the charter of such an organization, along the lines proposed in the informal conversations at Dumbarton Oaks.

The Government of China and the Provisional Government of France will be immediately consulted and invited to sponsor invitations to the conference

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jointly with the Governments of the United States, Great Britain, and the Union of Soviet Socialist Republics.

As soon as the consultation with China and France has been completed, the text of the proposals on voting procedure will be made public.

Declaration on Liberated Europe

The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom, and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems.

The establishment of order in Europe and the rebuilding of national economic life must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of Naziism and Fascism and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter—the right of all peoples to choose the form of government under which they will live—the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations.

To foster the conditions in which the liberated peoples may exercise these rights, the three Governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe where in their judgment conditions require (a) to establish conditions of internal peace; (b) to carry out emergency measures for the relief of distressed peoples; (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people, and (d) to facilitate where necessary the holding of such elections.

The three Governments will consult the other United Nations and provisional authorities or other governments in Europe when matters of direct interest to them are under consideration.

When, in the opinion of the three Governments, conditions in any European liberated state or any former Axis satellite state in Europe make such action necessary, they will immediately consult together on the measures necessary to discharge the joint responsibilities set forth in this declaration.

By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the declaration by the United Nations, and our determination to build in co-operation with other peace-loving nations world order under law, dedicated to peace, security, freedom, and general well-being of all mankind.

In issuing this declaration, the three powers express the hope that the Provisional Government of the French Republic may be associated with them in the procedure suggested.

Poland

A new situation has been created in Poland as a result of her complete liberation by the Red Army. This calls for the establishment of a Polish provisional government which can be more broadly based than was possible before the recent liberation of western Poland.

The Provisional Government which is now functioning in Poland should therefore be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. This new government should then be called the Polish Provisional Government of National Unity.

V. M. Molótov, Mr. Harriman, and Sir A. Clark Kerr are authorized as a commission to consult in the first instance in Moscow with members of the present Provisional Government and with other Polish democratic leaders from within Poland and from abroad, with a view to the reorganization of the present government along the above lines.

This Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates.

When a Polish Provisional Government of National Unity has been properly formed in conformity with the above, the government of the U.S.S.R., which now maintains diplomatic relations with the present provisional government of Poland, and the government of the United Kingdom and the government of the United States of America, will establish diplomatic relations with the new Polish Provisional Government of National Unity, and will exchange ambassadors by whose reports the respective Governments will be kept informed about the situation in Poland.

The three heads of Government consider that the eastern frontier of Poland should follow the Curzon line with digressions from it in some regions of five to eight kilometers in favor of Poland.

They recognize that Poland must receive substantial accessions of territory in the north and west. They feel that the opinion of the new Polish Provisional Government of National Unity should be sought in due course on the extent of these accessions and that the final delimitation of the western frontier of Poland should thereafter await the peace conference.

Yugoslavia

We have agreed to recommend to Marshal Tito and Dr. Subasic that the agreement between them should be put into effect immediately, and that a new government should be formed on the basis of that agreement.

We also recommend that as soon as the new government has been formed it should declare that:

1. The Anti-Fascist Assembly of National Liberation (AVNOJ) should be extended to include members of the last Yugoslav Parliament (Skupschina) who have not compromised themselves by collaboration with the enemy, thus forming a body to be known as a temporary parliament.

2. Legislative acts passed by the Anti-Fascist Assembly of National Liberation will be subject to subsequent ratification by a constituent assembly.

There was also a general review of other Balkan questions.

Meetings of Foreign Secretaries

Throughout the conference, besides the daily meetings of the heads of governments and the Foreign Secretaries, separate meetings of the three Foreign Secretaries and their advisers have also been held daily.

These meetings have proved of the utmost value and the conference agreed that permanent machinery should be set up for regular consultation between the three Foreign Secretaries. They will, therefore, meet as often as may be necessary, probably about every three or four months. These meetings will be held in rotation in the three capitals, the first meeting being held in London, after the United Nations Conference on World Organization.

Unity For Peace As For War

Our meeting here in the Crimea has reaffirmed our common determination to maintain and strengthen in the peace to come that unity of purpose and of action which has made victory possible and certain for the United Nations in this war. We believe that this is a sacred obligation which our Governments owe to our peoples and to all the peoples of the world.

Only with the continuing and growing co-operation and understanding among our three countries and among all the peace-loving nations can the highest aspiration of humanity be realized—a secure and lasting peace which will, in the words of the Atlantic Charter, "afford assurance that all the men in all the lands may live out their lives in freedom from fear and want."

Victory in this war and establishment of the proposed international organization will provide the greatest opportunity in all history to create in the years to come the essential conditions of such a peace.

Signed: *Winston S. Churchill*
Franklin D. Roosevelt
J. Stalin

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Dumbarton Oaks Proposals*

October 7, 1944

Commentary

The representatives of Russia, Britain, the United States, and China agreed to the proposals as quoted below, not as a final blueprint, but as a basis for further study by their governments and the governments and people of all the United Nations. The Proposals will be given official United Nations consideration, according to the Crimean Conference decision, at the San Francisco Conference of April 25, 1945.

The proposed international organization will be relied on to check aggression and to foster world conditions that cannot breed wars. Similar objectives dictated the setting up of the League of Nations after the last war. In general structure the proposed organization bears a close resemblance to the League: both consist of a General Assembly in which all the states are represented, a much smaller Council where only the Great Powers have permanent representation, and a Secretariat. In proposed methods, too, the new organization recalls the League: both recommend conciliation, arbitration, and reference to a world court for the settlement of disputes between states; both include provisions for enforcing the organization's decisions should any countries fail to use such methods for adjusting their differences or refuse to abide by the decisions reached.

Naturally enough, however, the proposed Charter is not a carbon copy of the League. The functions of the General Assembly in the Dumbarton Oaks plan have become almost purely advisory and consultative, or contingent upon a recommendation by the Security Council. To the Security Council is given "primary responsibility for the maintenance of international peace and security." No agreement was reached at Dumbarton Oaks on voting procedure in the Security Council but a compromise was reached at the Crimean Conference and was made public on March 5. On the same day Secretary of State Edward R. Stettinius Jr. issued the following explanatory statement:

> "The practical effect of these provisions, taken together, is that a difference is made, so far as voting is concerned, between the quasi-judicial function of the Security Council in promoting the pacific settlement of disputes and the political function of the council taking action for the maintenance of peace and security.
>
> "Where the council is engaged in performing its quasi-judicial functions of promoting pacific settlement of disputes, no nation, large or small, should be above the law. This means that no nation, large or small, if a party to a dispute, would participate in the decisions of the Security Council on questions like the following:
>
> (a) Whether a matter should be investigated;
>
> (b) Whether the dispute or situation is of such a nature that its continuation is likely to threaten the peace;
>
> (c) Whether the Council should call on the parties to settle a dispute by means of their own choice;
>
> (d) Whether, if the dispute is referred to the Council, a recommendation should be made as to methods and procedure of settlement;

*For the record of preliminary developments leading to the Dumbarton Oaks meetings, see *The Nations Have Declared*, Part I, pages 21-3.

> (e) Whether the Council should make such recommendations before the dispute is referred to it;
>
> (f) What should be the nature of this recommendation;
>
> (g) Whether the legal aspect of the dispute should be referred to the court for advice;
>
> (h) Whether a regional agency should be asked to concern itself with the dispute; and
>
> (i) Whether the dispute should be referred to the General Assembly.
>
> "Where the Council is engaged in performing its political functions of action for maintenance of peace and security, a difference is made between the permanent members of the Council and other nations for the practical reason that the permanent members of the Council must, as a matter of necessity bear the principal responsibility for action. Unanimous agreement among the permanent members of the Council is therefore requisite. In such matters, therefore, the concurrence of all the permanent members would be required. Examples are:
>
> (a) Determination of the existence of a threat or breach of the peace;
>
> (b) Use of force or other enforcement measures;
>
> (c) Approval of agreements for supply of armed forces;
>
> (d) Matters relating to the regulation of armaments; and
>
> (e) Matters concerning the suspension and expulsion of members and the admission of new members."

In his speech of January 6, 1945, President Roosevelt strove to show that the importance of power could be recognized without sacrificing the democratic ideal:

> "In the future world, the misuse of power as implied in the term 'power politics' must not be a controlling factor in international relations. That is the heart of the principles to which we have subscribed. We cannot deny that power is a factor in world politics any more than we can deny its existence as a factor in national politics. But in a democratic world as in a democratic nation, power must be linked with responsibility and obliged to defend itself within the framework of the general good."

There is considerable evidence, however, that the "middle nations" are not particularly happy about the Dumbarton Oaks arrangement. A country like Canada cannot claim to rank as a military power with Russia, Britain, or the United States, but on the other hand the contrast between Canada's power and that of France, who is to be given the status of a great power in the Council, is not nearly as striking as that between Canada and Haiti, or Liberia. As one solution of the problems of "middle power" representation, Prime Minister Mackenzie King and other Canadians have stressed the value of a functional approach to all questions of international collaboration, which will enable each country to have an important voice in the matters where its interest and contribution are considerable.

The responsibilities of great and small powers for the organization's decision have been the subject of wide discussion. But little comment has been made on the proposal that the Military Staff Committee be composed of the chiefs of staff of the permanent members of the Security Council. It is generally conceded that the decisions necessary in the waging of war must be left in the hands of a few. Although this war has shown more harmonious co-operation in joint allied commands than any other, the fact

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October 7, 1944

Commentary

The representatives of Russia, Britain, the United States, and China agreed to the proposals as quoted below, not as a final blueprint, but as a basis for further study by their governments and the governments and people of all the United Nations. The Proposals will be given official United Nations consideration, according to the Crimean Conference decision, at the San Francisco Conference of April 25, 1945.

The proposed international organization will be relied on to check aggression and to foster world conditions that cannot breed wars. Similar objectives dictated the setting up of the League of Nations after the last war. In general structure the proposed organization bears a close resemblance to the League: both consist of a General Assembly in which all the states are represented, a much smaller Council where only the Great Powers have permanent representation, and a Secretariat. In proposed methods, too, the new organization recalls the League: both recommend conciliation, arbitration, and reference to a world court for the settlement of disputes between states; both include provisions for enforcing the organization's decisions should any countries fail to use such methods for adjusting their differences or refuse to abide by the decisions reached.

Naturally enough, however, the proposed Charter is not a carbon copy of the League. The functions of the General Assembly in the Dumbarton Oaks plan have become almost purely advisory and consultative, or contingent upon a recommendation by the Security Council. To the Security Council is given "primary responsibility for the maintenance of international peace and security." No agreement was reached at Dumbarton Oaks on voting procedure in the Security Council but a compromise was reached at the Crimean Conference and was made public on March 5. On the same day Secretary of State Edward R. Stettinius Jr. issued the following explanatory statement:

> "The practical effect of these provisions, taken together, is that a difference is made, so far as voting is concerned, between the quasi-judicial function of the Security Council in promoting the pacific settlement of disputes and the political function of the council taking action for the maintenance of peace and security.
>
> "Where the council is engaged in performing its quasi-judicial functions of promoting pacific settlement of disputes, no nation, large or small, should be above the law. This means that no nation, large or small, if a party to a dispute, would participate in the decisions of the Security Council on questions like the following:
>
> (a) Whether a matter should be investigated;
>
> (b) Whether the dispute or situation is of such a nature that its continuation is likely to threaten the peace;
>
> (c) Whether the Council should call on the parties to settle a dispute by means of their own choice;
>
> (d) Whether, if the dispute is referred to the Council, a recommendation should be made as to methods and procedure of settlement;

*For the record of preliminary developments leading to the Dumbarton Oaks meetings, see *The Nations Have Declared*, Part I, pages 21-3.

> (e) Whether the Council should make such recommendations before the dispute is referred to it;
>
> (f) What should be the nature of this recommendation;
>
> (g) Whether the legal aspect of the dispute should be referred to the court for advice;
>
> (h) Whether a regional agency should be asked to concern itself with the dispute; and
>
> (i) Whether the dispute should be referred to the General Assembly.
>
> "Where the Council is engaged in performing its political functions of action for maintenance of peace and security, a difference is made between the permanent members of the Council and other nations for the practical reason that the permanent members of the Council must, as a matter of necessity bear the principal responsibility for action. Unanimous agreement among the permanent members of the Council is therefore requisite. In such matters, therefore, the concurrence of all the permanent members would be required. Examples are:
>
> (a) Determination of the existence of a threat or breach of the peace;
>
> (b) Use of force or other enforcement measures;
>
> (c) Approval of agreements for supply of armed forces;
>
> (d) Matters relating to the regulation of armaments; and
>
> (e) Matters concerning the suspension and expulsion of members and the admission of new members."

In his speech of January 6, 1945, President Roosevelt strove to show that the importance of power could be recognized without sacrificing the democratic ideal:

> "In the future world, the misuse of power as implied in the term 'power politics' must not be a controlling factor in international relations. That is the heart of the principles to which we have subscribed. We cannot deny that power is a factor in world politics any more than we can deny its existence as a factor in national politics. But in a democratic world as in a democratic nation, power must be linked with responsibility and obliged to defend itself within the framework of the general good."

There is considerable evidence, however, that the "middle nations" are not particularly happy about the Dumbarton Oaks arrangement. A country like Canada cannot claim to rank as a military power with Russia, Britain, or the United States, but on the other hand the contrast between Canada's power and that of France, who is to be given the status of a great power in the Council, is not nearly as striking as that between Canada and Haiti, or Liberia. As one solution of the problems of "middle power" representation, Prime Minister Mackenzie King and other Canadians have stressed the value of a functional approach to all questions of international collaboration, which will enable each country to have an important voice in the matters where its interest and contribution are considerable.

The responsibilities of great and small powers for the organization's decision have been the subject of wide discussion. But little comment has been made on the proposal that the Military Staff Committee be composed of the chiefs of staff of the permanent members of the Security Council. It is generally conceded that the decisions necessary in the waging of war must be left in the hands of a few. Although this war has shown more harmonious co-operation in joint allied commands than any other, the fact

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remains that the armed forces of many United Nations have been placed under the supreme command of British or American generals. At Dumbarton Oaks this practical necessity for centralization was recognized. The Military Staff Committee is to "advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament." (VIII:9). The provisions for collective action against a state defying the organization are to be more carefully worked out than the rather vague "sanctions" article in the Covenant of the League of Nations. Special agreements are suggested between the Security Council and each country, specifying what contributions it could make in the event of action against an aggressor. In particular, air force contingents are to be made available when swift action is necessary.

The Dumbarton Oaks proposals for a United Nations charter bear marks of many influences beside that of the League, and the experience of war time collaboration. The recommendation for the creation of an Economic and Social Council suggests the added weight which is given to these questions in current discussion, and it is to co-ordinate the activities of all the special organizations, like the Food and Agricultural organization and the International Monetary Fund which are doing work in special fields, and makes sure that their work in contingent fields will be consistent. The suggestion for regional arrangements recalls the intensive cultivation of "good neighbour" relations by the United States with the other American republics through the Pan-American Union, and ensures that such organizations will be encouraged rather than superseded by the United Nations organization.

Perhaps it is well to remember that the Dumbarton Oaks proposals may easily be considerably modified before they are accepted by all the United Nations. In the meantime we can be considerably encouraged by the fact that the great powers are anxious to establish and support such an organization, that both Stalin and Roosevelt have commented on the exceptionally friendly and co-operative attitude of all parties concerned at Dumbarton Oaks, and both have stated that they found the powers were agreed on at least nine-tenths of the matters which came up for discussion. Such agreement among the great powers is after all the most important first step for any organization to provide world peace and security. The problems which will face such an organization are many. We are told that the organization is to include "peace-loving" states. Will the defeated nations ever qualify to membership on such terms? What will their attitude be towards such an organization if they are excluded? Do we base our hopes for the future on perpetually keeping such countries in check, or do we hope that they will again emerge as equal members of a world society? The raising of such questions shows the weighty problems that a security organization will have to face. Now is the time for all of us to study the question and decide what avenue of approach is most fruitful of success.

DUMBARTON OAKS PROPOSALS FOR THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION

Text

There should be established an international organization under the title of The United Nations, the Charter of which should contain provisions necessary to give effect to the proposals which follow.

CHAPTER I

PURPOSES

The purposes of the Organization should be:

1. To maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;

2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in the solution of international economic, social, and other humanitarian problems; and

4. To afford a centre for harmonizing the actions of nations in the achievement of these common ends.

CHAPTER II

PRINCIPLES

In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles:

1. The Organization is based on the principle of the sovereign equality of all peace-loving states.

2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfil the obligations assumed by them in accordance with the Charter.

3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

5. All members of the Organization shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

6. All members of the Organization shall refrain from giving assistance to any state against which preventive or enforcement action is being undertaken by the Organization.

The Organization should ensure that states not members of the Organization act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

CHAPTER III

MEMBERSHIP

1. Membership of the Organization should be open to all peace-loving states.

CHAPTER IV

PRINCIPAL ORGANS

1. The Organization should have as its principal organs:

a. A General Assembly;

b. A Security Council;

c. An international court of justice; and

d. A Secretariat.

2. The Organization should have such subsidiary agencies as may be found necessary.

CHAPTER V

THE GENERAL ASSEMBLY

Section A—Composition

All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

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Section B—Functions and Powers

1. The General Assembly should have the right to consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

2. The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

4. The General Assembly should elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. It should be empowered to elect, upon recommendation of the Security Council, the Secretary-General of the Organization. It should perform such functions in relation to the election of the judges of the international court of justice as may be conferred upon it by the statute of the court.

5. The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international co-operation in political, economic, and social fields and of adjusting situations likely to impair the general welfare.

7. The General Assembly should make recommendations for the co-ordination of the policies of international economic, social, and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization.

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

Section C—Voting

1. Each member of the Organization should have one vote in the General Assembly.

2. Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council; election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions should be made by a two-thirds majority of those present and voting. On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote.

Section D—Procedure

1. The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require.

2. The General Assembly should adopt its own rules of procedure and elect its President for each session.

3. The General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.

CHAPTER VI

THE SECURITY COUNCIL

Section A—Composition

The Security Council should consist of one representative of each of eleven members of the Organization. Representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China and, in due course, France, should have permanent seats. The General Assembly should elect six states to fill the non-permanent seats. These six states should be elected for a term of two years, three retiring each year. They should not be immediately eligible for re-election. In the first election of the non-permanent members three should be chosen by the General Assembly for one-year terms and three for two-year terms.

Section B—Principal Functions and Powers

1. In order to ensure prompt and effective action by the Organization, members of the Organization should by the Charter confer on the Security Council primary responsibility for the maintenance of international peace and security and should agree that in carrying out these duties under this responsibility it should act on their behalf.

2. In discharging these duties the Security Council should act in accordance with the purposes and principles of the Organization.

3. The specific powers conferred on the Security Council in order to carry out these duties are laid down in Chapter VIII.

4. All members of the Organization should obligate themselves to accept the decisions of the Security Council and to carry them out in accordance with the provisions of the Charter.

5. In order to promote the establishment and maintenance of international peace and security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Chapter VIII, Section B, paragraph 9, should have the responsibility for formulating plans for the establishment of a system of regulation of armaments for submission to the members of the Organization.

Section C—Voting

(Note: The question of voting procedure in the Security Council is still under consideration.)*

Section D—Procedure

1. The Security Council should be so organized as to be able to function continuously and each state member of the Security Council should be permanently represented at the headquarters of the Organization. It may hold meetings at such other places as in its judgment may best facilitate its work. There should be periodic meetings at which each state member of the Security Council could if it so desired be represented by a member of the government or some other special representative.

2. The Security Council should be empowered to set up such bodies or agencies as it may deem necessary for the performance of its functions including regional subcommittees of the Military Staff Committee.

3. The Security Council should adopt its own rules of procedure, including the method of selecting its President.

4. Any member of the Organization should participate in the discussion of

*On March 5 the compromise on the proposed voting procedure reached at the Crimean Conference was made public in a State Department announcement, as follows:

"C. VOTING:

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members, including the concurring votes of the permanent members; provided that in decisions under Chapter VIII, Section A, and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."

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any question brought before the Security Council whenever the Security Council considers that the interests of that member of the Organization are specially affected.

5. Any member of the Organization not having a seat on the Security Council and any state not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute.

CHAPTER VII

AN INTERNATIONAL COURT OF JUSTICE

1. There should be an international court of justice which should constitute the principal judicial organ of the Organization.

2. The court should be constituted and should function in accordance with a statute which should be annexed to and be a part of the Charter of the Organization.

3. The statute of the court of international justice should be either (a) the Statute of the Permanent Court of International Justice, continued in force with such modifications as may be desirable or (b) a new statute in the preparation of which the Statute of the Permanent Court of International Justice should be used as a basis.

4. All members of the Organization should *ipso facto* be parties to the statute of the international court of justice.

5. Conditions under which states not members of the Organization may become parties to the statute of the international court of justice should be determined in each case by the General Assembly upon recommendation of the Security Council.

CHAPTER VIII

ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY, INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION

Section A—Pacific Settlement of Disputes

1. The Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

2. Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council.

3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their dispute by such means.

4. If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and, accordingly, whether the Security Council should deal with the dispute, and, if so, whether it should take action under paragraph 5.

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.

6. Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes.

7. The provisions of paragraph 1 to 6 of Section A should not apply to situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned.

Section B—Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto

1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

2. In general the Security Council should determine the existence of any threat to the peace, breach of the peace, or act of aggression and should make recommendations or decide upon the measures to be taken to maintain or restore peace and security.

3. The Security Council should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members of the Organization to apply such measures. Such measures may include complete or partial interruption of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic and economic relations.

4. Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the Organization.

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities, and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the numbers and types of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible and should in each case be subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes.

6. In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in co-operation or by some of them as the Security Council may determine. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members.

8. Plans for the application of armed force should be made by the Security Council with the assistance of the Military Staff Committee referred to in paragraph 9 below.

9. There should be established a Military Staff Committee the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the

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Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently.

10. The members of the Organization should join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

11. Any state, whether a member of the Organization or not, which finds itself confronted with special economic problems arising from the carrying out of measures which have been decided upon by the Security Council should have the right to consult the Security Council in regard to a solution of those problems.

Section C—Regional Arrangements

1. Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council.

2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

3. The Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Section A—Purpose and Relationships

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social, and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.

2. The various specialized economic, social, and other organizations and agencies would have responsibilities in their respective fields as defined in their statutes. Each such organization or agency should be brought into relationship with the Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organization or agency, subject to approval by the General Assembly.

Section B—Composition and Voting

The Economic and Social Council should consist of representatives of eighteen members of the Organization. The states to be represented for this purpose should be elected by the General Assembly for terms of three years. Each such state should have one representative, who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present and voting.

Section C—Functions and Powers of the Economic and Social Council

1. The Economic and Social Council should be empowered:

(a.) to carry out, within the scope of its functions, recommendations of the General Assembly;

(b.) to make recommendations, on its own initiative, with respect to international economic, social, and other humanitarian matters;

(c.) to receive and consider reports from the economic, social, and other organizations or agencies brought into relationship with the Organization, and to co-ordinate their activities through consultations with, and recommendations to, such organizations or agencies;

(d.) to examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the organizations or agencies concerned;

(e.) to enable the Secretary-General to provide information to the Security Council;

(f.) to assist the Security Council upon its request; and

(g.) to perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly.

Section D—Organization and Procedure

1. The Economic and Social Council should set up an economic commission, a social commission, and such other commissions as may be required. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

2. The Economic and Social Council should make suitable arrangements for representatives of the specialized organizations or agencies to participate without vote in its deliberations and in those of the commissions established by it.

3. The Economic and Social Council should adopt its own rules of procedure and the method of selecting its President.

CHAPTER X

THE SECRETARIAT

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization. He should be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.

2. The Secretary-General should act in that capacity at all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council and should make an annual report to the General Assembly on the work of the Organization.

3. The Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security.

CHAPTER XI

AMENDMENTS

Amendments should come into force for all members of the Organization when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional process by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.

CHAPTER XII

TRANSITIONAL ARRANGEMENTS

1. Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, Oct. 30, 1943, the states parties to that Declaration should consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action.

Note: In addition to the question of voting procedure in the Security Council referred to in Chapter VI,* several other questions are still under consideration.

*See Footnote on page 15.

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International Monetary and Financial Conference*
Bretton Woods, N.H., July 1-22, 1944

Commentary

As early as 1942 tentative proposals for monetary stabilization had been put forward by the British Treasury (the Keynes Plan) and the American Treasury (the White Plan). These plans revealed considerable divergency in approach. In July 1943 a Canadian plan appeared which was something of a compromise between the two. In October 1943 American experts also produced a tentative draft for an international bank. After more than a year's vigorous discussion on the merits of these proposals, agreement on a number of essential points finally emerged. A "joint statement by experts on the establishment of an international monetary fund" was finally published simultaneously in the capitals of several of the United Nations in April 1944. The Bretton Woods Agreements, although accepted by the expert delegations from all the United Nations, still must be ratified by the governments of the United Nations before coming into effect.

The Bretton Woods Agreements are directed towards the revival of international trade. They propose the setting up of an International Monetary Fund to provide a basis for multilateral trade at comparatively stable exchange rates, and an International Bank for Reconstruction and Development to encourage international investment.

Fundamental to an understanding of the monetary proposals is the idea of the exchange market in general, as opposed to the notion of any of its particular forms, such as the gold standard or that envisaged in the present Agreement. In general the currency of a particular country circulates only within that country's borders. An importer desiring to buy goods from a foreign country must first buy the currency of the exporting country to pay for his imports. Trade thus involves an interchange, not only of goods but of currencies as well. The complex of currency sales and purchases is known as the foreign exchange market, where moneys are bought and sold like pigs or lumber. The value of any one currency in terms of another is expressed by an exchange rate.

The amount of foreign currency made available to any particular country consists of: (1) payments for its exports of goods and services; (2) payments for the property rights it is selling to foreign buyers; (3) loans received from foreign lenders; (4) payments due to it on loans previously made to foreign borrowers; (5) payments made to it from income on property owned in foreign countries.

The amount of any country's domestic currency made available to foreign buyers consists of: (1) payments for its imports of goods and services; (2) payments for the property rights it is buying from foreign sellers; (3) loans made to foreign borrowers; (4) payments owed to foreign lenders on loans made previously from them; (5) payments on income from property owned by foreign investors.

The amount of any country's currency bought on the foreign exchange

*For a full discussion of the proposals, see *Bretton Woods* by W. T. G. Hackett. 1945. C.I.I.A. (35c)

market is of course equal in value to the foreign currency sold for it. The exchange rate expresses this equality. If either of the two flows, governed by the ten items above, changes, there must be a corresponding change in the other flow, or in the exchange rate, depending on the conditions that apply.

Under the gold standard, exchange rates were fixed in terms of gold. Each country on the gold standard agreed to freely buy and sell gold at a certain fixed price. According to classical economic theory the amount of money and credit in each country on the gold standard was related to the amount of gold. The currency of each country was convertible into that of any other at a fixed rate defined in terms of gold. If one country could not sell as much of its goods and services abroad as it bought from other countries, and if the other factors making up the balance of payments in foreign exchange did not offset this disequilibrium, then the importing country met its deficit by shipping gold out of the country.

In theory this loss of gold was self-correcting, because the amount of money and credit in the country was related to the amount of gold it possessed. Thus a loss of gold set deflationary forces in motion, and it became easier for the country losing gold to sell abroad as its costs of production, and therefore export prices, declined, with falling wages, interest rates, etc. Similiarly the flow of gold into other countries had an inflationary effect and raised their costs and export prices, thus lowering the amount they could export.

But the experiences of the 'thirties showed that many countries could not make the adjustments required to stop automatically the flow of gold. For one thing, governments did not allow their money and credit structure to vary with their gold reserves. The cornerstone of the gold standard collapsed in 1931 when Britain was forced to abandon the gold standard because when her gold reserves were being depleted, the drastic deflationary measures, which would theoretically have stopped the flow of gold, would have resulted also in increased unemployment, and falling interest rates, and were hence politically impossible. Adjustments required under the gold standard may conflict with schemes for maintaining high levels of wages and employment in the internal economies of many countries. With full employment almost universally regarded as the major post-war economic objective, the prospects of many countries returning to the gold standard are slight.

Each country might find an alternative to the gold standard by establishing a central national control over the amount of foreign exchange bought and sold for its own currency. It can thereby control the exchange rate administratively and control its trade as well, since foreign exchange transactions are necessary to trade. A country following this policy can bargain for export markets or for imports, with other countries, by virtue of its control over exchange transactions. Such conditions applied generally during the 'thirties. They are distinguishable from the gold standard situation in two notable aspects. First, when the flow of exchange is under the control of separate governments, the currency of one country cannot

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be converted into that of any other automatically. Thus the monetary basis for multilateral trade is destroyed. Second, exchange rates fluctuate. Exchange fluctuations introduce an element of risk into foreign trading. Suppose that an importer had ordered a shipment of goods from the U.S. on September 1, 1939. If he paid on arrival and the goods arrived October 1st, he would find that their price had risen about 10 per cent. because the price of American dollars had risen that much. Such risks act as a deterrent to trade.

The International Monetary Fund envisaged in the Bretton Woods Agreements, is designed to make exchange available on a multilateral basis, to provide comparative stability in exchange rates, and at the same time to protect internal economies from having to make sudden and drastic changes to correct disequilibria in their foreign trade positions.

The International Investment Bank although as important as the Fund is not so complex. It is designed to stimulate international investment by pooling the risk on long-term foreign loans. If successful, it will greatly aid in the task of the Fund by making exchange available to devastated and backward countries.

The plans however cannot of themselves restore and maintain a large flow of international trade. They do not affect tariffs or other more fundamental matters such as the costs of production in different countries.

The Bretton Woods Agreements are unfortunately too long to be included in this pamphlet.* In the following an attempt has been made to outline their salient features.

INTERNATIONAL MONETARY FUND

Summarized text

Article I—Purposes

The Fund has been projected to facilitate the establishment of a system of international payments that will maintain relative stability in exchange rates and will permit a multilateral trade pattern. Exchange rates, which will be fixed at the outset, will be subject to orderly variation. Exchange restrictions between countries will be progressively eliminated.

Article II—Membership

The original membership will embrace those nations among the 44 represented at the Bretton Woods Conference whose governments accept membership before December 31, 1945. Membership requirements for other countries will be determined by the Fund.

Article III—Quotas and Subscriptions

Each member is assigned a quota.** Quotas will be reviewed every five years.

*The full text of the Agreements can be obtained from the Department of State, Washington, D.C.

**"At Bretton Woods, an attempt was made to estimate the economic importance of world countries in order to allocate 'quotas' for subscriptions to the proposed Exchange Stabilization Fund and the proposed bank. The formula itself has never been officially disclosed but the important factors in the formula were: national income, foreign trade, and each country's holdings of gold and foreign exchange." (Kenneth R. Wilson: *The World is Our Oyster*). Guaged by this formula, Canada ranked seventh, with a quota of 300 million dollars.

A four-fifths majority of the total voting power and the consent of the member concerned will be required for any change in quotas.

The subscription of each member shall be equal to its quota and shall be paid in full to the Fund on or before the date when the member becomes eligible to buy currencies from the Fund. Each member shall pay in gold, as a minimum, the smaller of (i) 25% of its quota; or (ii) 10% of its net official holdings of gold and U.S. dollars at the date when the Fund notifies its members that it will shortly be in a position to begin exchange transactions. Each member shall pay the balance of its quota in its own currency.

Article IV—Par Value of Currencies

The par value, or designated official value of each member currency shall be expressed in terms of gold or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944. Obviously, if the par values of different member currencies are determined in relation to a common substance (gold) or a common currency (U.S. dollars), they are determined in terms of one another.

The rate at which any one currency sells for another is called the exchange rate. When the exchange rate between any two currencies expresses the same relation as that between their designated or par values, it is called the parity rate of exchange.

For each member therefore there will be a par value for its currency with respect to gold and a parity rate of exchange between its currency and that of other members. The Fund prescribes very narrow margins above and below the par value and the parity rate of exchange of any member currency. Each member agrees that within its territories gold will not be bought or sold and exchange transactions between member currencies will not take place except at prices which do not vary beyond the limits prescribed by the margin.

The actual rate of exchange can thus fluctuate very little from the parity rate. Were the rates not fixed by the above provisions, or by others (the gold standard for instance), it would be possible for the rate of exchange to vary indefinitely above or below the parity rate. Suppose, for instance, that with a given rate of exchange between two member countries, one of them increases its exports to the other. The importers of the latter country would have to buy exchange in order to pay for the increase in their purchases, and in so doing would drive up the price of the exporting country's currency, thereby reducing the amount available for other items on the balance of payments. The reverse would apply in the case of an increase of imports which would tend to force the rate down.

Members will be permitted to change the par value of their currency, and thereby their parity rate of exchange, only after proposing the change to the Fund. If the particular change will not vary the rate more than 10% from the initial parity rate, the Fund shall raise no objection. If it involves a variation of between 10% and 20% the Fund shall concur or object within 72 hours of the proposal. If the variation from the original rate is greater than 20% the Fund shall either concur or object but shall be entitled to a longer period than 72 hours to declare its attitude.

Now the requirements of Article IV enforce a limited stability in the rate of exchange, the advantages of which have been considered in the Introduction. Disadvantages however might result. It is possible for a situation to arise whereby one member country would be willing to pay more than parity for the currency of another but is prevented from offering a higher price because of the terms of the Agreement. On the other hand member countries would also be prevented from selling their currency at less than parity. In such cases exchange stability seems to interfere with the flow of trade. The actual operations of the Monetary Fund are calculated to offset these disadvantages of rigid exchange rates.

Article V—Transactions with the Fund

If the interflow of currencies among the members dealing with one another is restricted by the rigidity of the exchange rate, member countries can buy the currencies of other members from the Fund itself.

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The Fund will engage in selling to members the currency of other members in exchange for gold or for the currency of the member desiring to make the purchase. It will make these sales at the parity rate plus small service charges. A member shall be entitled to buy the currency of another member from the Fund if it can be shown that the money is needed for payments consistent with the Agreement,* if the desired currency is not scarce according to the estimation of the Fund, and if the purchase will not swell the Fund's holdings of the buying member's currency beyond a prescribed amount.

It will be seen that the amount of any particular member's currency held by the Fund is subject to variation above or below the member's quota as a result of the transactions of the Fund. If the Fund's holdings of any currency are above its particular quota, the surplus represents a tendency for the country to buy more from foreign countries than it sells to them.† In the absence of the gold standard, or the present Agreement, this tendency would result in a lowering of the country's exchange rate, but the stipulations of the Agreement precluding this course, charges are laid against the surplus accumulations. The charges increase according to the amount of the surplus and its persistence. If the accumulation continues, the Fund and the member consider methods of reducing it. Thereafter the Fund may impose charges arbitrarily. The country in question, to overcome its difficulty, might take measures to decrease its imports, stimulate its exports, or both, or it might lower the par value of its currency.

The Fund therefore provides exchange on a multilateral basis, and in so doing it prevents fluctuations in exchange rates that arise from temporary shortages in one or more countries, of the currency of others. Under the gold standard exchange would be available on a multilateral basis, but an import balance of trade for any particular country would force an outflow of gold which might depress economic activity in the country in question. Under a system of controlled national currencies, either the rates would vary widely and often, or exchange would not be available on a multilateral basis, or both.

Article VI—Capital Transfers

Members are not permitted to buy property rights or title to income-producing factors in other countries, if in order to pay for these, they swell the Fund's holdings of their currencies beyond prescribed amounts. Members will have the right to use such controls as are necessary to regulate international capital movements. The restoration of war-torn countries and the building up of backward areas for which such capital movements are necessary, come under the proposal for the International Bank.

Article VII—Scarce Currencies**

If any member, on the whole, is exporting more to other members than it is importing from them, the importing countries must obtain the additional currency either through loans from the exporting country or through the Fund.

*See Article VI.

†Changes in amounts of gold reserves and foreign assets held within the country would affect this conclusion were it not that Article IV contains provisions which tend to cancel out their influence.

**"It was recognized throughout the discussions that the need for the Fund lies to a considerable extent in the fact that a few of the world's senior currencies have tended in recent years to become scarce. This applied to both the United States dollar and the British pound in the 'twenties and 'thirties, but more recently affects particularly the dollar. Therefore, from a technical angle, the critical problem in the Fund is to prevent, as far as possible, the scarcity of the dollar and to make it or any other currency, which subsequently becomes scarce, available on an equitable basis to all trading nations." (*Foreign Policy Reports* Sept. 1, 1944 "Bretton Woods Monetary Conference . . .")

If the Fund finds that its holdings of a particular currency are being depleted, it may so inform members and issue a report giving the causes of the shortage and making recommendations to correct it. The Fund may take either or both of the following steps to replenish its holdings of the member's currency: (i) it may suggest conditions and terms of borrowing some of scarce currency; (ii) it may require the member to sell its currency to the Fund for gold. If the Fund finds that demand for a member's currency seriously threatens the Fund's ability to supply that currency, the Fund can formally declare such currency scarce and thenceforth ration its supply of the scarce currency according to the relative needs of members and the general economic situation. If a currency is formally declared scarce, any member, after consultation with the Fund, can impose limitations on the freedom of the scarce currency's exchange.

Article VIII—General Obligations of Members

Under Article VIII members agree, among other things, not to impose restrictions on exchange transactions except under the special conditions applying to scarce currencies (Article VII) and except under the special transitional arrangements (Article XIV). Any existing contracts, not consistent with the terms of this Agreement, shall be unenforceable in the territories of any member. No member shall engage in practices that discriminate between the currencies of any members except as authorized in this Agreement or approved by the Fund. If such measures are practised when this Agreement comes into force arrangements shall be made for their progressive removal. Through the application of these principles of Article V it is hoped that bilateral bargaining will be eliminated and multilateral exchange will replace it.

Article XII—Organization and Management

The Fund shall have a Board of Governors, Executive Directors, a Managing Director, and a staff.

All powers of the Fund shall be vested in the Board of Governors, consisting of one governor and one alternate, appointed by each member in such manner as it may determine.

The Executive Directors shall be responsible for the conduct of the general operations of the Fund, and for this purpose shall exercise all the powers delegated to them by the Board of Governors. There will be not less than twelve directors, of which five shall be appointed by the five members having the highest quotas; two shall be elected by the American Republics, and five elected by the other members.

Each member country shall have 250 votes plus one additional vote for each part of its quota equivalent to 100 thousand U.S. dollars. (Certain rather complex adjustments are made in voting power on particular issues when votes are raised for creditor countries and lowered for debtor countries.) Except as otherwise specifically provided, all decisions of the Fund shall be made by a majority of the votes cast.

The Managing Director, selected by the Directors, shall act as chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. The Managing Director will head the operating staff and conduct the ordinary business of the Fund.

Article XIV—Transitional Period

The Fund is not intended to provide facilities for relief or reconstruction or to deal with international indebtedness arising out of the war. Exchange restrictions will be permissible during the post-war transitional period. The Fund will make a report on restrictions still in force three years after that date on which it begins operations, and yearly thereafter. Members will consult with the Fund about retaining restrictions and the Fund can make representations to any member that conditions are favourable for the withdrawal of particular restrictions.

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ARTICLE XV—WITHDRAWAL FROM MEMBERSHIP

Any member may withdraw at any time by presenting notice to the Fund. If a member fails to fulfil any of its obligations under this Agreement the Fund may declare the member ineligible to use the resources of the Fund. If the member persists in failure to fulfil its obligations it may be required to withdraw from the Fund.

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Summarized text

ARTICLE I—PURPOSES

The main function of the Bank lies in stimulating the flow of international loans primarily for investment in backward or war-torn countries. It is hoped that reconstruction or development in such handicapped areas will tend to promote a more balanced flow of international trade.

ARTICLE II—MEMBERSHIP AND CAPITAL

Only those countries who have already joined the Monetary Fund are permitted to join the Bank. Later, the Bank may lay down terms of membership for other countries.

The Bank's capital will amount to $10 billion in terms of the United States dollar of July 1st, 1944. A schedule showing the minimum subscription for each member is included in the Agreement. Canada's subscription amounts to $325 million.

ARTICLE III—GENERAL PROVISIONS RELATING TO LOANS AND GUARANTEES

The resources of the Bank are to be used exclusively for the benefit of the members. Projects for development and projects for reconstruction are to be given equal consideration.

The total loans and guarantees made by the Bank are limited to the amount of the Bank's resources. Each country's liability will be limited to the amount of its subscription.

The Bank will deal directly only with the main fiscal agencies of each country, such as its central bank. Loans however, may be sought not only by the government of a country, but by political subdivisions within it, such as a state, province, or municipality, or by a particular business or agricultural enterprise. The Bank will consider such a loan only on the condition that the central bank of the country guarantee it. The Bank must appoint a competent committee to investigate any project for which a loan is desired, and will only raise, make, or guarantee the loan if the committee reports favourably.

ARTICLE IV—OPERATIONS

The Bank may deal with a loan which satisfies the conditions laid down in the preceding article in three ways. It may make the loan directly out of its resources. It may raise the loan itself, guaranteeing it with its own resources. It may guarantee the loan if other lenders provide the money.

Only twenty per cent. of the subscriptions received from the different countries can be used to make direct loans from the Bank's own funds. Of this twenty per cent., two per cent. is subscribed in gold or United States dollars and this can be freely used by the Bank for any purpose. The remainder (eighteen per cent. of the total subscription) can be subscribed in the currency of the member, and this part cannot be loaned or exchanged without the approval of the member. For example, the Canadian subscription to the Bank is $325 million. Of this twenty per cent., or $65 million is to be used for the Bank's own loan fund, $6½ million of which will

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be subscribed in gold and $58½ million in Canadian dollars. The Bank cannot loan or exchange this $58½ million without the approval of the Canadian authorities, who could, if they wished, make stipulations, for instance that this Canadian currency could only be used to make loans that would be spent in Canada, or within the British Commonwealth of Nations.

The remaining eighty per cent. of the Canadian contribution, $260 million, would be available for guaranteeing loans, either made by private investors through the usual investment channels, or with funds borrowed by the Bank. The Bank has greater freedom of action over the use of these funds, although if a loan is raised in the markets of a member country, the approval of that member is required.

In general, each country will be expected to raise domestic loans without recourse to the Bank. The Bank will assist in providing them with foreign currencies needed to buy foreign goods or services that are necessary for their projects. The Bank will lend the borrower the particular currencies required to make these purchases. (For example, if they wish to purchase goods from the United States, the Bank will lend them United States dollars.) For each loan the Bank will work out a reasonable schedule of charges, interest payments, maturity of the loans, and other financial details.

ARTICLE V—ORGANIZATION AND MANAGEMENT

Arrangements are very similar to those proposed for the International Monetary Fund. The Board of Governors and the Executive Directors are constituted in much the same way, and have the same powers and functions. There are to be twelve Executive Directors, five appointed by members having the largest number of shares and seven elected by the Governors of all the other members. The Bank is to have a President with powers analogous to those given to the Managing Director of the Fund. A special Advisory Council with seven members elected by the Board of Governors, representing as many national and economic interests as possible, is to be constituted to advise on general policy.

Civil Aviation Conference

November 1-December 7, 1944

Commentary

No international conference held recently has had as stormy a career as the Civil Aviation Conference held at Chicago last November. For two weeks the conference was deadlocked by the wide differences in viewpoint between the British and American delegations, and at one point only the urgent intervention of a Canadian delegate, Mr. H. J. Symington, and of Mayor LaGuardia, prevented a complete breakdown of the conference. This conflict of opinion was not unexpected. Russian delegates to the conference reached Edmonton by air, but were abruptly called home the day before the conference began when it was announced from Moscow that the U.S.S.R. would not participate, ostensibly because countries whom she denounced as "pro-fascist" (Switzerland, Portugal, and Spain) were invited. Britain, in a governmental White Paper published in October, and Canada, in a draft convention of January, 1944, had already put themselves on record as favouring an effective international air authority with real powers to determine who could fly over international commercial routes, how often such flights could be made and what rates could be charged. The United States, on the other hand, conscious of her extremely powerful position in world aviation, concentrated her interest on the

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immediate opening of routes and announced herself in favour of free competition in the air.

To understand the issues at stake, some mention must be made of the requirements of international air travel and the situation which had already grown up in regard to it. Before the war, the principle had become established that each country controlled the air above its own territory. Some countries refused to allow any foreign aircraft to fly over their territory. Any country which wanted to fly across the territory of another country had to make a special agreement with it, giving certain rights with regard to air travel. For instance, Canada and the United States reached such an agreement, in 1940. Under its terms Trans Canada operates an airline to New York, and American airlines fly to several Canadian cities. This necessity for "bilateral" agreements has not been changed by the Chicago conference. In January, 1945, Canadian and American officials met in New York, and drew up a new agreement the terms of which were made public on February 20th. Canadian airlines can now operate to eight American cities and American airlines have increased their number of routes to thirteen.

We have heard a lot of talk about "Freedom of the Air" but it is important to realize that it can mean different things. If what is required is simply the right to fly without impediments over the surface of the earth, this could be realized by all countries subscribing to the Two Freedoms Agreement which was drawn up at Chicago. This concerns only transit rights and, by accepting it, a country allows the aircraft of other countries to fly across its territory in return for reciprocal rights. Furthermore, aircaft have the right to make emergency landings or landings required for refuelling, and all countries agree to adopt common regulations which will enable pilots to fly with safety. But further considerations emerge when we realize that airlines are also concerned with making a profit by carrying traffic over these routes. The other three freedoms, which are included in the Five Freedoms document are concerned with this question of carrying traffic between different countries. For instance, Canada might wish, not only to fly right across the territory of the United States and to stop at American airports, but also to take Canadian passengers and freight to American ports (third freedom) and to pick up American passengers and freight bound for Canada (fourth freedom). Furthermore, if Canada wishes to operate airlines to South America or the West Indies, she might want to carry traffic between the United States and other foreign countries (fifth freedom). A final type of trade in which Canadian aircraft might hope to engage is in traffic between two cities in the United States, but this "sixth freedom" trade, usually known as "cabotage" would almost certainly be reserved for planes of the United States.

The British and Canadian position has been that if the United Nations agree to allow commercial airlines to operate and carry all these types of traffic, particularly traffic between two foreign countries, an effective air authority is necessary to prevent cut-throat competition on the part of the different countries to secure a dominant position in the world airlines.

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This would lead to large state subsidies of airlines, uneconomic duplication of services to drive competitors out of business and many other undesirable consequences. At the Chicago conference, Britain and Canada were willing to agree to the first four freedoms, but did not wish to grant the fifth freedom without an adequate international air authority capable of controlling such competition. After all, it has been found essential in all countries which have developed considerable air traffic to have a regulating board with strong powers, such as the Civil Aeronautics Board in Washington and the new Air Transport Board set up in Ottawa. In the United States, however, the refusal of the British countries to sign the Five Freedoms agreement has been regarded as caused by fear of the powerful American position if the doctrine of complete freedom of competition is admitted. Undoubtedly the position of the United States is stronger than that of any other country in a world-wide race for air routes. Pan-American airways has had invaluable experience in opening up routes across Africa and between India and China. American airplane production has been concentrated on bombers and transports and she will thus have a supply of modern transports available for peacetime usage. No other country is in a comparable position.

These factors have undoubtedly influenced the British position, but it has also rested upon a realization of the dangers of unrestricted competition in international airways. Also, the British Commonwealth realizes the vital necessity of binding itself together with inter-Commonwealth airways. For this purpose, representatives of the British Commonwealth held a meeting at Montreal last October, preceding the Chicago conference, and a Commonwealth Air Transport Council was created to consider the formation of an agreement to establish such an Empire service.

The divergence between the views of the different countries was so great that the Chicago conference was unable to reach a compromise satisfactory to all. What finally emerged was a series of documents which could be signed separately. These included the Air Transit (or Two Freedoms) Agreement, the Air Transport (or Five Freedoms) Agreement, an agreement calling for the creation of a permanent international civil aviation organization, but one with only technical and advisory powers, provision for an interim organization to function until the permanent organization is accepted by the governments of the United Nations, a standard agreement which can be used by countries negotiating for air routes and various technical annexes. Controversial matters at the conference have been referred to the Interim Council on which twenty states are represented with a seat being left open for Russia if she desires to avail herself of it. This Interim Council, incidentally, is to meet in Montreal.

The general opinion of the work of the Conference was that valuable agreements were reached on technical matters, but that no satisfactory compromise was reached which reconciled the American desire to have all countries subscribe to the Five Freedoms and the British and Canadian insistence on an international authority with power to control routes, rates, and frequencies. Thirty-five countries signed the agreement calling for the

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creation of the permanent civil aviation organization, although it must be remembered that this must be confirmed by their governments before the organization can be established. The Two Freedom agreement was signed by twenty-eight countries and the Five Freedoms by only seventeen.

The documents included in the Final Act of the Chicago conference comprise two large mimeographed volumes, the second being entirely devoted to the technical annexes of the Act. Unfortunately there is far more material than can even be summarized here. The main provisions of the convention on international civil aviation are outlined in the following section. The Interim organization to be set up is constituted along the same lines. The gist of the Air Transit and Air Transport Agreements has already been incorporated in the commentary and unfortunately there is not space to give the text in full.

CONVENTION ON INTERNATIONAL CIVIL AVIATION

Summarized text

The Preamble of the convention on international Civil aviation points out that while the future development of international civil aviation has great potentialities for good in creating friendship amongst the people of the world, its abuse can be a threat to general security. In order to prevent these abuses the governments have agreed on certain principles and arrangements by means of which civil aviation can develop in a safe and orderly manner and air service, operating soundly and economically, can be established with equal opportunity for all nations.

The agreement is based on recognition that every state "has complete and exclusive sovereignty over the airspace above its territory". The convention is applicable to civil aircraft alone, and does not include "state" aircraft (i.e. military, customs or police planes). In this convention all the states agree that aircraft of other member states, not engaged in regular scheduled commercial flights, have the right to fly across or into their territory or to make stops for non-traffic purposes without special permission. However, no scheduled international air service may be operated over or into the territory of another member state except with the special authorization of that state and in accordance with its terms. These include the right to designate the route to be followed within its territory and the airports which such a service can use. The state can require such aircraft to land at an airport designated by the state for customs examination. It can apply any rules and regulations, including customs, immigration and quarantine laws, consistent with this Convention to aeroplanes flying across its territory, as long as such rules do not discriminate between planes of different nationalities. It is understood that each state reserves the privilege of offering air services between points within its own territory, and agrees not to yield this privilege on an exclusive basis to any one foreign state.

Every aircraft is to be given the nationality of the state in which it is registered, and it is to be properly marked so that its nationality can be easily ascertained. Each aircraft must carry with it its proper documents, such as its certificate of registration, log book, etc., and proper radio equipment. Each state agrees to assist aircraft in distress over its territory and to help search for lost planes. The military threat of the aeroplane is recognized in provisions that states can prohibit foreign planes from carrying munitions over their territory or from using their photographic equipment in certain areas.

International Standards—In order to facilitate international flying the states agree to collaborate in securing the highest practicable degree of uniformity in their regulations and standards for aircraft, flying personnel and air navigation equipment. The

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ICAO may adopt international standards on such matters as ground marking, meteorological services, licensing of operating and mechanical personnel, airworthiness of aircraft, or customs and immigration procedures. First drafts of agreements on these matters were drawn up at the Chicago conference and are included in the Final Act as technical annexes. These agreements, in their final form, may be passed by the Council of the ICAO by a two-thirds vote, and then submitted to the member states for ratification.

Any state unable to accept these standards in all particulars must notify the ICAO of differences between its own practice and that established by the international standards. In this case, the licenses of its aircraft and flying personnel must be endorsed, showing the ways in which the international standards are not satisfied, and such aircraft cannot engage in international navigation except with the permission of the State whose territory is flown over. However, these requirements are not to be applied to any aircraft except those making their first flights three years after the standards have been adopted.

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Summarized text

An organization named the International Civil Aviation Organization (ICAO) is to be formed, made up of an Assembly, Council and committees. The Assembly will be a large body, on which all the states will have representatives and be entitled to one vote. Decisions will be according to a majority of the votes cast. This Assembly, however, will only meet regularly once a year, and it is able to delegate to the Council the authority necessary or desirable for the discharge of the duties of the organization. The Assembly elects twenty-one states whose representatives are to make up the Council, which is to be a permanent body. These twenty-one states should be so chosen that they include (1) the states of chief importance in air transport (2) states making the largest contribution to the provision of facilities for international civil air navigation, and (3) the major geographical areas of the world are given representation. The Council will also reach decisions by a majority vote. It is to make annual reports to the Assembly and to carry out its directions.

The Council will set up various committees, such as an Air Transport Committee and an Air Navigation Committee. This Air Navigation Committee will have the duty of proposing any desirable amendments to the international standards adopted by the Organization. The Council may also set up subordinate air transport committees on a regional basis, or according to any other arrangements it deems desirable.

The Convention requires states adhering to it to furnish the ICAO with complete information concerning its international airlines. The Council is to collect and publish information necessary to the advancement of air navigation and the operation of international air services. Amongst other things, it is to make public particulars of subsidies paid to airlines from public funds. The Council, at the request of any state, will investigate any situation in which obstacles to international air navigation could be removed, and make a report on it. The Council will report to the states any infringements of the Convention or failure on the part of the state to carry out the recommendations of the Council. No very stringent punitive measures can be taken by the Council, however. At the most a state can be asked to withdraw from the organization.

In addition to the Assembly and Council, the ICAO will also have a paid permanent staff. The chief executive officer of the organization, the Secretary General, will be appointed by the Council.

The ICAO will in general carry out all the tasks placed on it in other parts of the Convention, and it is specifically empowered to carry out the functions placed

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upon it in two separate agreements, the Air Transit (Two Freedoms) Agreement and the Air Transport (Five Freedoms) Agreement.

The Council will submit to the Assembly an annual budget for its consideration. The Assembly may modify this budget as it wishes, and then apportion the expenses of the organization among the members on a basis to be determined by the Assembly.

Provision is made for the ICAO to enter into appropriate arrangements in regard to air matters with the general organization set up by the nations for the preservation of peace. It can also make arrangements with other international organizations which would facilitate the work of both.

Sections 69 to 76 of the report deal with the question of the provision of facilities for international air services in countries unable to provide a desirable standard of airports and other air navigation services, including radio and metereological services. (Such a situation might occur in countries like Iran or Syria, which lie at strategic points from the point of view of international air routes, but may not themselves develop sufficient airlines to make them interested in providing adequate airport facilities such as other countries would require.) In these circumstances the country may give permission for the Council of the ICAO to provide the required airports, metereological services, etc. Provisions are included, however, by which the country can buy these airports from the ICAO whenever it so desires.

Disputes or Default—If two states cannot agree as to the interpretation or application of this Convention any state concerned in the disagreement can ask the Council to act as arbiter. The decision of the Council can, however, be referred to the Permanent Court of Justice or to an *ad hoc* tribunal agreed to by both parties. If an airline does not conform to the final decision of one of these bodies, other members adhering to the Convention shall not allow it to operate over their territory and in the Assembly and Council the voting power of the country to which it belongs shall be suspended.

This Convention must be ratified by the signatory states. As soon as it has been ratified or adhered to by twenty-six states, it shall come into force. United Nations and those associated with them, and neutral countries, may adhere to the Convention. Other countries (i.e., ex-enemy countries) may, subject to the approval of the general security organization, adhere to this convention, after a four-fifths vote of the Assembly provided that in each case the assent of any state invaded or attacked during the present war by the state seeking admission shall be necessary.

Armistice Agreements

Commentary and summarized text

The Armistice Agreements with Finland, Bulgaria, Rumania, and Hungary, follow one general pattern. Since many of the Articles are common to all four Armistices, they are presented here together, grouped by subject.

SIGNATORIES—The Soviet Union, the United Kingdom, and the United States acted on behalf of all the United Nations in the armistices with Rumania (September 12, 1944), Bulgaria (October 28, 1944), and Hungary (January 20, 1945), and the Soviet Union and the United Kingdom only with Finland (September 19, 1944). The actual signatory for the United Nations in each case was a representative of the U.S.S.R., with a representative of the Supreme Allied Commander in the Mediterranean co-signing the Bulgarian Armistice. Since the U.S.S.R. had borne the brunt of these four countries' hostilities and was closer to them than

any other United Nation, the Soviet High Command was authorized by all the Armistices to act for the United Nations; it was to be called "the Allied (Soviet) High Command."

MILITARY MEASURES—All four countries agreed to cease hostilities against all the United Nations and to break with the Axis. Further, military assistance was promised to the Allies. Finland, Bulgaria, and Hungary undertook "to disarm the German armed forces in Bulgaria (Finland, Hungary) and to hand them over as prisoners of war . . . also . . . to intern nationals of Germany and her satellites" (Jews excepted). Rumania accepted internment responsibilities as well. Finland and Hungary each consented to hand over "all the information at its disposal regarding the German armed forces and the plans of the German military command . . . also the charts and maps and all operational documents relating to the military operations of the German armed forces." All four countries agreed "to hand over as booty to the Allied (Soviet) High Command all war material of Germany and her satellites* located on Bulgarian (etc.) territory, including vessels in the fleets of Germany and her satellites* located in Bulgarian (etc.) waters."

Article III of the Hungarian Armistice, corresponding with Article III of the Bulgarian and Rumanian Armistice, reads: "The Government and High Command of Hungary will insure to the Soviet and other Allied forces facilities for free movement on Hungarian territory in any direction if, in the opinion of the Allied (Soviet) High Command, the military situation requires this, the Government and High Command of Hungary giving such movements every possible assistance with their own means of communication and at their own expense on land, on the water, and in the air." In a corresponding Article Finland undertook to put at the disposal of the Allied (Soviet) High Command "airdromes on the south and southwestern coast of Finland, together with their installations, to be used as bases for Soviet planes for a period required by military operations in the air against German troops in Estonia and against the German Navy in the northern part of the Baltic Sea", with the necessary communications thereto, also promising to "deliver such materials and manufactured goods as the United Nations may require for purposes connected with the war."

Bulgaria undertook "to maintain and make available such land, sea, and air forces as may be specified under the general direction of the Allied (Soviet) High Command," but "such forces must not be used on Allied territory except with the prior consent of the Allied government concerned." Hungary accepted the same terms, with an additional stipulation, "to provide not less than eight infantry divisions with corps troops." Rumania agreed to "wage war on the side of the Allied powers against Germany and Hungary with the aim of restoring her independence and sovereignty, for which purpose she will put in the field not fewer than twelve infantry divisions, with relative replenishments . . . under the general direction of the Allied (Soviet) High Command." The armed forces of Finland must be transferred to a peacetime footing within two and a half months of the

*The phrase "and her satellites" was omitted from the Hungarian Article.

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Armistice, and those of Bulgaria, Rumania and Hungary, at the conclusion of hostilities against Germany.

Provision is made for Allied control over the four countries' shipping and free use of Allied shipping held in their waters.

"De-Nazification"—Each of the Armistice Agreements contains Articles parallelling these:

Text

"The Government and the High Command of Rumania will at once hand over to the Allied (Soviet) High Command for repatriation all Soviet and Allied prisoners of war whom they are holding, as well as internees and citizens who have been taken to Rumania by force. From the moment of the signing of the present terms and until their repatriation, the Government and the High Command of Rumania undertake to supply at their own expense to all Soviet and Allied prisoners of war, as well as citizens who had been carried away by force and interned persons who had been transferred and refugees, sufficient food, clothing, and medical attention in accordance with health requirements, as well as with means of transport for repatriation of all these persons." (Rum. Art. V)

"The Rumanian Government will liberate at once all persons, independently of their civil status and nationality, who are kept under arrest owing to their activity to the advantage of the United Nations or for their sympathy with the case of the United Nations, or owing to their racial origin, and will also abolish all discriminatory legislation and restrictions resulting therefrom." (Rum. Art. VI)

"The Rumanian Government undertakes immediately to disband all pro-Hitlerite political, military, militarized, and other organizations of fascist type on Rumanian territory who are conducting propaganda hostile to the Allied nations, in particular to the Soviet Union, and not to tolerate the existence of such organizations in the future." (Rum. Art. XV)

"The Government of Rumania undertakes to re-establish all lawful rights and interests of the Allied nations and their citizens on Rumanian territory as they existed before the war and also to return intact their property." (Rum. Art. XIII)

"The Government and the High Command of Rumania undertake to collaborate with the Allied (Soviet) High Command in the task of detention of persons accused of war crimes and in trial of such persons." (Rum. Art. XIV)

Commentary

The Allies were given full censorship controls over internal communications and foreign relations of the submitting countries.

Reparations—All four agreements oblige the submitting countries to "return to . . . (the United Nations concerned) by the dates specified by the Allied Control Commission and in a good state of preservation, all valuables and materials removed during the war by Germany or . . . (the satellite concerned) from United Nations territory and belonging to state, public, or co-operative organizations, enterprises, institutions, or individual citizens, such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures, and any other property."

Finland, Rumania, and Hungary, further must each pay the Soviet Union $300 million in the course of six years in kind; for war damages in other states provision is made for later separate reparations charges.

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Bulgaria "will make such reparation for loss and damage caused by the war to the United Nations, including Greece and Yugoslavia, as may be determined later." Immediate relief, from Bulgaria to Greece and Yugoslavia and from Hungary to Czechoslovakia and Yugoslavia, will be counted as part of these countries' reparations payments.

Civil Administration—In Finland "an Allied Control Commission is to be set up that, up to the time when peace shall be concluded with Finland, will assume the regulation and control of the fulfilment of present conditions under the general direction and instructions of the Allied (Soviet) High Command, acting on behalf of the Allied Powers." Parallel Articles provide for an Allied Control Commission during the whole armistice period in Bulgaria, Rumania, and Hungary, the Allied (Soviet) High Command to assume general direction until the cessation of hostilities; all three must make regular payments and supply such goods and services as required by the Allied (Soviet) High Command for the discharge of its functions. The Hungarian and Rumanian Armistices contain clauses providing that those countries' civil administration, except in immediate battle areas, be restored, and that their "administrative bodies undertake to carry out, in the interests of the re-establishment of peace and security, instructions and directives of the Allied (Soviet) High Command or the Allied Control Commission issued by them for the purpose of securing the execution of these Armistice terms."

Text

Political Terms

(a) Finland: "The validity of the peace treaty concluded between the Soviet Union and Finland in Moscow on March 12, 1940, is restored with alterations following from the present Agreement." (VI)

"Finland will return to the Soviet Union the area of Petsamo (Pechenga) which had been ceded voluntarily by the Soviet States by the peace agreement of October 14, 1920, and March 12, 1940, within boundaries described . . ." (VII)*

"The Soviet Union renounces its rights to the lease of Hangoe Peninsula, which had been granted to her by the Soviet-Finnish peace agreement of March 12, 1940. Finland on the other hand, undertakes to lease to the Soviet Union territory and a sea area for the establishment of a military base in the area of Porkkala Udd . . . The territory and waters in the area of Porkkala Udd shall be transferred by Finland to the Soviet Union within ten days from the moment of the signature of the armistice agreement for the organization of a Soviet naval base on lease, to be used and controlled for a period of fifty years, the Soviet Union making an annual payment of five million Finnish marks . . . The Finnish Government shall grant to the Soviet Union the right of unimpeded use of all forms of communication between the U.S.S.R. and the territory leased in the area of Porkkala Udd." (VIII and Appendix)

"The validity of the agreement on the Aaland Islands, concluded between Finland and the Soviet Union October 11, 1940, is fully restored (IX)

*"The Government of the Soviet Union has agreed to pay twenty million United States dollars to the Government of Canada for the interests in the nickel mines in the Petsamo district of Finland, owned by the International Nickel Company of Canada and its subsidiary, the Mond Nickel Company of the United States . . . Payment will be made during six years in equal installments." (*New York Times* Oct. 19, 1944)

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(b) Bulgaria: "Bulgarian armed forces and officials have been withdrawn within the specified time limit from the territory of Greece and Yugoslavia in accordance with the precondition accepted by the Government of Bulgaria on October 12, 1944; the Bulgarian authorities must immediately take steps to withdraw from Greek and Yugoslav territory Bulgarians who were citizens of Bulgaria on January 1, 1941, and to repeal all legislative and administrative provisions relating to the annexation or incorporation in Bulgaria of Greek or Yugoslav territory." (II)

(c) Rumania: "The state frontier between the U.S.S.R. and Rumania established by the Soviet-Rumanian Agreement of June 28, 1940, is restored." (IV)

"The Allied Governments consider the decision of the Vienna award as non-existent and agree that Transylvania, the whole or major part of it, is to be returned to Rumania, which is to be confirmed in the course of a peaceful settlement. In this connection the Soviet Government agrees that Soviet troops should take part for this purpose, together with Rumania, in military operations against Germany and Hungary." (XIX)

(d) Hungary: "The Vienna arbitration award of November 2, 1938, and the Vienna award of August 30, 1940, are hereby declared to be null and void." (XIX)*

"Hungary has accepted the obligation to evacuate all Hungarian troops and officials from the territory of Czechoslovakia, Yugoslavia, and Rumania occupied by it within the limits of the frontiers of Hungary existing on December 31, 1937, and to repeal all legislative and administrative provisions relating to annexation and incorportion into Hungary of Czechoslovak, Yugoslav, and Rumanian territory." (II)

Italian Armistice Terms—In the Armistice which Italy signed on September 3, 1943, military conditions were imposed much like the military terms of the above agreements. Article XII stated that other conditions of a political, economic, and financial nature would be transmitted at a later date. These had not yet been published at the time of writing, however.

*Following the German seizure of the Sudetenland, Hungary demanded the Ruthenian section of Czechoslovakia, and this was awarded to her by Germany and Italy in the Vienna award of November 2, 1938.

In 1940 Hungary demanded Rumanian territory following the Russian seizure of Bessarabia. Germany and Italy awarded her half of Transylvania in the Vienna award of August 30, 1940.

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(1)

Re Pressure on Opposition
to Speech
re Immaculate Opposition

see on Reinforced Dates "
See broad cast

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Item for consideration
Pre pressure on Operation

(2)

C233726

No opportunity to study proposals

Why No Canadian at Dumbarton Oaks. Same reason as
" " " " Casablanca — Moscow (Teheran.) at Yalta
Numbers must be limited
Limited Nations.
Commonwealth representatives
Kept in touch — voices heard.

— Peace defend by first powers
Kept in touch — with each other
" " Association with other Nations

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(3)

Great Powers Peace

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(4)

London meeting ✓

Re Collaboration also

Instructions to delegates — — [illegible]

[illegible]

[illegible]

[illegible]

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C233729 (5)

- Copy to Sims as communicated to Govt Powers V
- Proposed amendments

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(9)

Delegation to San Francisco

San Francisco

Here to be chosen:

Sure as in U.S. & Gt Br. a Jammu in ASSN. [illegible]
[illegible]

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C233731

(8)

No Election Campaign in House of Commons ✓

Question of Session

Re San Francisco

[illegible]

Re Mondale

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C233732 ✓ (9)

Relationship of New Organization to
the Old League of Nations

~~Social & Economic~~

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(10)

Le Commissaire

Sur presse

Mitchell's agreement Commissaire

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(11)

Regional Security

1 Organization of the Pacific.

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(11)

Reg. consul. Security

" organization in the Pacific.

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1/4

Re Single Voice

Br. Commonwealth, and U.K. should sit as a great Power on the Security Council

Attitude of Soviet Imperialist

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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15/

Attitude of Social Credit Party

(1) [illegible] Oats = world declaratory (Blackwood page 157)

(2). Resolution c Breton Woods

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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16

Board of Governors Council
and Trade

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SAN FRANCISCO CONFERENCE

REFERENCE MATERIAL

The following material is being taken to San Francisco for the use of the delegation and will be available in the office of the Assistant Secretaries.

I. SAN FRANCISCO CONFERENCE

House of Commons Debates, March 1945

II. THE DUMBARTON OAKS PROPOSALS

The Dumbarton Oaks Proposals (English and French texts) published by the Department of External Affairs

Amendments proposed by the various United Nations

Commentaries upon the Proposals

- "Proposals for the establishment of a General International Organization for the maintenance of international peace and security" - Statement by the Prime Minister in the House of Commons, March 20, 1945.
- Statements in 1943 and 1944 on General International Organization by the Prime Minister, published by the Department of External Affairs, January 15, 1945.
- "Dumbarton Oaks Proposals for Economic and Social Co-operation" - Leo Pasvolsky (International Conciliation, March 1945)
- Proposed Voting Procedure for the Security Council - statement by Mr. Stettinius
- Selected newspaper clippings - news items and editorials relating to the Dumbarton Oaks Proposals, including texts of the Vandenberg proposals for amendment, the United States statement on Assembly voting, editorials, etc.

III. OTHER PROPOSALS FOR A GENERAL INTERNATIONAL ORGANIZATION - AND RELATED MATERIAL

League of Nations Union, Executive Committee - Text of draft pact for future international authority (International Conciliation, February 1944)

Inter-American Juridical Committee - Preliminary Recommendations on Post-war Problems (International Conciliation, February 1943)

U. S. Chamber of Commerce - Plan to promote international law and order, March 1944 (International Conciliation, May 1944) /In same issue - "Bases of Lasting Peace" by the Executive Committee of the American Federation of Labour/

Wright, Quincy - Fundamental Problems of International Organization (International Conciliation, April 1941)

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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IV. UNITED NATIONS DOCUMENTS

"The Nations Have Declared" - The Documents Issued by the United Nations, with comments by Lorna Savage
Part I - Cairo, Moscow, Teheran, The Four Freedoms, The Atlantic Charter, UNRRA Constitution, ILO Philadelphia Charter, United Nations Declaration, Mutual Assistance Pact - United Kingdom and the U.S.S.R., Mutual Aid Agreements - United Kingdom and United States, United Kingdom and Canada, Statements on World Organization by Prime Minister Churchill, President Roosevelt and Mr. Eden.

Part II - Crimean Conference, Dumbarton Oaks, Bretton Woods - International Monetary Fund; International Bank for Reconstruction and Development, Civil Aviation Conference, Armistice Agreements with Italy, Finland, Bulgaria, Rumania and Hungary

Agreement for United Nations Relief and Rehabilitation Administration, November 9, 1943.

Report of the Director General of UNRRA to second session of the Council, September 1944, covering the period to July 17, 1944; Supplementary Report July 17 - September 15, 1944.

Final Act of the United Nations Monetary and Financial Conference held at Bretton Woods, July 1 to 22, 1944.

Final Act of the Civil Air Navigation Conference held at Chicago, November 1 - December 7, 1944.

Final Act of the United Nations Conference on Food and Agriculture held at Hot Springs, May 18 - June 3, 1943.

First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture [Including text of proposed Constitution of United Nations Food and Agriculture Organisation]

United Nations Review, together with special supplements 1, 2, 3 and 4.

The United Nations Today and Tomorrow

V. THE LEAGUE OF NATIONS

Covenant of the League of Nations

Aims, Methods and Activity of the League of Nations

Annuaire de la Société des Nations, Geneva

Commentaire du Pacte de la Société des Nations by Jean Ray, Recueil Sirey, 1930, with supplements 1931, 1932 and 1933.

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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V. THE LEAGUE OF NATIONS (Cont'd.)

Ten Years of World Co-operation, 1921-31, by the Secretary-General of the League

Annual Reports on the work of the League, 1930-43.

Powers and duties attributed to the League of Nations by International Treaties

Reports of the Canadian Delegates to the Assembly of the League, 1920-1939

Catalogue of Selected Publications on Economic and Financial Subjects

Structure and Functions of the Economic and Financial Organization of the League /Report of the Committee appointed by the Council in January 1938 to consider the structure and functions of the economic and financial organization of the League of Nations/ - League of Nations Official Journal, May-June 1938, pp. 551-555.

The Development of International Co-operation in Economic and Social Affairs /Report of the Special Committee under the Chairmanship of Mr. Bruce, appointed by the Council of the League in May 1939)

League of Nations Information Section Pamphlets :
- Towards a Better Economic World, 1939 /describing the activities and methods of work of the Economic and Financial Organization/
- The Economic Interdependence of States
- World Health and the League
- Opium
- Financial Administration and Apportionment of Expenses, 1928
- Mandates

Work and Functions of the Financial Committee (League of Nations, 1930, II. 38)

Principles and Methods of Financial Reconstruction Work undertaken under the auspices of the League of Nations (League of Nations 1930.II.16)

Report of the Co-ordination Committee of the Economic and Financial Questions contained in the agenda of the 19th ordinary session of the Assembly

Report of the Co-ordination Committee of the Economic and Financial Questions contained in the agenda of the 20th ordinary session of the Assembly

The Transition from War to Peace Economy : Report of the Delegation on Economic Depressions, Part I, 1943.

Economic Stability in the Post-war World : Report of the Delegation on Economic Depressions, Part II, 1945.

Regulations for the Financial Administration of the League of Nations

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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V. THE LEAGUE OF NATIONS (Cont'd.)

Mimeographed Memorandum by the Treasurer, January 10, 1945,
Part I : Evolution of the Financial System of the League
Part II : Possible Use of the Financial System of the League by the new World Organization
(Restricted Circulation)

First Report of the Supervisory Commission for the year 1944.

Mimeographed Note by A. Loveday on Future International Economic Organization, December 1944 (Restricted Circulation)

Mimeographed Note by A. Loveday on the Question of Transfer of the Economic and Financial Organization of the League to a United Nations Organization, November 1944.

League Conventions to which Canada is a party (See Index to Treaties of Canada)

League of Nations Official Journal, Special Supplement No. 154 : Documents relating to the question of the application of the principles of the Covenant - communications from governments - report and resolution adopted by the Assembly.

League of Nations - Application of the Principles of the Covenant - The Question of the Universality of the League of Nations

League of Nations - Applications of the Principles of the Covenant - Internal Organization of the League of Nations - Relations between the Council and the Assembly
- Chief texts and passages of general application relating to Article 11 of the Covenant
- Article XIX of the Covenant
- La separation du pacte de la SDN des traites de paix
- Article 11 of the Covenant - report by M. Unden
- Report on regional pacts of mutual assistance
- Regional or continental organization - report by M. Boris Stein
- Co-ordination of Covenants - Report by M.C.A. Pardo
- Article 10 of the Covenant - Report by M.N. Entezam
- Participation of all states in the League of Nations - Report submitted by Viscount Cranborne
- Collaboration between the League of Nations and non-member States - Report by Viscount Cranborne

League of Nations - Application of the Principles of the Covenant - Questions relating to Article 16 of the Covenant (1938.VII.2) - contains report submitted by the 6th Committee to the Assembly, September 30, 1938; declarations and observations made before the Assembly during general discussion, Sept. 13-21, 1938; discussions in the 6th Committee.

League of Nations - The League from Year to Year (1938) - reviews progress made in discussions on application of principles of the Covenant; separation of the Covenant from the peace treaties; collaboration with non-member States; Article XVI of the Covenant; the unanimity rule, with special reference to Article XI of the Covenant.

Engel, S. - League Reform - an analysis of official proposals and discussions, 1936-39. (Geneva Research Centre, 1940)

Potter, Pitman B. - Article XIX of the Covenant

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Morgan, D. P. - A Possible Technique of Disarmament Control - lessons from the League of Nations' experience in drug control (Geneva Research Centre, 1940)

Wright, Quincy - Mandates under the League of Nations (University of Chicago Press, 1930)

Royal Institute of International Affairs - Sanctions (2nd Ed.)

Atwater, Elton - Administration of Export-Import Embargoes, 1935-36 (Geneva Research Centre)

Highley, Albert - The First Sanctions Experiment (Geneva Research Centre)

Department of External Affairs : White Book on Measures taken in relation to the Ethiopian Conflict (J. S. Macdonald)

International Intellectual Co-operation, 1938, containing text of revised Act on International Intellectual Co-operation.

Tory, H. M. - Memorandum on the work of the Canadian Committee on Intellectual Co-operation.

Davis, H.E. (Ed.) - Pioneers in World Order, 1944.

Burton - Assembly of the League

Conwill-Evans - The League Council in Action

Greaves - League Committees and World Order

International Institute of Intellectual Co-operation :
- Collective Security - International Studies Conference 1934, 1935.
- Peaceful Change - I.S.C. 1937
- Peaceful Change - Colonial Questions and Peace, 1939.

Manning, C.A.W. - Peaceful Change - a Symposium

Carter, Gwendolen M. - Consider the Record : Canada and the League of Nations (C.I.I.A. 1942)

Armstrong, W. E. - Canada and the League of Nations

MacKay and Rogers - Canada Looks Abroad

Manning, C.A.W. - The Policy of the British Dominions in the League of Nations

Soward, F. H. - Canada and the League of Nations

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VI. INTERNATIONAL LABOUR ORGANIZATION

The Constitution and Rules of the International Labour Organization (I.L.O., Montreal, 1944)

Report of the Canadian Government Delegates to the 26th Session of the International Labour Conference held at Philadelphia, April-May 1944 (Labour Gazette, Supplement July 1944)

Report I submitted by the International Labour Office to the 26th Session of the International Labour Conference (Future Policy, Programme and Status of the International Labour Organization)

Note for the Canadian Delegates to the 26th International Labour Conference regarding immunities and other privileges to be granted to the I.L.O.

Report on the Criteria to determine the members of the Governing Body.

VII. PERMANENT COURT OF INTERNATIONAL JUSTICE

Instruments relating to the Permanent Court of International Justice - Statute, with amendments - optional clause and declaration recognizing compulsory jurisdiction - rules adopted March 1936, et al.

Permanent Court of International Justice - Statute (French ed.)

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The International Law of the Future - /A consensus of American and Canadian views/ - published by the American Bar Association Journal, March 1944

Hudson, Manley O. - The Permanent Court of International Justice 1920-1942
- The World Court, 1921-38
- International Tribunals

VIII. OTHER WORLD ORGANIZATIONS, GENERAL OR SPECIAL

Handbook of International State Organizations of which Canada is a member (July 15, 1944)

Index to Treaties of Canada

Condliffe, J.B. - The International Economic Outlook - published by the Committee on International Economic Policy in Co-operation with the Carnegie Endowment for International Peace, 1944.

Mitrany, David - A Working Peace System - an argument for the functional development of international organizations (Royal Institute of International Affairs, 1943)

Winslow, C.E.A. - International Organization for Health - published by the Commission to Study the Organization of Peace, April 1944.

Hansen, Alvin H. - America's Role in the World Economy (contains simple accounts of the Bretton Woods Agreement, UNRRA, Food and Agriculture, and the ILO)

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IX. RECENT IMPORTANT TREATIES AND AGREEMENTS

Anglo-Polish Treaty of Mutual Assistance, 1939.

Anglo-Soviet Treaty of Alliance

Franco-Soviet Treaty of Alliance

Agreement between Greece and Yugoslavia concerning the constitution of a Balkan Union

Declaration by the Czechoslovak and Polish Governments concerning the formation of a confederation of Poland and Czechoslovakia.

Declaration of the Government of the Soviet Union and the Government of the Polish Republic on friendship and mutual assistance, December 4, 1941.

Lend-Lease Agreement of March 11, 1941, between the United Kingdom and the United States of America

Mutual Aid Agreement between Canada and the United Kingdom

Wheat Agreement between the United States, Canada, the United Kingdom and Argentina.

Australia - New Zealand Agreement of 1944

Soviet-Czechoslovak Treaty of December 12, 1943.

Handbook prepared for the Mexico City Conference

Final Act of the Inter-American Conference on Problems of War and Peace, Mexico City, February 22 - March 8, 1945. (Translation prepared by the United States delegation)

X. GENERAL REFERENCE BOOKS

World Atlas
Dictionaries : English, English-French, English-Spanish
League of Nations Statistical Year Book
Handbook of International Organizations
Political Handbook of the World
World Economic Survey
Foreign Office List
Who's Who 1944 (United Kingdom)
Who's Who in America
International Who's Who
Commission to study the organization of peace
Canadian Diplomatic List

XI. CANADA

The British North America Act 1867, with amendments
Royal Commission on Dominion-Provincial Relations, Report 1940, Vols. I, II and III.
Treaties of Canada (Treaties affecting Canada, 1927
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Canada Year Book 1945
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XI. CANADA (Cont'd.)

House of Commons Debates
1937, Vol. 1 - debate on proposed statement of principles to apply in respect of war, the causes of war and war munitions and materials
1938, Vol. 3 - Prime Minister's statement on foreign policy

Dawson, R.M. - Canada in World Affairs

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Glazebrook, G. - Canadian External Relations

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XII. DOMINION STATUS

British Foreign Office - The Constitutions of All Countries, Vol. I : The British Empire (includes Statute of Westminster and the British North America Act)

Dawson, R. M. - Development of Dominion Status - formal and informal documents

Imperial Conference Reports - 1923, 1926 and 1930

Royal Institute of International Affairs - The British Empire, A Report on its Structure and Problems (2nd edition, 1938)

Stewart, R. B. - Treaty Relations of the British Commonwealth of Nations

The Cripps Mission to India - International Conciliation, June 1942.

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WD/11/SFC
C233[illegible]45

NAR/SR
16.2.45

MEMORANDUM FOR THE PRIME MINISTER

The United States delegation to the San Francisco Conference was announced by the White House on Wednesday. It will be headed by Mr. Stettinius, and include Mr. Hull as senior adviser, together with Senator Tom Connolly, Democrat, Chairman of the Senate Foreign Relations Committee; Senator Vandenberg, Republican; Representative Sol Bloom, Democrat, Chairman of the House Foreign Affairs Committee; and Representative Charles A. Eaton, Republican. Harold E. Stassen, former Republican Governor of Minnesota, and Dean Virginia Gildersleeve of Barnard College complete the delegation. The names of the official advisers and experts have not yet been given out.

Apart from Hull and Stettinius, the United States delegation contains four Democrats and four Republicans. It also contains a woman.

No other countries have yet announced the personnel of their delegation. I enclose a telegram from T.C. Davis, quoting some Australian press comment about the possible membership of their delegation.

filed also under Aust Def

Mack

see also WA 844 attached

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WO/11/SFC

HW/AH
February 22nd, 1945.

C233746

MEMORANDUM FOR THE PRIME MINISTER.

With regard to Mr.Curtin's enquiry about the possibility of a bi-partisan delegation being appointed to the San Francisco Conference, I learned today from Colonel Hodgson that Mr.Curtin had announced in Parliament at the opening of the Australian session a couple of days ago that the Australian delegation would be headed by Mr.Forde and Dr.Evatt but would include representatives of Opposition Parties, Industry and Labour and the press to the number of eight in all. Hodgson thought that Mr.Curtin would delay his selection of the representatives of these various interests for a considerable time. If he goes through with it, the result would be a curious delegation to manage.

ITW

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HW/AH

February 28th, 1945.

TOP SECRET

C233747

MEMORANDUM FOR THE PRIME MINISTER.

I sent to Mr. Massey a copy of my memorandum to you of February 15th on the results of the discussions with the State Department in Washington on the Dumbarton Oaks proposals in which I had participated. In forwarding this copy I suggested that Holmes might discuss with Jebb of the Foreign Office the views put forward by Pasvolsky and other State Department officials. I attach a copy of a letter to me from Holmes conveying an interesting account of his discussions with Jebb. I should judge from this that no agreement has been reached between the great powers on the procedure to be adopted for enforcing the peace against Germany after the period of full military occupation has ended.

You will notice that they are not very sympathetic in the Foreign Office towards our specific proposals for the modification of the Dumbarton Oaks plan with respect to the powers of the Security Council but are taking seriously our suggestion that a procedure might be worked out to give proper representation to the more important secondary states. I am not at all optimistic that an acceptable arrangement on this aspect can be developed.

At the end of his letter Holmes says that we should receive soon from the Foreign Office papers dealing with the various points raised by Commonwealth Governments which they expect to circulate in advance of the London meetings. I shall submit to you before long a list of questions on which it seems necessary that some further guidance should be given before the London meetings take place. I also think it might be desirable to seek from the United Kingdom Government further information on the plans for the enforcement of the peace treaties against Germany and Japan, and I am preparing a draft telegram on this.

HW

Read

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C233748

TOP SECRET

Office of the
High Commissioner for Canada,
Canada House,
London, S.W.1.

23rd February, 1945.

Dear Mr. Wrong,

Your letter of February 17th addressed to Mr.Massey, with which you enclosed a copy of a memorandum covering your discussions with the State Department in Washington on the Dumbarton Oaks proposals arrived just after Mr. Massey had left London for a short time. As I was on the point of calling upon Mr. Jebb in order to hear something of the discussions at the Crimea Conference, I took the opportunity of discussing with him some of the matters mentioned in you memorandum.

2. Mr. Jebb seemed genuinely pleased to learn that you had had a discussion with the State Department, just as he had been pleased to learn that the Canadian Government had expressed its views in a memorandum to other Allied Governments.

3. He was interested in your report of the firm determination on the part of the State Department to establish machinery for the enforcement of the peace treaties against Germany and Japan which would be separate from the general security organisation, but he did not seem greatly surprised. I have the definite impression that this subject has been discussed only in its most tentative stages as between British and American officials. Mr. Jebb said that the matter was scarcely talked over at Dumbarton Oaks; the final paragraph of the Dumbarton Oaks proposals recognising the possibility of separate machinery for this purpose was "tacked on" at the end of the discussions. Mr. Jebb did not seem to think that there was an important difference of opinion on this subject as between the British and American representatives at Dumbarton Oaks, and indicated that he did not think Lord Halifax would be very well informed on what took place. Nevertheless, I feel reasonably certain that what Mr. Jebb has in mind in the way of machinery controlled by the Great Powers for the enforcement of the peace treaties is something of much shorter duration and more specifically associated with military occupation and control than what I should judge from your memorandum the State Department have in mind. Mr. Jebb spoke in terms of machinery which would last two or three years. He agreed that the Security Council would be weakened if it were not responsible for the principal security problem of the immediate post-war period. He thought for this reason the shorter the special machinery lasted the better. He agreed that it was desirable that some connection should be established between the Security Council and the machinery for enforcing the Peace treaties, but he did not see quite how this could be worked out. The High Commissions could not be directed by a Council on which a variety of nations were represented. He cited as a specific difficulty the position of China in the Security Council, although China, he thought, should not take a direct part in the enforcement of the terms on Germany.

4. Mr. Jebb was inclined to find the root of Washington's views in the struggle between the War and the State Departments.

H.H. Wrong, Esq.,
Department of External Affairs,
Ottawa.

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He thought that the United States War Department would be happy to go on controlling security policy widely and indefinitely, and would not be at all anxious to surrender to the State Department. He agreed when I suggested that the State Department view probably was inspired to some extent by consideration of the internal constitutional problems.

5. Mr. Jebb was surprised to learn that measures were being contemplated in Washington which resembled closely Senator Vandenberg's proposals. He seemed of the opinion that the Vandenberg proposal for military alliances among the Great Powers had been dropped, as the President did not mention it at Yalta. As far as the United Kingdom Government is concerned, he did not think they would object to the Vandenberg proposals. They would not be inconsistent with the proposed security organisation, and anything that tended to bind the Allies together and keep the United States committed to international co-operation was all to the good.

6. Mr. Jebb was very doubtful if separate plans for the enforcement of the Peace Treaties or for the specific control of Germany and Japan would be prepared before the San Francisco Conference. As between the Dumbarton Oaks Powers, such plans seem to have been given so little consideration that I should think it highly unlikely that they could be developed and made known to other Governments before the international conference is called.

7. Mr. Jebb was interested to know the views of the State Department on the suggestions contained in the Canadian memorandum. I gave him the gist of your report on this subject. As for the question of the right of the Security Council to demand action on the part of countries not represented on the Council, Mr. Jebb would share Mr. Pasvolsky's doubts. From several sources I have received the impression that this Canadian suggestion meets with little more than sympathy in United Kingdom circles. Because they recognise the reasons for our concern they would probably consider a provision by which Powers not represented on the Council might remain free to decide whether to contribute armed forces. Nevertheless, it is obvious that they wish to establish the rights of the Security Council to demand as much support as possible from all members of the organisation. None of the persons I have talked to has shown much enthusiasm for the idea of ratification by the Assembly.

8. Mr. Jebb was not very sympathetic either to the proposals for enlarging the Council ad hoc by adding to it as temporary members States whose interests were directly involved in a dispute. He seemed to think that there was adequate protection for such States in the present provision for their association with the discussions in the Council when they are particularly interested. We spoke of the difficulties which such a provision would introduce into the voting rules of the Council, and I put forth your suggestion that they might be met by requiring a two-thirds majority instead of a set number of votes. Mr. Jebb thought it might be difficult to define two-thirds of a number which could be 13 or 17, or something equally difficult from a mathematical point of view.

9. On the other hand the Foreign Office, I learn, is taking very seriously our suggestions with regard to adequate representation of secondary powers. Mr. Jebb said that they had definitely decided, at a meeting held several days ago, to give the strongest possible support to the Canadian point

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of view. They were discussing ways and means of implementing it and might decide to argue for the recognition of a number of secondary powers as such. Mr. Jebb was not very sanguine about American views on this question. He recalled their opposition to the British effort to secure some addition to the Charter along this line at Dumbarton Oaks, and was surprised to learn that Pasvolsky was prepared to accept in the Charter an addition providing that in electing the non-permanent members of the Council the Assembly should pay due regard to the contribution to the purposes of the organisation of the States chosen.

10. Mr. Jebb seemed to feel that if we secured satisfaction, or partial satisfaction, on this score and were sure of our due representation on the Council, we would be less worried about the right of the Council to call us into action. I indicated that although we were reasonable people I did not think we would readily drop our views on either of these matters.

11. He did not make any comments of particular interest on the other matters mentioned in your memorandum. He agreed that most of the smaller countries were pressing for the inclusion of a territorial guarantee, but he was quite impatient with this demand. He said that demands of this kind had been put forward by the Chinese at Dumbarton Oaks, and had led to philosophical disquisitions on the nature of justice which seem to have ranged from Lao-tse to Lord Curzon with the greatest fluency. Jebb was strongly of the opinion that the flexibility provided by the present proposals would enable the Security Organisation to handle disputes and provide for peaceful change very satisfactorily. Although I think he is probably right on the desirability of avoiding rigid commitments, I thought he was somewhat intolerant of the natural suspicions of the small powers.

12. On the subject of the Crimea Conference, Mr. Jebb reported largely what we have already learned from the Dominions Office telegrams. He said that discussion on the Dumbarton Oaks proposals was almost entirely devoted to the question of voting in the Council. He pointed out that President Roosevelt's proposals were virtually the same as those proposed by Sir Alexander Cadogan in the last days of the Dumbarton Oaks session. These, as you will remember, were viewed sympathetically by both the American and Russian representatives, but were vetoed at Quebec by Mr. Churchill, who thought they conceded too much to the Soviet view. In spite of this objection Mr. Jebb said that within two weeks of these objections Mr. Churchill was announcing his agreement with the Soviet point of view. He confirmed what we had already been told about Stalin's acceptance of the President's proposal after he had been given a short time to understand what it meant. He said that Molotov himself did not seem to have a very clear understanding of the question either.

13. There was some brief mention at Yalta of the question of trusteeship, but I gather that practically no progress was made.

14. Jebb himself is not too happy about the compromise reached on the participation of the Ukrainian and the Belo-Russian Republics in the world organisation. He agreed when I suggested that the Soviet proposal that the Lithuanian S.S.R.

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also be included was in the nature of a trial balloon in order to commit the United Kingdom and the United States of America on the subject of recognition. He was quite firm in stating that the United Kingdom would not accept representation of the Lithuanian S.S.R. Mr. Jebb did not think that in actual practice representation of a number of Soviet Republics would do a great deal of harm, although he was worried about the acceptance of the principle. There was no question of real independence on the part of the Republics. On the other hand he thought they might help to counter the Latin American bloc.

15. Mr. Jebb gave me a good deal of information with regard to the question of the representation of the United and associated nations at San Francisco, but all this information has subsequently been incorporated in Dominions Office telegram D.331 of February 22nd. The Foreign Office, I gather, do not like the prospect of there being a very much larger representation of American States than European States at San Francisco. They seem anxious to make sure that Egypt, Turkey, Saudi Arabia and Iceland are present to help correct the balance. They recognise the impossibility of inviting the neutrals to San Francisco or other conferences closely connected with the war. They seem anxious, however, to get countries like Sweden and Switzerland accepted as soon as possible into the world organisation.

16. Mr. Jebb referred to the proposed conference in London of representatives of Commonwealth countries to discuss world organisation, and seemed anxious to have this take place as soon as possible. In particular he looked forward to an opportunity to discuss these matters with Canadian representatives. He said that the Foreign Office was now preparing papers dealing with specific subjects such as those raised in the Canadian memorandum, and I believe that they hope to circulate these very shortly to Commonwealth Governments.

Yours sincerely,

(Signed) J. W. Holmes.

C O P Y.

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COLOURED PAPER
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"THE CANADIAN POSTMASTER" KINDLY GREETS YOU IN SAN FRANCISCO WITH ALL POSSIBLE GOOD WISHES FROM POSTMASTERS EVERYWHERE FOR THE SUCCESS OF YOUR EFFORTS.

NO MATTER WHAT PART OF THE WORLD YOU COME FROM YOU ARE RECEIVING MAIL FROM HOME AND LOVED ONES BECAUSE THROUGH 70 YEARS THE INTERNATIONAL POSTAL UNION HAS PROVED THAT THE NATIONS CAN SUCCESSFULLY WORK TOGETHER.

YOU HAVE A WONDERFUL OPPORTUNITY BUT ALSO A HEAVY RESPONSIBILITY. PLEASE KNOW THAT THE PRAYERS OF MILLIONS ARE WITH YOU AND THE HOPES OF ALL HUMANITY. THE ENCLOSED HEARTFELT APPEAL TO ALL CITIZENS IS SENT FOR YOUR INFORMATION AS IT HAS GONE ACROSS CANADA WITH HELPFUL RESULTS IN YOUR SUPPORT.

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C. D. Griffith, Editor

"THE ONLY WAY"

Runnymede ~ Philadelphia ~ Yalta ~ San Francisco

History will probably record that the most important event of the Yalta conference was the agreement to call to San Francisco, on April 25th next, representatives of all Allied Nations for the definite purpose of creating a new world organization to control all future international relations and provide collective security to prevent war.

In view of the seeming lack of public interest, I am afraid our citizens do not realize that it is at this San Francisco Conference where we must win the war and the Peace, as if we do not win the Peace, we also lose the war.

What Runnymede and the Magna Charta means to the British Nations and Philadelphia and the Constitution means to all American citizens is what the San Francisco Conference should, through all future history, mean to every man, woman and child now living in any part of this world and all their descendants for all time - San Francisco can mean a family of nations in One World.

It has been my great privilege to serve Canada as a soldier in three wars and in each of them I lost close pals who sleep under the crosses and poppies in Flanders Field or on other battle fronts. The only way the sacrifice of their lives can be justified, or their gallantry rewarded, is to make sure we truly win the peace this time by setting up a new League of Nations which will provide actual collective security and build a better world.

All soldiers, sailors and airmen know there is no comradeship among men as close as that formed on active battle services and I am sure every fighting men feels as strongly as I do that the death of those pals, to say nothing of the mud, misery and horrors of the line, will all have been useless sacrifice if we again fail to establish permanent peace.

There is no doubt, also, that almost every home and every civilian in Canada, and in fact in the Anglo Saxon world, has lost loved ones or close friends either in the last war or in this one, so they too must feel the sacrifice of those dear ones will have been in vain if we do not organize a united world which can and will ensure permanent peace.

Despite the evidences all about us that many Canadians and Americans are being carried away by wartime prosperity and are in mad pursuit of material things and superficial entertainment, I feel sure that the great majority of people in both nations consider themselves Christians and firmly believe there is one God. It must be so because I know all persons in this country hope to get a Christian burial service - and they do.

Winning the war is being accomplished by the Armed Forces of the United Nations but winning the Peace - which is even more vital - must be done by the civilians of the United Nation and that puts the problem up to you and me, individually. Winning the Peace is up to you and if war comes again and millions more die, we will be responsible, so we ordinary people must be sure Peace is won this time.

You say, "I can do nothing, I am a mere nobody among millions. How can I help?" Friend, you can pray, even if you never tried before.

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The San Francisco Conference can become the greatest event in world history since the death and resurrection of Jesus and it matters not who you are, you can pray to Almighty God for Divine guidance and blessing on the setting up of this greatest Conference and the selction of its delegates. While the Conference is on you can regularly beseech for their daily guidance so that a truly united world organization will evolve. One World, with a World Parliament, a World Court and true collective security can develop if we all do our part in support of the delegates.

It matters not whether you are Protestant, Catholic, Mormon, Jew or Arab, you believe in a Divine Being so at this time as never before you can pray in whatever way you like for this Divine blessing and guidance on and for the San Francisco Conference.

I hoped that all churches in Christendom would, by this time, have organized their full collective strength and the combined force of their millions of members behind the concerted effort of our leaders to win the Peace at San Francisco. I still hope they will actively do so but the time is pressing, as April 25th will soon be here.

We all know that destructive cynical critics are usually those who do nothing themselves, but decry the efforts of leaders who try to help their fellows. This time petty criticism and cheap politics will not destroy our new Peace effort if the enormous price paid on human lives and material treasure is backed by the honest individual efforts of all citizens in North America and by their earnest prayers for guidance and success at San Francisco in actually winning world Peace this time.

You cannot go to San Francisco, but you can go to church and even if you cannot do that - or won't - you can silently join with the millions who, in churches or out of them, continually beseech Almighty God to so bless this forthcoming Conference that the lives of our loved ones and the millions of their fellows will not have been given in vain.

The League of Nations failed us when the testing time came because Christian people of all creeds, denominations or beliefs did not organize their collective strength in support of the Covenant and actually have God in it. The masses of common people felt they had no part or responsibility and so the League became a political football in a game of petty politics and we failed to win the Peace for which ten million men died 25 years ago in the expectation of ending war. Those ten million men must look on us with sorrow as, because we failed to take the torch from them and win the Peace, several times ten million have died in this war, which need not have happened. Surely all supposedly Christian men and women can organize the collective might of churches, Service and other clubs, Lodges, societies, or even groups of friends, to boost this Conference into the greatest turning point in world history. If the Church is to survive, we must make sure San Francisco does not become another Versailles.

Several times during the dark days for British peoples in this war, His Majesty King George rightly called us all to set aside days for special prayers to Almighty God for help and guidance and most of us have confidence that those prayers were answered in remarkable ways. The San Francisco Conference is the crisis of the war as there it will be won or lost, so it would seem that from now till the end of the Conference there should be organized continual or frequent intercession by all churches and their members for guidance and blessing of all who represent the Nations there and also for special guidance and loyal support for our own leaders in Municipal, Provincial and Dominion Government, in the tremendous problems which face us for the postwar years and which all depend greatly on the results achieved at San Francisco.

On behalf of ten million dead in the last war and the estimated fifty million dead in this war - and especially on behalf of your own friends and dear ones who made the supreme sacrifice in either war - please personally take the torch they threw to you and pray daily for success at San Francisco. Then also work earnestly in your own community to win the Peace by meeting successfully the local post war problems which will confront us all and which will be so difficult to deal with. Support your church, your town or village, your neighbour, and so win the Peace through your efforts and the success at San Francisco. Frequently read, please, John McCrae's "In Flanders Fields" and accept your torch.

—J. B. CORLEY, Strathcona Hotel, Victoria.

Postmasters' Superannuation Fund

A great deal of unnecessary correspondence has been made necessary through Postmasters communicating with the Financial Superintendent of the Post Office Department in connection with the above Fund, and the deductions which are being made monthly therefrom.

This Fund at present is entirely in the hands of a committee of the Canadian Postmasters' Association who have the authority to make the necessary orders for withdrawals in the case of a Postmasters' resignation or death. It is earnestly requested that any inquiries regarding this Fund be sent direct to the DOMINION SECRETARY, CANADIAN POSTMASTERS' ASSOCIATION, ESTEVAN, SASK.

At present the Fund is still in the stages of building up in accordance with the authority of the Postmasters to take such steps for a period of two years. One year has now almost passed, and in the near future work must be commenced on a definite plan that can be put into effect upon the expiration of this period.

INCOME TAX

We are glad indeed to see from the Bulletin of March 3 that Form T4 will be mailed to every Revenue Postmaster by the Department. This will save a lot of work and a lot of correspondence between the Postmasters and the Income Tax Inspector.

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COLOURED PAPER
PAPIER DE COULEUR

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EDITORIAL

We have published this month a paper written by Mr. J. B. Corley, O.B.E., who recently retired as District Director of Postal Service, Calgary, Alta. It is hoped that the vital importance of this article will impress every reader of the Canadian Postmaster, and it is hoped that he or she will take this issue to the Editor of their local newspaper, whether it be a large city or a small town.

Major Corley is too well known to all of us for any need to stress his sincerity. In his letter that accompanied this article he says:

"Ever since I came back from Overseas I have, as you know, been stressing the fact that "Winning the Peace" this time is the vital task for all mankind, so I am greatly concerned, in fact alarmed, over the fact that so few people realize that it is at the San Francisco Conference that we must win the peace and establish "One World." After discussions with Ministers and various persons I decided it is necessary to start action to arouse public support, and, of course, know that Postmasters have quick contact with all the people and always do their bit in every good cause in their own communities so I decided to write an article primarily for "The Postmaster" to publish if you will.

"Nearly all Postmasters are now returned men who must have lost pals overseas. As the years have gone on and we have had so many failures, I have come to believe that "The Only Way" is through Divine Guidance which is what I am emphasizing in this article. You know I am not a religious crank or a fanatic in anyway, but I have a very simple faith my Mother taught me and if "The Postmaster" decides to publish this article I would like to buy enough copies to send one to every delegate at San Francisco, even to the Turks and Arabs. At least everyone uses the Post Office, and is interested in Postmasters so who can better appeal to all delegates, especially Canadian and American ones, than the "Canadian Postmasters."

May I add my own personal appeal to every Postmaster to do what he can in spreading Mr. Corley's Message. C. D. GRIFFITH, Editor.

THE FIRST AIRGRAPH

It is the year 1870, and France and Germany are engaged in the great war of the same year. During this great war, Paris was cut off from the rest of the world. One by one, the great city's communications with the outer world were severed. A telegraph wire cleverly hidden by the French in the bed of the river Seine was discovered by the Germans and cut. The Director of Posts in Paris then tried sending letters by the means of placing them in hollow copper balls, tossing them into the river Seine and hoping that the messages would fall into safe hands. But the wiley Germans soon caught on to this idea, and gathered in the floating balls with huge fish-nets. Rewards were then offered to Postal employees who would cross the German lines with letters. Numbers of employees tried it, but with varying success. Some displayed great courage and endurance, passing through the lines in disguise, struggling through storm and snow drifts, faint with hunger and fatigue. A few of these employees succeeded in crossing the German line with mail, and at least two made the round trip, but most of them were captured and either shot by the Germans or spent their remaining days in prison. It meant death to the Postal employee who was caught within the enemy lines, - but since the beginning of time the code of the Post Office has been, "The mail must go through" and the brave French employees attempted to live up to the code. The morale of the city suffered because of its ignorance as to what the exiled government and armies were doing, and whether there was any prospect of relief. One Frenchman suggested the idea of sending the mail across the enemy lines in balloons, and on September 23rd, 1870, France received its first air mail. The balloons were fairly successful and many letters were carried across the enemy lines. But they could not be depended upon as sudden gusts of wind often brought the balloon down within the enemy lines, and in desperation the French turned to the despised pigeon. The pigeons were carried across the lines by balloon, messages attached around their necks or under their wings, and released to fly back to their home in Paris. The pigeon proved to be successful but for one fact; the message to be carried had to be very brief. One idea after another was tried and at last the French hit uprn the idea of printing microscopic letters upon thin sheets of collodion. One of these sheets held on an average, twenty-five hundred letters and dispatches, and as one bird could easily carry a dozen of the films, it was possible to forward about thirty thousand communications at one trip. At one time a single pigeon carried fourteen of these films, about forty thousand letters, and as the rate for sending a letted by pigeon post was about ten cents per word, and with 12 cents added for registering the letter, this one bird's cargo was worth nearly $56,000 in postage. This little pigeon, without a doubt, carried the most valuable cargo for its size ever sent.

ODDS AND ENDS

Mrs. Nitsko Basha of Varsov, Jugoslavia, received a post-card from her husband informing her that he had joined his regiment and was on his way to the World War. It took 20 years and 37 days for the card to be delivered, —Mr. Basha was present when the card was delivered.

Twenty-eight years ago, David Trousdale of San Antonio, Texas, killed two train robbers, thwarting a big mail and express robbery. The passengers bought him a diamond watch charm, the railroad gave him a watch and five hundred dollars and the express company chipped in one thousand dollars. A few years ago he received a U.S. Treasury cheque for one thousand dollars, voted by Congress.

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COLOURED PAPER
PAPIER DE COULEUR

C233756

THE SHUFFLER

In far away England, on the coast of Kent, we find the district of Dungeness. On this almost barren sea coast, famous for its many wrecks, we find the strangest beach in the entire world. This beach is entirely covered with shingle, or small water worn pebbles. The beach stretches for miles along the shore reaching a depth inland of nearly four miles, and it is over this weary waste that the weary postman shuffles his lonely way; his only companions the sea gulls. Shuffles is the only adequate description of his movements. The shingle is very loose and no roads exist, consequently walking is extremely tiring, and a very slow method of locomotion. To overcome this difficulty, the natives have devised a means of making more rapid progress over this stoney desert. This consists of a flat piece of wood, approximately the length of the shoe, six inches wide and an inch thick, with an arch of leather affixed in which to slide the toe of the shoe. Once you place the wooden shoes on your feet, you are able to glide or shuffle over the shingle. This simple but most effective device, is used by our lonely postman to cover his fourteen mile route daily, and without his little wooden shoes, there is little doubt that the mail would terminate in only a short while.

Post Office boxes are carried on the backs of all street cars in Stockholm, - and when the car passes the post office, a clerk removes the box and replaces it with an empty one.

MAIL TRAINS DELUXE

There is a mail train near the Dalles Oregon which, without a doubt, is the smallest mail train in the entire world. The train runs from a highway, a quarter of a mile to a farmer's house. The tiny engine operates from flashlight batteries and it pulls only one car - a mail car. The mail car is really a regulation rural route letter box and is mounted on tiny toy trucks. When the rural carrier places the mail each morning in the box, the farmer pulls a switch, and presto the mail train delivers the mail to the house. Quite a convenience don't you think?

Speaking of mail trains brings to mind the unusual mail train that runs out of Victoria, Illinois. To ride this unusual train, all you have to do is step on the right-of-way, hold up your hand, and no matter how fast the train is running, it will stop and pick you up. This unusual road is called the Galesburg and Great Eastern Railroad. About 94 miles long, it is owned by a local group of business men. It makes a profit on hauling mail and passengers. Built in 1894, this unusual railroad has had only one accident.

Until a few years ago the Philadelphia Street Car System operated several mail cars, painted white with gold letter reading, "U. S. Mail Railway Post Office." These cars used to pick up the mail at the central post office and distribute it to the neighborhood post offices, and vice versa. Now government mail trucks do the job.

SUPERANNUATION

If deductions are not already being made from your salary warrant of five per cent towards the building up of a Postmaster's Superannuation Fund, please sign authority below and mail at once.

.....

POSTMASTER:—Return this form to C. D. GRIFFITH,
Secretary, Canadian Postmasters' Association, Estevan, Sask.

The Financial Superintendent,
Post Office Department, Ottawa, Ontario.

I, ... Postmaster .....

....., authorize the Financial Superintendent, Post Office Department, to deduct 5% from my Salary Commission Warrant. The money so deducted is to be deposited in the Post Office Savings Bank as part of a savings fund later to be used in the establishment of a Superannuation Fund. Should the Superannuation plan not materialize the money on deposit to my credit is to be returned to me with interest.

.....

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HW/AH
March 1st, 1945.

C233757

MEMORANDUM FOR THE PRIME MINISTER

The Prime Minister of Australia telegraphed today the text of the statement on the Australian delegation to San Francisco which he is making today in Parliament. In view of the interest aroused by the previous intimations from Australia that a bi-partisan delegation would be appointed, we have checked the names given in his list with reference books, with the assistance of the Australian High Commissioner's Office. I attach a full list of the names included in the announcement indicating the positions which they hold.

The members of the Opposition included in the list as having been invited to attend "as assistants to the delegation" are Senator McLeay and the Hon.J. McEwen, M.P. Senator McLeay is the Leader of the Opposition in the Senate and was a Minister in the Menzies Government. Mr. McEwen is the Deputy Leader of the Country Party and also sits on the bi-partisan Advisory War Council. Neither Mr.Menzies, the Leader of the Opposition, nor Mr. Harrison, the Deputy Leader, has been invited and Mr. Fadden, the Leader of the Country Party and former Prime Minister is also omitted from the list.

Apart from the two representatives of Opposition parties in Parliament, it will be noted that Mr.Curtin is inviting representatives of the press, employers, labour and returned soldiers, and one or two other persons not in official positions, to go to San Francisco as assistants.

HW

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Australian Delegation to the San Francisco Conference as announced in the Australian Parliament by the Prime Minister on March 1st, 1945.

1. Ministers.

Hon. F.M.Forde, Deputy Prime Minister and Minister for the Army.

Rt.Hon.H.V. Evatt, Attorney General and Minister for External Affairs.

2. Assistants.

Sir F. Eggleston, Australian Minister in Washington.

Lt.General Sir J. Lavarack, Head of Australian Service Mission in Washington.

Air Marshal R. Williams, Member of Australian Service Mission in Washington.

Commander S.H.K. Spurgeon, Naval Attaché in Washington.

Mr.P.E. Coleman, Assistant Secretary, Department of Defence.

3. Invited as Assistants.

Senator the Hon.G. McLeay (South Australia), Opposition Leader in the Senate.

Senator R.H.Nash, Labour Senator from Western Australia since 1943.

Hon.J. McEwen, M.P., Deputy Leader of Country Party and member of Advisory War Council.

Hon.R.T. Pollard, M.P., Member of the Labour Party from New South Wales.

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Mr.H.A.M. Campbell, Editor of the Melbourne Age, a paper which has steadily supported the Labour Government.

Mr.J.F.Walsh, a member of the Executive of the Australian Labour Party, who also sits in the Legislature of South Australia.

Mr.O.D.A.Oberg, President of the Employers' Federation of New South Wales, and former President of the Australian Employers' Federation.

Dr.Roland Wilson, Secretary of the Department of Labour and National Service, former Commonwealth Statistician.

Mr. W.M.Ball, Head of the Department of Political Science at Melbourne University, and former Director of Broadcasting.

Mr.E.V. Raymont, General Secretary of the Returned Soldiers' League.

Mrs.Jessie Street, prominent in Australian women's organizations and a member of the Australian delegation at the last meeting of the Council of UNRRA.

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NAR/ET
SECRET
1 March, 1945

C233780

MEMORANDUM FOR THE PRIME MINISTER

Suggestions on composition of Canadian delegation to San Francisco Conference

Here are some preliminary and tentative suggestions on the possible composition of the delegation.

It seems unlikely that there will be detailed discussion at the conference of the military and economic aspects of international organisation of a character which would make desirable the presence of representatives of the three Chiefs of Staff and of departments concerned only with one or other of the functional international organisations which now exist or may be created in the near future. Should it appear later, however, that these matters are likely to be considered in a technical manner, it may prove desirable to expand the delegation by adding technical advisers competent to deal with them in detail, e.g., from the Department of Agriculture (with respect to the Organisation of Food and Agriculture), the Department of Labour (with respect to the I.L.O.), the Department of National Health and Welfare (with respect to international activity in the fields of health and narcotics control) and from the Department of Trade and Commerce (with respect to export policies). I think, however, that the delegation should include at least one senior adviser for military matters and one for international economic questions.

Delegates

I assume the delegation will be headed by yourself with Mr. St.Laurent as your chief colleague, as if the proceedings are prolonged you can always add others for the discussion of particular topics. They can reach San Francisco in a day by air. If Mr.Graydon and Mr.Coldwell are to be included, the question of their status in the delegation would need pretty careful consideration. If they are ready to agree to the general line adopted by the Government, it might be more appropriate to give them the status of delegates. In this connection you also wished to consider the possibility of adding Senator Gouin and Senator Lambert. Both would, I think, be useful additions to the Delegation.

Alternate Delegates

It is not necessary to name anyone in this class, which might include either members of the Government as alternates for yourself and Mr.St.Laurent (instead of naming them as delegates) or might include members of the Delegation from the Senate or the senior official advisers. The latter course would have certain advantages in the event that you and any other delegates had to be absent from the conference for a period.

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Advisers

Apart from the officials included in the delegation, it is desirable to name in a fairly senior capacity a woman in public life. You mentioned Mrs. Casselman, M.P., in this connection. In addition, there will be demands for the inclusion of representatives of interested outside bodies. The League of Nations Society has already asked that President McKenzie of the University of British Columbia should be named, and it is likely that similar requests will be made by organised labour and other groups. It will be difficult to know when to stop if the delegation is expanded in this manner and I think that all such suggestions should be most carefully considered.

From the Department in Ottawa I understand that you wish both Wrong and myself to be present, leaving Read in charge in Ottawa. Should the preparation of the new statute for the Permanent Court of International Justice be undertaken at the conference - and this is not yet known - Read is the chief authority and it might become necessary to arrange for his presence. It would be desirable to name a senior French Canadian official among the advisers and consideration could be given to bringing Desy back from Brazil for this purpose, particularly if Senator Gouin is not available. Desy would be useful in maintaining contact with Latin-American delegations, as would Chipman, who is due to come back to Canada in May and has the further qualification that he was, for a number of years, National President of the League of Nations Society.

I have spoken to you about bringing Wilgress back from Moscow; he is due to come to Canada on leave within a few months, and the very important position which Russia will have at the conference is a strong argument for his inclusion. If you concur in the suggestions of adding Wilgress, and Desy or Chipman to the delegation, we should send them instructions soon so that they can make their necessary travel arrangements.

I would recommend the addition of General Pope as an adviser to deal with the military and strategic aspects and of Rasminsky as adviser on economic and social organisation. His experience at Geneva could also be drawn upon usefully in other connections. If the Bank of Canada were unable to spare him, Mackintosh would be my second choice.

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Technical Advisers

In a conference of this size and importance we should have an adequate staff, both to cover meetings of committees and sub-committees and to maintain constant liaison with other delegations. I suggest the inclusion of Stone, Ritchie and Mackay. Stone expects to be completely recovered from his present illness by mid-April and will be free from other duties at the time of the conference. From his experience as Charge d'Affaires in London he knows the European delegations with which we will wish to keep in contact. Ritchie is working on the preparation of material for the conference and would be most useful both for his knowledge of the subject and for liaison with officials of the United Kingdom delegation. Mackay has done a good deal of work on questions of international organisation and is moreover a Maritimer. Miss MacCallum of the Department might well be named a technical adviser, both on grounds of her own competence and because more than one woman should be in the delegation. In addition, we shall doubtless require perhaps two junior members of the Department of Second or Third Secretary rank, one of whom should be French Canadian.

Secretariat

An experienced official should be named to act as Secretary of the delegation. The Secretariat would, in addition, include members of your own staff whom you wish to take and the secretaries of other ministers named as delegates. Finally, we shall need to transport an adequate cyphering staff from Ottawa and a clerical staff, the size of which would depend on the numbers included in the delegation.

Since there will be a large number of Canadian newspaper men at the conference, W.I.B. ought to be strongly represented. Dunton has acquired a good deal of experience at international meetings and I think it would be most useful to have him included in some capacity.

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Speech - San Francisco
Re Representation in London

C233763

For Immediate Use

London Times

March 3rd, 1945.

Press Release, Department of External Affairs

The Prime Minister, Mr. Mackenzie King, said today that he regretted that, because of the Parliamentary Session, he would not be able to take part in the meeting of representatives of Governments of British Commonwealth countries which is to be held in London before the opening of the international conference on world organization. The Government of the United Kingdom in suggesting this meeting had stated that they realized that it might be impracticable for all the governments to be represented by ministers and that in such circumstances they would welcome representation by appropriate officials. Mr. King announced that Mr. Hume Wrong, Associate Under Secretary of State for External Affairs, would attend the meeting to represent the Canadian Government in co-operation with the Right Honourable Vincent Massey, the Canadian High Commissioner in London.

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Revise 19 Jan

C233764

INTERNATIONAL SECURITY

Statement by the Prime Minister

Honourable Members will have felt a special interest in the following paragraph which appears in the Speech from the Throne, opening the present Session of Parliament:

"The government has accepted the invitation to Canada to send representatives to a Conference of the United Nations to be held on April 25th at San Francisco to prepare a Charter for a General International Organization for the maintenance of international peace and security. My Ministers are of the opinion that the Canadian delegation at the San Francisco Conference should be assured of the widest possible measure of support from Parliament. A joint resolution of both Houses will, accordingly, be submitted for your approval."

The invitation to the Conference at San Francisco reads as follows:

"Embassy of the
United States of America,
Ottawa, Canada.
March 5, 1945.

[redacted]
Sir;

The government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China, invites the

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Government of Canada to send representatives to a conference of the United Nations to be held on April 25, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security.

The above named governments suggest that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference and which have now been supplemented by the following provisions for Section C of Chapter 6.

"C. VOTING

1. Each member of the Security Council should have one vote.

2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter 6, Section A and under the second sentence of paragraph one of Chapter 8 Section C, a party to a dispute should abstain from voting".

Further information as to arrangements will be transmitted subsequently. In the event that the Government of Canada desires in advance of the conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating governments.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Ray Atherton.

The Right Honourable
The Secretary of State
for External Affairs,
Ottawa.

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The invitation was accepted in the following terms:

"Office of the Secretary of State
for External Affairs,
Ottawa, March 5th, 1945.

Sir,

The Government of Canada is pleased to accept the invitation conveyed in your Note No. 295 of March 5th, on behalf of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco to prepare a charter for a general international organization for the maintenance of international peace and security.

The Government of Canada agrees that the conference should accept as a basis for its discussions the proposals for the establishment of a general international organization, which were made public in October 1944 and have now been supplemented by the addition set forth in your Note of provisions regarding voting procedure in the Security Council.

Note has been taken of the offer of the Government of the United States of America to transmit to other participating governments such views or comments concerning the proposals as the Government of Canada may desire to present in advance of the conference. I shall communicate with you again if the Government of Canada decides to take advantage of this offer.

Accept, Sir, the renewed assurances of my highest consideration.

(sgd.) W.L.MACKENZIE KING

Secretary of State
for External Affairs.

His Excellency
The Hon. Ray Atherton,
Ambassador of the United States of America,
United States Embassy,
Ottawa.

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I do not think there is any question that this House will be prepared to endorse the acceptance by the government of the invitation to Canada to send representatives to the World Security Conference at San Francisco.

At yesterday's sitting, I gave notice of the resolution which appears on today's order paper. In accordance with the understanding reached at the time, I now beg to move, seconded by Mr. St.Laurent:

That it is expedient that the Houses of Parliament do approve the following Resolution:-

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China, to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization which have been made public by the four Governments which participated in the discussions at Dumbarton Oaks, Washington, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -
1. that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

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2. that this House recognises that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and, indeed, to the future well-being of mankind; and that it is in the interests of Canada that Canada should become a member of such an organization;

3. that this House approves the purposes and principles set forth in the proposals of the four Governments, and considers that these proposals constitute a satisfactory general basis for a discussion of the Charter of the proposed international organization;

4. that this House agrees that the representatives of Canada at the conference should use their best endeavours to further the preparation of an acceptable charter for an international organization for the maintenance of international peace and security;

5. that the charter establishing the international organization should, before ratification, be submitted to Parliament for approval.

Next to the winning of the war, the supreme end to be achieved is the winning of the peace. Peace can only be made lasting through co-operative action on the part of peace-loving nations. The purpose of the forthcoming conference at San Francisco is the creation of a general international organization to maintain peace and security in the post-war world.

In some quarters there appear to be misconceptions as to what it is intended the San Francisco Conference should accomplish. It might be well, were I at the outset to

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remove one prevalent misconception. The purpose of the conference has been set forth clearly in the communication of March 5th on behalf of the inviting Governments which I have just read. The Conference at San Francisco is not the Peace Conference. It will have nothing to do with the preparation of the treaties of peace. It will not discuss the terms which the United Nations will impose on Germany and on Japan at some future time. It will deal only with the constitutional framework of the future Society of Nations. The purpose is to provide for the maintenance of peace, once peace has been secured.

Steps leading to San Francisco Conference

It may be helpful to the House if I proceed at once to give an outline of the negotiations that have led to the calling of the San Francisco Conference.

The Moscow Conference which ended on November 1st, 1943, was the first step by the Great Powers towards the development of plans for a new International Security Organisation forecast in the Atlantic Charter, and endorsed by the United Nations' Declaration of 1942. In the declaration issued at the conclusion of the Moscow Conference the four governments which were later represented at Dumberton Oaks, Washington, declared that they recognised

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C233770

"the necessity of establishing at the earliest practicable date a general international organization based on the principle of the sovereign equality of all peace-loving States and open to membership by all such States, large and small, for the maintenance of international peace and security."

At the Prime Ministers' meeting in London in May, 1944, there were discussions of proposals framed by the United Kingdom Government. Since that meeting there have been frequent interchanges of opinion between Commonwealth Governments.

Between late August and early October, 1944, meetings were held at Dumberton Oaks, Washington. At these meetings discussions took place between officials representing the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom looking to the establishment of a general international organization for the maintenance of Peace and Security. At a subsequent stage, meetings were held of officials of the United Kingdom, United States of America and China. At the end of these meetings, there was issued on October 9, 1944, what are known as the Dumbarton Oaks proposals. Canada was not represented at Dumbarton Oaks, but the Canadian government received day to day reports on the progress of the discussions.

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The official delegations at Dumbarton Oaks were unable to reach agreement on some points. The proposals there framed were, consequently, but the first stage in the development of a draft charter for consideration by all the United Nations. The proposals were subsequently accepted and supplemented by the initiating governments at the Crimea Conference at Yalta held in February of the present year. They were thereafter concurred in by China, and were then submitted to other countries for their consideration.

At Yalta the three greatest world powers achieved unified proposals for a charter of a World Security Organization. That of itself is a hopeful augury for the future. Without continuing unity among the great powers there would be little hope for enduring peace.

As I have already stated, it was on the 5th of this month, that invitations were extended to Canada and other United Nations to attend a Conference at San Francisco. The invitations were extended by the United States of America on its behalf and that of the United Kingdom, the Union of Soviet Socialist Republics and China. The invitation suggests that the conference should consider, as affording a basis for the charter of the new Organization, the proposals which have been agreed upon between these four Governments.

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Since the invitation was received, I have had an opportunity for personal conversations with President Roosevelt, in the course of which we discussed the main features of the proposals, and suggestions which the Canadian Government believe would make for improvement in the effectiveness of the proposed Organization. Early in April, there is to be a meeting of representatives of Commonwealth Governments in London to discuss the proposals. I shall not be able to be present myself at this meeting. Our Government will be represented by the Associate Under-Secretary of State for External Affairs, Mr. Hume Wrong, in co-operation with the Right Honourable Vincent Massey, the Canadian High Commissioner in London. I believe that the discussions in London will serve a useful purpose as an exchange of information, and as a clarification of views among the different nations of the Commonwealth, all of which alike are deeply interested in the success of the Conference. This meeting will be a continuation of the exchanges of information and ideas which have been taking place between Canada and the other countries of the Commonwealth and some of the United Nations.

I might here mention that there was some discussion of the Dumbarton Oaks proposals at the recent Inter-American Conference on the problems of war and peace at

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Mexico City. Canada was not represented at that Conference, and received no invitation to attend. The Conference adopted a gracious resolution which rendered a tribute of admiration to Canada for our country's great war effort, and expressed a desire for closer Canadian collaboration with the Pan-American system. To this resolution I have made an appreciative reply.

Purpose of San Francisco Conference.

While the San Francisco Conference will concern itself with international co-operation in matters other than the assurance of security, its main purpose will be to erect a firm and enduring structure for the maintenance of world peace. The proposals formulated at Dumbarton Oaks and Yalta are not in final treaty form. They are a general basis for discussion of the charter for the proposed international organization. It is the purpose of the Conference to develop from the proposals a complete instrument for signature by the United Nations. For the success of any final plan of world security, it is essential that it should command the cordial assent of the Great Powers, as well as the support of a large number of intermediate and small countries. The great defect of the

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League of Nations was not that it had an imperfect constitution, but that, at no time, did it include more than half the great powers. The Great Powers will no doubt support the inclusion in the completed Charter of the substance of the Dumbarton Oaks proposals. For that and other reasons, the Resolution now before the House recognizes that the proposals which have been made public constitute a satisfactory general basis for discussion of the proposed International Organization.

Purposes and Principles

The Resolution asks this House to approve the purposes and principles set forth in the proposals of the four governments.

The purposes of the organization as set forth in the proposals of the four governments are:

1) To maintain international peace and security; and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;

2) To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;

3) To achieve international co-operation in the solution of international economic, social and other humanitarian problems; and

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4) To afford a centre for harmonizing the actions of nations in the achievement of these common ends.

These are purposes for a general international organization of which this House will surely cordially approve.

In pursuit of these purposes the proposals recommend that the Organization and its members should act in accordance with the following principles:

1) The Organization is based on the principle of the sovereign equality of all peace-loving states.

2) All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.

3) All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4) All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

5) All members of the Organization shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

6) All members of the Organization shall refrain from giving assistance to any state against which preventive or enforcement action is being undertaken by the Organization. The Organization should ensure that states not members of the Organization act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

These principles upon which the general International Organization will be expected to act will also, I am sure,

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be cordially approved by all honourable Members of this House.

According to the proposals, membership of the Organization should be open to all peace-loving states.

It is proposed that the Organization should have as its principal organs: a General Assembly; a Security Council; an international court of justice; and a Secretariat. It is also proposed that the Organization should have such subsidiary agencies as may be found necessary.

Outline of Proposals:

One of the first questions which anyone looking at the proposals for the new World Security Organization will ask is: How do these proposals differ from the Covenant of the League of Nations and in what respects do they improve upon it? The failure of the League to secure world peace was a world tragedy. It must not, however, be thought that the idealism and effort which went into the League have been wasted. That would be a shallow judgment. The ideal of the new International Organization remains the same - the organization of enduring peace. There are,

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however, important lessons to be learned from the League's failure to attain that end. The knowledge gained should be applied to building on more solid foundations.

The structure of the proposed Organization bears a general resemblance to that of the League of Nations. But there are important differences in the authority of the various organs proposed.

The General Assembly.

The General Assembly, like the League Assembly, would be composed of representatives of all members, with one vote for each delegation. The Assembly would discuss and make recommendations on any matter of international importance with the single exception of international disputes which may be under consideration by the Security Council. These disputes the Assembly might discuss, but in order to avoid conflict of jurisdiction, it could not make recommendations for their settlement. The Assembly would also elect the non-permanent members of the Security Council, the members of the Economic and Social Council, the Secretary General of the Organization, and, probably, the Judges of the International Court. It would control budgets and apportion expenses. It would have wide powers of initiation and super-

vision

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in the economic, social and humanitarian fields. Its important decisions would be reached by a two-thirds majority, thus abrogating the League rule of unanimity for important decisions of the Assembly.

The Security Council

It is when we come to consider the Security Council that we encounter an important difference between the proposed Organization and the League of Nations. Unlike the League, in which both the Assembly and the Council concurrently had many similar general powers, the primary responsibility for the maintenance of international peace and security would, in the proposed Organization, be assigned to the Security Council. A further point of difference is that, whereas the League Council dealt with many matters other than those directly related to security, the new Council's functions would be confined to the consideration of international disputes, and of situations which might lead to friction and give rise to international disputes. The Council would deal with disputes, present or prospective, likely to endanger the peace. The Assembly's main concern would be to promote general progress through concerted international action to foster the general welfare.

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The Security Council therefore would be vested with primary authority for guarding the peace of the world. It would consist of five permanent members (the United States, the U.S.S.R., the United Kingdom, France and China), and six other States elected for two years by the Assembly and not immediately eligible for re-election. Each member would have one vote and seven votes out of the eleven would be required for decisions.

Under the formula proposed at Yalta, decisions on questions other than procedural matters would be taken by a majority of seven votes, including in the majority, the votes of the five permanent members. To this rule there would be one important exception. If a permanent member were involved in a dispute before the Council, that member would abstain from voting when the procedure for the peaceful settlement of the dispute was being followed. If it came to a decision that a given situation was a threat to the peace, or to a decision requiring the imposition of penalties, the right to vote would be restored to the permanent member in question. Thus a permanent member could not block the consideration of a complaint against it by another State, nor an effort to solve the problem by pacific means. If, however, pacific means were to fail, the permanent member could by its vote block a decision to take punitive action against itself.

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The Economic and Social Council

A new agency is now proposed which had no exact counterpart in the League. This is the Economic and Social Council. It would consist of eighteen members elected for three years by the Assembly. There would be no permanent members and no provision preventing re-election. The Economic and Social Council would be charged with the general supervision of international economic, social and humanitarian activities, in the light of the policies laid down by the Assembly. Expert Commissions and staffs would be attached to the Economic and Social Council.

International Court.

The proposals recognize that there should be a Court of Justice as the chief international judicial organ. The question as to whether the present statute of the Permanent Court of International Justice should be revised or a new Statute prepared is left open. It is to be hoped that as time goes on, and as a more stable world emerges, international differences will more and more be amicably settled by judicial methods. Only in this way can a body of precedent be developed, and broadened, until all the differences between nations come to be settled as a regular practice in accordance with principles of law and equity,

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and with respect for contractual obligations. Here I might mention that the Canadian Bar Association is performing a most useful task by making a series of valuable studies on the subject of international jurisprudence.

The Settlement of Disputes

The machinery for dealing with disputes between nations which is outlined in Chapter VIII of the Dumbarton Oaks proposals deserves close study. The procedure falls into two stages. The first is concerned with the peaceful settlement of disputes. The Security Council on its own motion or at the request of any State would have the power to investigate any dispute or situation likely to give rise to international friction. Members of the Organisation would be bound to seek peaceful solutions by the normal methods of negotiation, mediation, conciliation, arbitration or judicial settlement. If the parties to the dispute themselves should fail to reach agreement by any of these means, the Security Council could recommend appropriate procedures, such as reference to the International Court; or seeking the Court's advice on the legal aspect of the questions at issue. Matters within the domestic jurisdiction of States would be expressly excluded.

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Threats to the Peace

If peaceful measures should fail, the second stage of the procedure would come into effect. The Security Council could then declare that the failure to arrive at a solution to a dispute constituted a threat to the peace, and it could proceed to further measures. These measures might include, in the first instance, diplomatic and economic sanctions such as the severance of diplomatic relations, the interruption of communications, an embargo upon trade, and other forms of pressure short of the use of armed force. The Security Council could call upon all members of the Organization to join in the application of such measures.

If sanctions of this nature were still ineffective, the Security Council could in the last resort require forcible action against the disturber of the peace. In such action, the Council would be aided by a Military Staff Committee which would be in charge of plans for the application of armed force. The Military Staff Committee would also have to do with long-term problems concerning the regulation of armaments. Here is another fundamental difference between the proposed Organization and the League of Nations. The new Security Organization would be founded on a clear recognition of the fact that world security is based upon the maintenance of a large superiority of power on the side of peace. It is also recognized that machinery would have to be devised to make it possible to apply such power instantly and effectively, should another aggressor arise to disturb international peace.

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It will, I am sure, be agreed that peace-loving nations cannot afford to risk a return to conditions which allowed one nation after another to be struck down by an aggressor before concerted action could be organised and taken. Nations have surely learned that they cannot secure their liberties except on an agreed basis of mutual aid. The proposed arrangements with their emphasis on the exploration of peaceful means of settlement, and with organised force in the background to deal with recalcitrants, ought to prevent international disputes from reaching the point of danger. The main function of the police is not to catch criminals, but to make it obvious that crime does not pay. The police do not interfere in the settling of disputes by discussion or litigation, but the police are available if the disputes threaten to lead to the breaking of heads.

Military Agreements

The question arises: How would the Security Council be able to call out forces when the danger point had been reached? Under the present proposals, members of the Organization would not be required to place forces under the control of the Security Council except in accordance with special agreements separately entered into, setting forth the number and types of the forces, and the facilities and assistance which they are prepared to provide.

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The agreements would limit the military aid, pledged by members, to what each member was ready to give of its own volition. The agreements might include provisions governing the circumstances in which any forces could be called upon to serve abroad. These agreements would need separate approval in accordance with the constitutional processes of each country. In Canada that would mean approval by Parliament before such agreements were ratified.

There is at present a good deal of obscurity about the methods by which this part of the proposals would be developed in practice. One point, however, is clear. As they stand, the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the Security Council. If any such commitment were sought, it would be embodied in a later agreement, freely negotiated by the Government of Canada, and coming into effect only after it had been approved by Parliament.

Regional Arrangements.

Provision is also made in the proposals for the use of regional agencies to handle local disputes under the general direction of the Security Council. The relationship of such regional agencies to the Security Council is likely to prove one of the important questions which will come up for consideration at San Francisco.

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Social and Economic Arrangements

The maintenance of security is only one aspect of the creation of a world society in which peace can take root and flourish. It is not merely the security of nations that is indivisible; prosperity also is indivisible. Few would wish to return to the years before the war when many nations sought economic security in economic isolation. What happened was that the economic security of all nations was destroyed. Now is surely the time for the whole world to realize that just as no nation can ensure its own safety of itself, so no nation or group of nations can ensure its own prosperity in isolation.

In the social, economic and humanitarian activities contemplated under these proposals, which would extend over the whole international field, Canada would be certain to take both a prominent and a useful part. It would be a mistake to think of the world organization as exclusively pre-occupied with the prevention of war. Indeed, if the defeat of our enemies brings about a securer world, we may hope that considerations of security will gradually recede into the background, and that progress in the arts of civilization by international co-operation on many fronts will be the first topic and central concern of foreign policy.

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We should come to think and act, less and less, in terms of Force, and, more and more, in terms of forces - the forces that create or destroy international amity and good-will.

Economic and social collaboration was always a useful and active part of the work of the League of Nations. It is now proposed to expand into new fields and establish further special bodies to deal with particular problems. In almost all these aspects of economic and social activity, Canada will have a deep interest. As a great trading nation with a progressive and expanding economy, we are, from the point of viewof markets and supplies, concerned with conditions all over the world. The Assembly and the Economic and Social Council will be central agencies of initiation and co-operation in this field. It will be clearly in the interests of Canada to participate fully in the work of these special bodies. Moreover, the humanitarian tradition which has played so worthy a part in our national life should give us a special interest in world-wide social betterment which the Assembly and the Economic and Social Council will seek to foster.

It is one of the proposed functions of the Assembly "to promote respect for human rights and fundamental freedoms". This is an aspect of the World Organization which should never be forgotten. If this great war, and the last, have taught us anything, it is the truth that "we are members one of another, and that the freedom both of men and of nations is one and indivisible".

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The new organization and its affiliated agencies should be able in time to sponsor long-term arrangements for human welfare.

Just, here, I should like to say a word or two on one problem of human welfare with which the United Nations are immediately faced. The retreating enemy has left behind him, in Western and Eastern Europe, starvation, disease, and an ~~appalling~~ alarming shortage of the elementary necessities of life. This situation represents a critical danger to the recovery of liberated Europe. The reports reaching the Government portray appalling conditions. Even for those who greeted with joy the expulsion of the Germans from their homelands during these last few months, from the point of view of food, fuel, clothing and shelter, this sixth year of war is the ~~bleakest~~ eg year of all. The privations of those still under German domination are even more terrible.

The United Nations have pooled their efforts to build up their great armed forces. For some time to come, it will be in Canada's interest, no less than in the general interest, for all to continue to pool their efforts to make available food and materials for relief and rehabilitation.

Some activities of the proposed World Organization in the field of human welfare are likely to be conducted directly

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under the supervision of the Economic and Social Council. These may include the collection of statistical and other economic information, international health problems, and the control of traffic in narcotics. Such services would be for the most part a continuation of very useful activities previously directed from Geneva. Expert commissions are contemplated to study these and related matters, from the point of view of general welfare and utility, with the experience and wisdom of the world's best technicians at their service.

Functional International Agencies

Apart from activities under the direct supervision of the World Organization a number of large functional inter-governmental bodies have already been established and others are being considered. The proposals to be discussed at San Francisco should be considered in relation to these other very important agencies. These inter-governmental bodies would be related to the world organization by agreements reached between them and the Economic and Social Council. Among these agencies is the International Labour Organization which has already existed for 25 years, and is a solid reality. In the very important fields of agricultural production and of nutrition, a consditutionx has been drawn up by an interim commission for a United Nations Organization on Food and

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Agriculture. The interim Commission of which Mr. L.B. Pearson is Chairman was appointed at the Hot Springs Conference of 1943. Proposals were developed at the Bretton Woods Conference for an International Monetary Fund and an International Development Bank. The setting up of an international agency to deal with problems of civil aviation is also well under way. Proposals for further specialized agencies are under discussion, all of much interest to Canada. These include the establishment of an international agency to deal with questions of commercial policy, designed to assist in removing, by agreement, impediments to trade, and in promoting uniform customs' practices, lower tariffs, the removal of exchange controls and similar matters. Proposals for the international regulation of cartels and for the adoption of measures to regulate the prices of certain raw materials are also under consideration. This is not an exhaustive enumeration.

If all proceeds as it is hoped it will, it may be found that, within a few years, there will be six or eight large international bodies performing functions which are beyond the capacity of any one nation or small group of nations. Such international agencies would not be regimenting or controlling individual nations, but, by agreement, would be framing courses of action designed to serve the general interest. It would be one of the functions of the General Assembly and of the Economic and Social Council to co-ordinate

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the activities of these bodies, to prevent the overlapping of activities, and to fill in gaps where joint action proves to be desirable.

I have now completed a summary outline of the proposals to come before the San Francisco Conference. Let me mention some of the difficulties and objections which are certain to present themselves in any consideration of the proposals.

Difficulties and Objections

In considering the proposals as a whole it is important to have constantly in mind that the International Organization should be so constituted that it will function as effectively as possible. It is no less important for us, that in whatever is agreed to, the interests of Canada should be safeguarded. It is also most desirable that the Organization, as finally established, should command the assent of the people of Canada so that, over the years, its underlying principles will secure steady public support. It may be that no fundamental changes will be needed to safeguard our interests. But that is not to say that the proposals could not and should not be improved.

Position of Great Powers

Let me first refer to the position which would be accorded to the great powers. I have already mentioned that the participation of the Great Powers in the enforcement of peace

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is imperative, and that the main task of maintaining peace must rest with them. The five permanent members of the Security Council would be given the special voting rights I have described. If responsibility is to be fairly matched with power, it is essential that the Great Powers should have permanent membership in the Security Council. Incidentally, permanent membership was given to the Great Powers in the Council of the League of Nations.

Objections are certain to be raised to the special voting rights proposed for the Great Powers. There can be no question that they are open to theoretical objection. ~~Whether~~ To what degree they are open to practical objection depends upon how far objection can be taken to a recognition of the fact of "Power" in this imperfect world. It would not be realistic to expect to establish immediately an international system strong enough to coerce any great military power bent on attaining its aims by force. In the proposed new organization, all its members, great and small, would be bound to "refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization." If this solemn promise were broken by a Great Power the world would be faced once more with a situation like that presented by German aggression in 1914, and again in 1939. Such a situation could not be met in any international body merely by an arrangement of voting, however,

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theoretically perfect. It is not a question so much of what is perfect as of what is possible. No charter can give the world security if, among the powerful, there be not the will for security.

Furthermore it should not be assumed that the possession by the permanent members of the Security Council of an individual veto on the application of penalities would make the Security Organization impotent in the event of a breach of the principles of the charter by one of the Great Powers. Penalties are the last resort. Before they were applied, there would have to be full discussion of the merits of the dispute. If, by its voting procedure, the Council were blocked in proposing a solution, the general assembly could make its own recommendations by a two-thirds majority of its members. The Great Power concerned would know where, in the eyes of the world, justice lay, and the risks such a Power would incur in violating the charter.

To expect perfection in any plan would be utopian. Both Mr. Churchill and Mr. Roosevelt have stated that while the proposals are not perfect, they are in substance the best upon which, up to the present, it has been found possible to secure agreement. President Roosevelt has said he expects that, over the years, the charter will be amended from time to time in the light of experience.

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The decision with regard to voting taken at Yalta represents an achievement of substantial unity by the three greatest Powers. It would be unrealistic and unwise to reject that decision outright. Here, if anywhere, there is reason to keep an open mind, and to reserve judgment as to our position until all points of view have been explored at the conference.

In general, exception can hardly be taken to the extension, within the Organization, of some special prerogatives to the Great Powers, on whom the major responsibility for keeping the peace must rest. That is a correct application of the functional idea to international organization, which is that the position accorded to a State should correspond with the functions which it is able and ready to discharge. In marshalling force against aggression, the position of those able to contribute the greatest force must be respected. If this be granted, it would seem that a further application of this principle would be both logical and appropriate.

Leading Secondary States

The contribution of states, other than the Great Powers, to the success of the organization will vary widely. It would be in the general interest to develop the idea, and to accept as a guiding principle that power and responsibility

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should, as far as possible, be made to coincide. If this could be done, the result would be to narrow the gap between the great powers and other nations, while maintaining the principle of the Sovereign equality of all member States. It would mean that the smallest and least powerful members would not nominally be given the same responsibilities as, let us say, Australia or the Netherlands or Brazil. It is the view of the government that the constitutional position within the Organization of important secondary countries should be clarified, and that the delegation from Canada should exert the utmost effort to secure due recognition of their ~~status~~ relative standing among the nations of the world. As the proposals stand, all States, other than the five Great Powers would have the same constitutional position in the Organization. No regard would be paid to their international significance, or to their record in resisting aggression, or to their potential contribution to the maintenance of peace. It is surely desirable that among the States which are to be elected members of the Security Council there should be several countries which can make a valuable contribution to the maintenance of security. At the same time, there should, of course, be representation in the Council of different parts of the world. Without doubt much consideration will be given at San Francisco to the character of the elected representation

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on the Security Council. Some method of selection which would have due regard for the power and responsibilities of secondary states would make the Council a more powerful and efficient body.

The proposal that all members should bind themselves to carry out diplomatic, economic and military sanctions at the request of the Security Council raises another difficult question for Canada and other secondary states. As I have already mentioned, military action would be limited to whatever was undertaken by each State in a special military agreement. It would seem to be desirable to develop some procedure whereby States not represented on the Security Council would not be called upon to undertake serious enforcement action without the opportunity of participating in the Council's proceedings, or without agreeing separately to join in executing the decisions of the Council.

To be effective, nearly all decisions of the Council imposing sanctions would require the assistance of one or more States not represented on the Council. The co-operation of States bordering on the offending State, or of States in which operational facilities might be essential, would be particularly needed. In practice, if the enforcement of sanctions required active aid from a country not represented on the Council, its consent would probably be sought. The probable practice might

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well be made the formal rule.

Transitional Arrangements

A further question arises in connection with such transitional arrangements as may be necessary for the enforcement of the surrender and peace terms against Japan and Germany in the years following their defeat. Special arrangements will clearly be required so long as those countries are under full military occupation. It will be necessary to have a definition of the relations between the Security Council and any inter-allied authority which may be set up to supervise any long-term measures of control of the enemy countries.

In view of the difficulty of planning a world security organization, especially while the world itself is still at war, it might be desirable to include in the Charter some provision for its general review after a term of years.

The Government's views on the composition and powers of the Security Council and on other aspects of the proposed organization have already been communicated to the Greater Powers. It is not at present the intention of the Government to propose particular provisions or amendments in advance of the discussions at the Conference.

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C233797

Canada's interest in the prevention of war

In considering this great plan for organising peace, it is all-important that we think broadly and take a long view. The benefits which Canada may hope to gain from full participation in the Organization are immense. They should not be weighed merely in terms of prestige. No country has a greater interest than ours in the prevention of another general war. That is the over-riding consideration.

It was on the battlefields of an earlier war that our country reached the full stature of nationhood. On all the seas, in the skies over land and sea and in some of the bitterest land battles of the present world-encircling conflict, our fighting men have held high the name of Canada. Our contributions to the fashioning of victory have been far greater than could have been imagined six years ago. Our part in the shaping of peace may be no less urgent and no less effective.

The organization of world security is a co-operative undertaking. The present effort will be, perhaps, the greatest of its kind in history. To achieve success there will have to be a willingness to give and take. The results should not be regarded piece-meal. They should be assessed as a whole. Concentration on security and on the will to organize force to meet the threat of war will not be enough.

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Once confidence has been established, international action and organization in many fields will be required to make peace enduring. The strong bonds of comradeship and co-operation which have been developed under the stress of war, should be made ever stronger in the organization of peace.

Were another great war to break out in twenty or thirty years, or at any time in the future, it is certain that Canada would not escape its fury. The development of new weapons, the development in particular of the flying bomb and the rocket projectile, are making it impossible for any country to claim immunity from sudden aggression. So long as Might is made a substitute for Right by any nation, there can be no security for this, or the next or any succeeding generation of Canadians.

Even should the charter as finally drafted not be all that we could wish, its acceptance might nevertheless be preferable to its rejection. At all events, the interests of Canada are fully protected by the wording of the resolution. Hon. members will have noted that the resolution provides that the charter should, before ratification, be submitted to Parliament for approval.

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C233799

In proposing this course, the government is following the procedure customary with respect to treaties. No treaty obligation could be more solemn than that which the United Nations will assume under the charter. The course which the government is proposing would, moreover, ensure to a Parliament newly elected by the people, the final word with respect to the adoption of the Charter.

Canadian Representation

It is important to Canada that her representatives ~~at th~~ at the World Security Conference should be assured of the widest possible measure of support from Parliament and from the people. It is important that our representatives should speak with a clear, strong and united voice. There is every reason to believe that the vast majority of Canadians of all parties desire to have Canada participate in measures to safeguard the peace which we hope to see established at the close of this terrible war. For this, as well as other reasons, it is desirable that Canada's delegation to the San Francisco Conference should be broadly representative. As I have already announced, it is the government's intention to select representatives from both Houses of Parliament, and from both sides of each House. The government itself will, of course, assume its constitutional responsibility both for the selection of the delegation and for any

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decisions which are agreed to at San Francisco. It is desirable that the House should make its decision upon the Resolution now before it, before the membership of the delegation is announced. Once the Resolution is adopted, I would hope very shortly thereafter to be able to make an announcement. By associating with the delegation members of political parties other than its own, the government is seeking to lift and to keep the effort to achieve enduring peace above the arena of party strife.

In the resolution, the House is asked to agree that the representatives of Canada at the Conference should use their best endeavours to further the preparation of an acceptable charter. I think I may assure honourable members that Canada's representatives will certainly be guided by the determination to do everything that is humanly possible to make the most effective provision for the maintenance of international peace and security.

Conclusion

At the approaching San Francisco Conference, the United Nations will be laying the foundation of a new world order. I know that the people of Canada, regardless of party or other affiliations, welcome the opportunity thus afforded our country to make its contribution to this vast undertaking. I am equally sure that this Parliament will approach the question of world

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C233801

security and reach its conclusions with a full sense of its responsibility to our own and to future generations of Canadians and, indeed, to all the peoples of the world.

In any charter to establish a general international organization for the maintenance of international peace and security, the spirit in which the approach is made, and in which effect is given to its provisions will be vastly more important than the letter. As long ago as March 24, 1941, I spoke, in Toronto, of a new world order to take the place of the old order when the war was at an end. On that occasion I said: "If that new world order is not already on its way before the war is over, we may look for it in vain. A new world order cannot be worked out at some given moment and reduced to writing at a conference table. It is not a matter of parchments and of seals. That was a part of the mistaken belief at the end of the last war." A new world order will be born, not made. It will be something that lives and breathes, something much closer to the soul of man than a mere mechanical device. A new world order needs to be worked out and have its place in the minds and the hearts of men. It should express itself in brotherhood, and good-will. It will be the application, in all human relations, of the principle of service and of mutual aid.

These words, I believe, express the spirit underlying the Atlantic Charter and the United Nations Declaration of 1942.

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This spirit has found concrete expression in Lend-Lease, in Mutual Aid and in the United Nations Relief and Rehabilitation Administration. The same spirit will, I believe, guide the United Nations in their deliberations at San Francisco. It is important that the machinery of the new world Organization should be realistically devised and wisely planned. But no constitutional machinery, however ingenious, will be effective unless the nations of the world profit by the lessons they have learned in these five and a half years of war. The supreme lesson is that Humanity should no longer be made to serve selfish national ends, whether these ends be world domination or merely isolated self-defence. Nations everywhere must unite to save and to serve Humanity.

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HW/AH

March 5th,1945.

C233803

SECRET

MEMORANDUM FOR THE PRIME MINISTER

Among the questions which you might consider raising with the President is the constant tendency of the great powers to ignore the contribution of the other Allies to the defeat of the enemy. Among the worst and most recent examples of this tendency is the wording proposed by the U.S. representative on the European Advisory Commission for the preamble to the first Proclamation to be issued to the German people after the cessation of organized resistance. The Commission has wisely been considering the forms to be employed if no German authority exists capable of signing an instrument of surrender. The language proposed by the U.S. representative (which has been accepted by the Commission as a basis for discussion) is far from wise. If it were used, the first Order issued to the German people on their defeat would begin as follows:

"To the people of Germany:

Germany has been completely defeated on land, at sea and in the air by the armed forces of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America."

We telegraphed on February 17th to London strongly protesting against this proposal but have received no reply. Pearson has also been authorized to discuss it with the State Department.

It would not have been difficult for the great powers publicly to recognize the difficult problems set for other Allied Governments through the necessary concentration of responsibility for the direction of the war in a few hands. So far as I can recall there has been no public recognition of these difficulties from either the President or Mr. Churchill and there has certainly been none from Marshal Stalin. A cumulative effect of this relegation of the other Allies to the role of auxiliaries has undoubtedly been to make inter-Allied cooperation more difficult and at times to make people feel that their efforts are not appreciated and that, therefore, they are not called upon to exert themselves to the full. If the full story were told, it would give plenty of ammunition to the sort of criticism of the Canadian war effort which is represented in its extreme form by Mr. Chaloult.

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One does not wish to be plaintive or to ask for compliments. Few things, however, seem harder to achieve than to persuade the great powers to look at the position fairly from the point of view of the smaller responsible countries among the Allies. Once the concentration of effort on the single objective of victory has ended with its attainment, this tendency of the great powers will become more disruptive and dangerous than it is at present. This does not seem to be clearly realized in Washington and it is hardly realized at all in Moscow. In London they are somewhat more conscious of it. A word from you to the President,with the sample quoted above to illustrate the point, should have some effect.

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Mem. ch 13. After
Press conf.

Private memorandum. — Amendment sent this request left unanswered

Re: tendency of great powers to ignore the contribution of the other allies to the defeat of the enemy.

This is illustrated in the wording proposed by the U.S. representative on the European Advisory Commission for the preamble to the first proclamation to be issued to the German people after the cessation of organized resistance.

If the language proposed by the U.S. representative which has been accepted by the Commission as a basis for discussion were used, the first order issued to the German people on their defeat would begin as follows:

"To the people of Germany:

> Germany has been completely defeated on land, at sea and in the air by the armed forces of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America."

Canada has protested to London against this proposal but, thus far, has received no reply. Canadian Ambassador at Washington has been authorized to discuss it with the State Department.

Wording such as the above would prejudice inter-allied co-operation at San Francisco and in the years following the war. The declaration to the people of Germany would seem to afford to the Great Powers an opportunity publicly to recognize the difficult problem set out for other allied governments through the necessary concentration of responsibility for the direction of the war in a few hands, and to cause them to feel that their efforts have been appreciated.

It is all important that the Great Powers should look at the position fairly from the point of view of the smaller responsible countries among the Allies.

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HW/AH
March 7th, 1945.

SECRET

MEMORANDUM FOR THE PRIME MINISTER.

C233806

In your discussions with the President some attention will doubtless be paid to the San Francisco Conference and related questions. In this note there is suggested a number of points which you might wish to take up with Mr. Roosevelt. I have sought to put them as concisely as possible.

1. We feel that under the proposals the gap is too wide between the great powers and secondary states which have wide international interests and have done their duty well during the war. The position of the great powers is carefully hedged about so as to involve no infringement on their sovereignty beyond requiring them to accept obligations to follow certain procedures and rules of conduct. All other members are placed under more stringent obligations. They have no assurance of membership in the Council beyond the chances of periodic election. When in the Council they possess no right of veto. When not in the Council - and this is perhaps our central point - they would, nevertheless, be obligated to take possibly very serious action to enforce the Council's decisions under Chapter VIII B, involving the possible application of political, economic and, finally, military sanctions by them against an offender.

This requirement raises very serious problems about securing acceptance of the Charter. The political difficulties are probably greater than the practical difficulties of operation, since the Council would in practice almost certainly need to secure the consent of any Government before asking it to take serious action of this sort. If that is true, why should not the proposals be changed to conform to the practice likely to be followed? This could be done by providing that enforcement decisions of the Council (but not action taken for the pacific settlement of disputes) would bind only members of the Council and other states which were associated with these decisions in some manner. Such association could come from temporary membership in the Council of from agreement between the Council and the state concerned or from approval by the Assembly of the decision in question. There may be other means also of meeting the point.

Mack

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Connected with this is the fact that the proposals establish no standard of eligibility whatsoever for elected members of the Council. Liberia and Salvador are as eligible under it as Brazil, Canada and the Netherlands. We doubt that the Assembly would in fact always elect responsible members of the international community who could make a serious contribution to the work of the Council. While it is very difficult to suggest an effective means of ensuring that the more important smaller states are more frequently elected, we hope that something may be worked out. We realize that attention must be paid also to regional distribution of seats.

2. It would be useful to find out what is in the President's mind about special arrangements to enforce the peace terms against Germany and Japan. If long-term engagements separate from the World Organization are envisaged (as has been suggested in the State Department as well as by Senator Vandenberg) the functions of the Security Council will be severely limited for a considerable period and the concentration of attention on it will be misplaced. It seems desirable that something more should said by the great powers on this point before San Francisco as otherwise the delegations there will be working in the dark on an important side of the problem. If the Security Council is not called upon to act against dangers arising either from Germany and Japan or from serious disputes between the Allied great powers, the sanctions aspect of its authority will not be of great importance until the time comes for admitting Germany and Japan to the Organization.

3. Related with this is a question arising from the lack of any provision in the Charter for withdrawal or general amendment. Under the proposals a country once in cannot get out and the Charter could be changed only after amendments adopted by two-thirds of the Assembly have been ratified by a majority including the five powers with permanent Council seats. Thus each great power would possess a veto on amendment.

There is a good deal to be said for omitting provisions for withdrawal in view of the use of the provisions in the League Covenant. I think we might advocate instead the insertion of a provision requiring the general revision of the

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whole charter after a stated period of not more than twenty years and probably not less than ten years. As Roosevelt said in his speech the other day frequent amendments will prove necessary, and it seems to me there is a great deal to be said for calling a constituent assembly in due course to reform the whole structure. Dissatisfied members would then have an opportunity of dropping out. Such a revision might appropriately coincide with the end of any special regime imposed on Germany and Japan.

WLM.

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C233809

Memorandum re the position of small nations in the proposed world organization:

Under the proposals, the gap is too wide between the Great Powers and secondary states which have wide international interests and have done their duty well during the war.

The position of the Great Powers is carefully hedged about so as to involve no infringement on their sovereignty beyond requiring to accept obligations to follow certain procedures and rules of conduct. All other members are placed under more stringent obligations. They have no assurance of membership in the Council beyond the chances of periodic election. When in the Council, they possess no right of veto. When not in the Council - and this perhaps most serious of all - they would nevertheless be obligated to take possibly very serious action to enforce the Council's decisions under chapter 8 (b) involving the possible application of political, economic and finally military sanctions by them against an offender. This requirement raises very serious problem about securing acceptance of the Charter.

The political difficulties are probably greater than the practical difficulties of operation since the Council would, in practice, almost certainly need to secure the consent of any government before asking it to take serious action of this sort. If that be true, why should not the proposals be changed to conform to the practice likely to be followed. This could be done by providing that enforcement of decisions of the Council - (but not action taken for the pacific settlement of disputes) - would bind only members of the Council and other states which were associated with these decisions in some manner. Such associations could come from temporary membership in Council or from agreement between the Council and the state concerned, or from approval by the Assembly of the decision in question.

Connected with this is the fact that the proposals establish no standard of responsibility whatsoever for elected members of the Council. Liberia and Salvador are as eligible under it as Brazil, Canada and the Netherlands.

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It seems desirable that something should be said by the Great Powers with respect to the special arrangements to enforce the peace terms against Germany and Japan before San Francisco, as otherwise delegates there would be working in the dark on an important side of the problem. If long term engagements separate from the world organization are envisaged, the functions of the Security Council would be severely limited for a considerable period, and a concentration of attention on it would be misplaced.

If the Security Council is not called upon to act against dangers arising either from Germany or Japan or from serious disputes between the allied Great Powers, the sanctions aspect of its authority will not be of great importance until the time comes, to admitting Germany and Japan in the organization.

Under the proposals, a country once in the international organization cannot get out, and the Charter could be changed only after amendments adopted by 2/3 of the Assembly have been ratified by a majority including the Five Powers with permanent Council seats. Thus each Great Power would possess a veto on amendment.

There is a good deal to be said for omitting provisions of withdrawal in view of the provisions of the League Covenant. It might be advisable to insert a provision requiring the general revision of the whole charter after a stated period of not more than 20 years and probably not less than 10 years.

The President has said frequent amendments will prove necessary. There is much, therefore, to be said for calling a constitutional assembly in due course to reform the whole structure. Dissatisfied members would then have an opportunity of dropping out.

Such a revision might appropriately coincide with the end of any special regime imposed on Germany and Japan.

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COLLATERAL CONFERENCE at San Francisco 1945

HW/AH

C233811

Ottawa, March 6th, 1945.

H of C Resolution re International Organization San Francisco Conference

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th,1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization which have been made public by these four Governments, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

(2) that this House recognizes that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and that it is in the interests of Canada that Canada should become a founder member of the proposed organization;

(3) that this House considers that the proposals which have been made public by the four inviting Governments constitute a satisfactory general basis for the charter of the proposed international organization; and

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(4) that, provided that a charter establishing the organization is prepared by the conference and subsequently accepted by the Parliament of Canada, this House agrees that Canada should become a founder member of the organization.

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HW/AH

Draft Resolution Ottawa, ~~March 6th, 1945.~~

(Revision cancelled on March 12th at Williamsburg

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th,1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization which have been made public by these four Governments, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

(2) that this House recognizes that the establishment of an effective international organization for the maintenance of international peace and security ~~is~~ indeed is of vital importance to Canada, and to the future well-being of mankind ~~and that it is in the interests of Canada that Canada should become a founder member of the proposed organization;~~

(3) ~~that this House considers that the proposals which~~ in the Dumbarton Oaks proposals, and which is of the opinion that have been made public by the four inviting Governments constitute a satisfactory general basis for ~~the~~ a discussion of the proposed international organization; ~~and~~

~~the charter~~

that this House approves of the purposes and principles ~~outlined in~~ set forth in

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(4) ~~that, provided that a charter establishing the organization as prepared by the conference and subsequently accepted by the Parliament of Canada, this House agrees that Canada should become a founder member of the organization.~~

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Re S.F. delegation

OFFICE OF THE PRIME MINISTER

MEMORANDUM for the Prime Minister.

C233815

Gordon Ross has suggested that if any Members of Parliament are going to San Francisco, that he might be of some service there. He has many connections in the South and will be glad to be of assistance, even though he may not be actually named as a delegate.

keep in mind

W.J.T.

7th March, 1945.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C233816 Fyle re
San Francisco

While at the White House, on March 9, 1945, the Prime Minister asked the President whether he thought monetary things would come up at San Francisco, and the President replied: NO.

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W.L.M.K. - 11.3.45

Re: SAN FRANCISCO CONFERENCE C233217

1. Read Churchill 's speech to Parliament on Crimea Conference.
2. Read President's speech to Congress on Crimea.
3. " pamphlet on Dumbarton Oaks.
4. " Times account of Mexican conference.
5. " privately circulated documents of Canadian Government.
6. " statement by Wrong as basis for speech.
7. " confidential papers collected by Gibson re San Francisco.
8. " additional memos. re.

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W.L.M.K. - 11.3.45

C233818

MEMORANDUM re Matters to be attended to:

1. Re San Francisco Conference:

Resolution re Conference;

Preparation of speech on.

Also work out names of persons to be asked to speak.

Allied questions to be brought up, e.g. position re Poland,

position re military commitments.

Personnel of delegation -

exact wording re.

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JAG/FM
14.3.45

C233819

SECRET

MEMORANDUM FOR THE PRIME MINISTER:

Delegations to San Francisco Conference

Recent messages from diplomatic sources contain the following information:

1) Netherlands

Dr. Van Kleffens, Foreign Minister, will head the Netherlands Delegation. (It is suggested he will travel across Canada to Vancouver and go from there to San Francisco, as a means of precluding any suggestion he had consulted the State Department in Washington about amendments to Dumbarton Oaks proposals).

2) South Africa

Field Marshal Smuts will head the delegation, on which Dr. S. N. F. Gie, South African Minister in Washington, will be co-delegate.

Field Marshal Smuts will probably visit Ottawa on his way to San Francisco.

3) France

The delegation will include M. Bidault (Foreign Minister in the Provisional Government) and Mr. Joseph Paul-Boncour, sometime Foreign Minister and once Prime Minister of France.

Secretary of Delegation: M. de LaGranville

JAG.

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SECRET

W0111P

JAG/FM
14.3.45

DRAFT

JOINT RESOLUTION

C233820

MOVED BY: Mr. Mackenzie King

SECONDED BY:

That this House, having heard the statement by the Prime Minister on the proposals for a Charter for a general international organization to be considered at a conference of the United Nations opening at San Francisco on April 25, and

impressed with the desirability that the Canadian delegation to the San Francisco Conference should carry with it an assurance of the widest possible measure of support from the Parliament of Canada,

agrees with the statement of policy outlined by the Prime Minister and

approves this statement of policy being incorporated into the instructions to be issued to the Canadian delegates.

That this House further concurs in the appointment of the delegates to represent Canada as announced by the Prime Minister, and reposes full confidence in their ability to uphold the interests of Canada in aiding the establishment of such a general organization for world security as will ensure the peace of the world.

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WO/11/P
C233821

(red and white)

San Francisco draft

DRAFT RESOLUTION — Slemon presented to Hume before suggestions to Ottawa subject to Commons March 13th - to recommend confirmation & approval and rendering resolution

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

for reading - recommendation made at Honourable Mackenzie King 14.03.45

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization ~~which have been made public by~~ as agreed upon by the representatives of these four Governments at Dumbarton Oaks, Washington, in October 1944, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

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C233822

(2) that this House recognizes that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and indeed to the future well-being of mankind;

(3) that this House approves of the purposes and principles set forth in the Dumbarton Oaks proposals, and is of the opinion that ~~the~~ final proposals ~~which have been made public by the four inviting Governments~~ constitute a satisfactory general basis for a discussion of the charter of the proposed international organization;

(4) that the charter establishing the international organization shall, before ratification, be submitted to Parliament for approval.

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C233383

Ottawa, March 15th, 1945.

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America, to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization which have been made public by these four Governments, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference to be held at San Francisco;

(2) that this House recognizes that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and that it is in the interests of Canada that Canada should become a member of ~~the proposed~~ such an organization;

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(3) that this House considers that the proposals which have been made public by the four inviting Governments constitute a satisfactory general basis for the charter of the proposed organization and approves the statement of purposes and principles set forth in these proposals; and

(4) that this House agrees that the representatives of Canada at the conference should exert their best endeavours to further the preparation of an acceptable charter for an international organization for the maintenance of international peace and security, and, provided that such a charter is approved by the Parliament of Canada before its ratification on behalf of Canada, is of the opinion that Canada should become an original member of the proposed organization.

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WO/11/P

15.III.45

DRAFT RESOLUTION C233825

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization ~~as agreed upon by the representatives of the four Governments~~ at Dumbarton Oaks, Washington, ~~in October, 1944,~~ and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

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WO/III/P

15.III.45

DRAFT RESOLUTION C233825

WHEREAS the Government of Canada has been invited by the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China to send representatives to a conference of the United Nations to be held on April 25th, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security, and

WHEREAS the invitation suggests that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization as agreed upon by the representatives of the four Governments at Dumbarton Oaks, Washington, in October, 1944, and

WHEREAS the Government of Canada has accepted the invitation to send representatives to this conference,

THEREFORE BE IT RESOLVED -

(1) that this House endorses the acceptance by the Government of Canada of the invitation to send representatives to the conference;

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C233826

(2) that this House recognizes that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and, indeed, to the future well-being of mankind; and that it is in the interests of Canada that Canada should be a member of this proposed organization

(3) that this House approves ~~of~~ the purposes and principles set forth in the ~~Dumbarton Oaks~~ proposals, ~~and is of the opinion~~ that these proposals constitute a satisfactory general basis for a discussion of the charter of the proposed international organization;

(5) that the charter establishing the international organization shall, before ratification, be submitted to Parliament for approval.

(4) That this House agrees that the representatives of Canada at the conference should expert their best endeavours to further the preparation of an acceptable charter for an international organization for the maintenance of international peace and security.

(6) and, provided such a charter is approved by the Parliament of Canada before the ratification on behalf of Canada, this House is of the opinion that Canada should become an original member of the proposed international organization

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C233827

HW/AH
March 15th, 1945.

MEMORANDUM FOR THE PRIME MINISTER

The invitation to be represented at the San Francisco Conference concluded with an offer on the part of the United States Government to circulate to the governments which will be represented at the conference any observations on the Dumbarton Oaks proposals that we might care to offer in advance of the conference.

Hitherto we have had a long exchange of views with the United Kingdom on certain points and have also had discussions with the United States. Our only written comments, apart from those addressed to the United Kingdom, were the representations made in January to the U.S., U.S.S.R., China, France and the U.K., of which copies were given to the Belgian and Netherlands Ministers for their personal information and copies were also transmitted through our High Commissioners to Australia, New Zealand and South Africa. These representations, while stating the main objections which we have formulated to the proposals as they now stand, were presented in the hope that the great powers might amend them before they were officially transmitted to the other United Nations as the basis for the San Francisco Conference. If we were to circulate to all the Governments which have been invited to the conference a further statement of our views, it would have to take in rather more territory but need not, I think, be a lengthy document. We could use in it a considerable part of the January memorandum to the great powers. Several Governments including the Netherlands, Belgium and a number of Latin-American states have already circulated their observations and the French intend, I gather, to circulate the comments which they have already given to us in confidence. It might place us in a somewhat stronger position at the conference if we had reduced our main comments to writing. On the other hand, a document of this sort would certainly become public property and might prove embarrassing if we were unable to secure the amendment of the proposals on the lines we desire, and nevertheless wished to lay the Charter before the Parliament for ratification.

Another course would be to prepare a memorandum but only to circulate it at the beginning of the conference if circumstances then make this desirable.

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C233828

OFFICE OF THE PRIME MINISTER

MEMORANDUM

Mr, Robertson telephoned to say that the reférence he had in mind was in Mr. Churchill's speech in the House of Commons - February 27:

Extracts: "On such an occasion, it is clearly right that the two leading parties of His Majesty's Government and the British nation should be represented. ...

"I, myself, am anxious that this principle should be established even in war and perhaps the closing stages of this memorable coalition. I am anxious that all parties should be united in this new instrument so that this supreme force should be, in Mr. Gladstone's words, "high and dry above the ebb and flow of party politics."

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MEMORANDUM FOR THE PRIME MINISTER

Information about government delegations for the San Francisco Conference is still incomplete. Herewith, however, is a summary of the information we have about other countries' plans for representation:

1. United Kingdom:

Mr. Churchill has announced that the delegation will be headed by Eden and Attlee. We do not know who else will be on it, nor do we know whether the United Kingdom plan to include in it representatives of extra-Parliamentary groups such as the T.U.C., Chamber of Commerce, etc.

2. Australia:

The delegation will be headed by Mr. Forde, Deputy Prime Minister and Dr. Evatt, the Minister for External Affairs. You have a separate note on the composition of the Australian delegation, which is the only one on which full particulars have thus far been given to the press. In addition to the Ministers' names, it includes as "Assistants" a number of members of both Houses of Parliament, belonging to both Government and Opposition groups, plus representatives from labour, industry, the press, women's organizations, etc. It also includes the members of the Australian Joint Staff Mission to Washington.

3. New Zealand:

The New Zealand delegation will be headed by the Prime Minister, Mr. Fraser, who will be accompanied by Berendsen, their Minister at Washington, and Mackintosh, the Under-Secretary of State for External Affairs. It is possible that the New Zealand High Commissioner in London, Mr. W.J. Jordan, will also be a member of their delegation to San Francisco. In a personal message to you, Mr. Fraser said he would much prefer to keep their delegation a purely Governmental one, without representation of opposition groups or special interests.

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4. South Africa:

The South African delegation will be headed by Field Marshal Smuts, who will be accompanied by D.D. Forsyth, Under-Secretary of State for External Affairs, and probably by John Martin, who was with Smuts in London and headed the South African delegation to the Civil Aviation Conference in Chicago. Smuts has indicated that he will not include representatives of the Parliamentary Opposition of South Africa, which has steadily opposed that country's war effort.

5. France:

The French delegation will be headed by M. Bidault, the Foreign Minister, and by Paul-Boncour, who has been Chairman of the Special Committee of the Consultative Assembly which has been studying the Dumbarton Oaks proposals. M. de Hauteclocque has had no information about the other members of the French delegation.

6. Holland:

Holland will be represented by Dr. van Kleffens, the Foreign Minister.

7. Belgium:

I have seen no announcement about the Belgian delegation, but assume that it will be headed by M. Spaak, the Foreign Minister.

8. United States:

The American delegation will be headed by Mr. Stettinius, the Secretary of State, with Mr. Hull as senior adviser, if his health permits him to go. The other delegates are Senator Vandenberg, Representative Eaton, and ex-Governor Stassen, Republicans, and Senator Connolly, Representative Bloom and Miss Virginia Gildersleeve, the Dean of Barnard College,

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Democrats. There will, in addition, be a sizeable group from the Department of State included in the American delegation. At the President's press conference on Tuesday, at which you were present, he said "an Advisory Commission of business, labour and social experts" will be appointed to assist the American delegation. If this Advisory Commission is constituted on the same lines as the American representation at the Mexico City Conference, it will include representatives of the C.I.O. and A.F. of L. labour organizations, the American Chamber of Commerce, the National Farmers Union, the American Export Council, etc.

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JAG/FM
14.3.45

C233832

SECRET

MEMORANDUM FOR THE PRIME MINISTER:

Delegations to San Francisco Conference

Recent messages from diplomatic sources contain the following information:

1) Netherlands

Dr. Van Kleffens, Foreign Minister, will head the Netherlands Delegation. (It is suggested he will travel across Canada to Vancouver and go from there to San Francisco, as a means of precluding any suggestion he had consulted the State Department in Washington about amendments to Dumbarton Oaks proposals).

2) South Africa

Field Marshal Smuts will head the delegation, on which Dr. S. N. F. Gie, South African Minister in Washington, will be co-delegate.

Field Marshal Smuts will probably visit Ottawa on his way to San Francisco.

3) France

The delegation will include M. Bidault (Foreign Minister in the Provisional Government) and Mr. Joseph Paul-Boncour, sometime Foreign Minister and once Prime Minister of France.

Secretary of Delegation: M. de LaGranville

JAG.

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W.O./SF.C233833

NAR/SR
21.3.45

MEMORANDUM FOR THE PRIME MINISTER

Pearson has learned from Jebb, of the United Kingdom Foreign Office, who has been in Washington for the last three or four days on work preparatory to the San Francisco Conference, that the United Kingdom delegation will consist of:

Mr. Eden.

Mr. Attlee.

Lord Cranborne.

Mr. George Tomlinson, M.P., Parliamentary Secretary to the Minister of Labour. Tomlinson, who is a Labour Member of Parliament and an active trade union leader, (Textile Workers, I think), was in Ottawa last spring after the close of the International Labour Conference at Philadelphia, where he headed the United Kingdom delegation.

Miss Ellen Wilkinson, Parliamentary Secretary to the Minister of Home Security. Miss Wilkinson is a Labour Member of Parliament, and has been a colleague of Mr. Herbert Morrison at the Ministry of Home Security for the last three or four years.

Miss Florence Horsburgh, M.P., Parliamentary Secretary to the Minister of Health. Miss Horsburgh is a Conservative Member of Parliament, who was in Ottawa during the last year on work for her own Department and the British Ministry of Information. I was told at the time that she had made a very good impression on everyone who had met her.

The seventh member of the delegation, not yet nominated, will represent the Parliamentary Liberal Party.

The foregoing slate has been submitted to Mr. Churchill for his approval, but has not yet been confirmed by him.

The overall United Kingdom delegation is growing steadily in size. The latest report is that they will need accommodation for 108 people at San Francisco. I gather that the expansion of the

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delegation is due to demands for representation from a good many Departments of Government who cannot have more than a marginal interest in the proceedings.

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SEC/A

HW/AH
March 20th, 1945

TOP SECRET

C233835

MEMORANDUM FOR THE PRIME MINISTER

March 6th
No.127

I attach a copy of a very lively despatch from Davis on the composition of the Australian delegation to the San Francisco Conference. Some of his comments are of interest in connection with the selection of our own delegation. He has a low opinion of the utility and capacity of nearly all those chosen by Mr.Curtin from outside the Government and officials, with the exception of Mr. McEwen, the Deputy Leader of the Country Party, to whom he refers in paragraph 14, and two or three of the representatives of special interests. His conclusion is that it is "a most peculiar outfit for any country to send anywhere".

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Mack

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SFC **Top Secret**

C233836

March 6, 1945

No. 127

Sir:

Please refer to my telegram No. 99, March 2nd, wherein I gave you the names of the persons who would represent the Government of Australia at the forthcoming international conference in San Francisco.

2. It occurs to me that perhaps I might well give you more information with respect to the members of this delegation.

3. It is not necessary for me to refer to Dr. Evatt, the Australian Minister for External Affairs, as you know him and know pretty well everything there is to know about him. He had hoped to be leader of the delegation, but as I indicated in a previous despatch, the Prime Minister announced that Mr. Forde, the Deputy Prime Minister, would also attend with Dr. Evatt and would be the leader of the delegation.

4. Forde is very close to Mr. Curtin and Curtin has his complete loyalty and absolute and implicit confidence in him. Evatt is looked upon with a degree of suspicion by everyone associated with the Labour Party. It seems to be generally felt that he is a man of very great ambition and that he would like to step into Curtin's shoes when Curtin vacates the leadership of the party. I am certain that he would not be acceptable to Curtin nor to the party and I feel that Forde is being sent so that Evatt cannot get too much kudos out of the thing.

5. The conduct of the Department of External Affairs here is rather peculiar as there seems to be no close liaison between Curtin and Evatt and each apparently makes announcements without the knowledge of the other. Throughout the whole of the negotiations surrounding the San Francisco Conference Curtin has taken the whole thing into his own hands and made all the announcements including announcements which would ordinarily come from the Minister of External Affairs. So far as I can learn Curtin chose the delegation and made the announcement concerning it without consultation with Evatt or at least to any great extent. One can sense a feeling of strain as between Evatt and Curtin.

6. Respecting Mr. Forde - I would say that he is primarily a politician and is the "glad hand" member of the present Government. He is very polite and if you come in contact with him you realize that one of his main attributes is the field of public relations. He is neither an outstanding administrator nor is he to be classified other than as a good aggressive but provincial politician. He has a reputation for honesty and integrity and his word is to be relied upon. He is most amiable and easy to get along with.

7. I need not comment on Sir Frederick Eggleston, the Australian Minister to the U.S.A. who will be in attendance. Suffice it to say he is a very excellent man and is highly regarded in all parts of this country. He has earned and merits the respect of the Australian people.

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8. I will not comment upon the military and naval representatives who will be attached to the mission. I do not know Mr. Coleman, Assistant Secretary of the Department of Defence, but I am told that he is not in the same class as the Secretary of that Department, Sir Frederick Shedden. I doubt if he will add any strength to the military advisers of the delegation.

9. I will not comment upon the members of the staff from External Affairs referred to in my telegram except to say that they are all young men with good ability. Some of them will already be known to you. Keith Waller has served in Chungking and only returned therefrom within the last few months. All four of them are young men with limited experience.

10. You will note that a large number of people have been attached to the delegation as Assistants whatever that may mean. I presume that they will serve in the capacity of advisers or consultants. My opinion is that none of these persons are being sent for the purposes of the delegation and will add little if any weight thereto and will have little if any effect upon the decisions of the delegation. As a matter of fact the Prime Minister has stated that the decisions registered by the Australian delegation must be decisions registered ~~registered~~ for the Government and in due course the same will be submitted to the Parliament of this country for its approval.

11. In my opinion these Assistants have been appointed purely and simply for political purposes and I am completely at a loss to understand why the two Opposition Parties agreed to the nomination of representatives from these parties. They go over without any voting power and no say in decisions and merely seem to be taking a trip at the expense of the Government. There is a danger that their hands will be tied in the field of criticism should it be necessary for the Opposition to criticize, in the domestic field, the decisions reached by the delegation proper.

12. Senator George McLeay has been a member of previous Governments in this country and is leader of the Opposition in the Senate. He comes from South Australia and is a very good type of very reactionary Tory which flourishes to an unusual extent in South Australia. I do not think that anyone regards him very highly insofar as ability is concerned.

13. Senator Nash is a common garden variety of Australian Senator and has no outstanding claim on the basis of ability for inclusion even as an adviser. The minute the Government decided to appoint a Senator from the Opposition, then it seems to have felt it was necessary to appoint a Labour Senator as a counter-balance. Nash will know that he has been in San Francisco and will no doubt know when he gets home. He is a product of Labour politics.

14. From the Opposition in the House, Mr. McEwen has been selected. He is a station owner, a former Minister for External Affairs in the previous U.A.P. Government, and Deputy Leader of the Country Party. In McLeay and McEwen the Government has selected a representative of each Opposition, viz., the U.A.P., now the Liberal Party, and the Country Party, McLeay being a member of the Liberal Party. McEwen is Australian born, but as his name indicates, he is of Scottish extraction and is I think a fair specimen of the Scottish race. He is a man with ability, stern and dour, and of very high principles. In my opinion, he is the best of the group of four Parliamentarians named as Assistants.

15. The remaining member is Mr. Pollard, a Labour Member of the House. He is reputed to be quite able and from time to time it has been suggested that he should be a member of the Government. I

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do not think that he has any outstanding ability and is an ordinary run-of-mine individual. His appointment is attributable to the necessity of choosing a representative from each side in each House.

16. I know Mr. Campbell, Editor of the Melbourne Age. He is a fine man and a most capable one. I would judge that his job will be to more or less report the proceedings for the Australian Press.

17. The next member of the delegation is Mr. Walsh, Federal President of the Australian Labour Party. He is a well-known Labour and Union Leader and the fact that he is President of the National Labour Party indicates that organized Labour has confidence in him. His appointment again is a political one to indicate to the party organization and unions that they are not being forgotten and have a status in the national life.

18. Mr. Oberg is a well-known industrialist and big business man and in addition is President of the Employers Federation. He will naturally be in opposition to the Labour Government but his appointment would be to placate manufacturers associations, Chambers of Commerce, and other such organizations and the element of the population which they represent.

19. I do not need to mention Dr. Roland Wilson who is well known in our Department at Ottawa and I think is well known in the Department of Finance. He is a most capable man and I think could be classified as a monetary expert. Why he has been added to the delegation is beyond me.

20. Mr. McMahon Ball was and again is a member of the staff of Melbourne University. For some time, as a war job, he acted as head of the Short Wave Division of the Australian Broadcasting Commission. This Division acted in close cooperation with the Political Warfare Division. He resigned because of his inability to get along with the Department of Information when the short-wave activities were subject to the control of that Department. He returned to the University and has since been on the air regularly as a news commentator. O.W.I. officials tell me that Mr. McMahon Ball will report to Australians on the progress of the Conference by air from San Francisco.

21. I do not know anything about Mr. Raymont of the Returned Soldiers League but again this is purely a political appointment to placate the Returned Soldiers organizations.

22. Last but not least on the list of Assistants is Mrs. Jessie Street. Why she has been appointed nobody knows. She is the wife of Mr. Justice Street of the New South Wales Bench, or perhaps it would be more correct to say that Mr. Justice Street is the husband of Mrs. Jessie Street. She ran in the last election as the Labour Candidate in one of the Sydney Ridings in which a lot of the blue-bloods live. On the one hand she mixes with this element, owing to her husband's position, and on the other hand, she holds herself out as a liberal socialist. I doubt if anybody in the Labour Party has much faith in her protestations. She is very talkative and perhaps I could concisely describe her as a well-known Australian battle-axe. If the San Francisco Conference is a peace conference, then I do not know why she is being sent to it as there won't be much peace for anybody with whom she is associated. It is evident that her appointment is very seriously disapproved of by the Labour Members in the House, and if it had not been that she was selected

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by Mr. Curtin there would have been an uproar about it.

23. All in all it is a most peculiar outfit for any country to send anywhere and what this group of Assistants are going to do and why they are sent, other than for purely domestic political reasons, is far beyond me.

24. In my telegram No. 82 of February 20th, I informed you that Mr. Curtin had asked me confidentially and informally whether the Canadian Prime Minister contemplated selecting any persons from the Opposition as members of the delegation to the San Francisco Conference, adding that he was inclined to do this, following the example of the United States. In your reply, telegram No. 79 of February 23rd, Mr. Robertson indicated that you were giving consideration to the possibility of including Members of the Opposition in the delegation but were not yet persuaded that this was advisable. Mr. Robertson then went on to explain the quite different constitutional position in the United States in regard to the ratification of treaties by the Senate and the separation of powers between the executive and the legislature. I immediately communicated this information to Mr. Curtin in an interview. Our conversation left me with the impression that he had hastily seized upon the much-publicized announcement of the United States delegation, including Republican Senator Vandenberg, ex-Governor Stassen and Miss Gildersleeve, without giving thought to the very different constitutional position here under the parliamentary system. However, it seems that Mr. Curtin was pretty well committed to having Opposition Members of Parliament in the delegation when I had this interview with him on February 26th.

25. One is left with the feeling that Mr. Curtin handled the representation of Australia at the London and San Francisco Conferences very badly and far too hastily. His intimation of a British Commonwealth gathering in London was premature, and I would guess unauthorized. It seems to me to have been incorrect to make a statement in Parliament listing the delegates to the San Francisco Conference, before the formal invitation to attend this Conference was received.

I have the honor to be ,
Sir,
Your obedient servant,

(T.C. Davis)
High Commissioner for Canada.

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GRAYDON March 21, 1945 (Hansard pp 66 - 72) London meeting

1) "no adequate explanation" why a Minister of the Government had not been despatched overseas to take part in a meeting of Commonwealth Representatives.

C233840

The invitation to attend this meeting when first extended on behalf of the United Kingdom Government by the Secretary of State for Dominion Affairs (Lord Cranborne) recognized that it might not be possible for me personally to attend, and indicated that in this event any representative from my Department (External Affairs) would be an agreeable representative in this meeting at the official level.

I explained that because the Parliament of Canada would be in session it would be very difficult for any Minister to be present in London.

The Associate Under-Secretary of State for External Affairs (Mr. Hume Wrong) is thoroughly conversant with the matters which may come up for discussion in London. I should like to make it clear that what is proposed is an exchange of views and not a formulation of policy.

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San Francisco Conference

Commonwealth Meeting in London

Mr. Graydon (p. 66 Hansard March 21, 1945):

> "His reference to the meeting of commonwealth representatives which will take place shortly in London gave no adequate explanation as to why a minister of this government had not been dispatched overseas to take part in such an important gathering."

Suggested Reply:

The meeting at London is being held as an exchange of views among the Commonwealth Nations prior to the San Francisco Conference. There is no thought or intention of deliberately concerting the views of the members of the Commonwealth. Since no decisions are to be taken, even tentatively, there is no pressing need of representation at the cabinet level.

Had Parliament not been in session and had other matters not called for urgent attention before the Conference at San Francisco, I should have endeavoured to be present myself at the London meeting. Circumstances being what they are, it is quite evident that the proper place for Ministers of the Crown is here in this Parliament so long as the session continues.

Canada moreover will be adequately represented at London by Mr. Wrong and Mr. Massey who will be able to keep me fully informed of the deliberations day by day as they occur. In addition Mr. Wrong will be able to make a full report to the government upon his return.

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Policy with respect to Amendments.

Mr.Graydon (p. 66 of Hansard of March 21st,1945).

I should like the Prime Minister to indicate to the House, if he will, before the debate closes, what his government has in mind with respect to proposed amendments which may properly come before the conference and which have not been mentioned by him so far in this debate.

Suggested reply:

It seems likely that there will be put forward at San Francisco a large number of amendments sponsored by different delegations. We cannot know yet what these amendments will be. I may remind my Hon. friend that the Dumbarton Oaks proposals are no more than a draft offered as a basis for discussion by the four inviting governments. The Canadian delegation will certainly feel free to propose and to support any amendments, the adoption of which would be in the interests of Canada

Canadian policy requires "delineation"

Mr. Graydon (p.66 of Hansard of March 21st,1945).

A close scrutiny of the Prime Minister's address would indicate that the government intends to take the Canadian delegation to San Francisco without any clear delineation of policy prior to arrival there. Evidently Canada's real position is to be left until the San Francisco Conference is held, and that, in my humble opinion, is not good enough in the circumstances.

Suggested reply:

I am rather at a loss to determine the ground on which my Hon.friend has based this statement. I think that in

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my speech moving this motion I gave to the House a clear and comprehensive outline of the Government's views on the establishment of a world organization and also set forth the attitude which the Government intends to adopt towards the development and amendment of the proposals during the deliberations at San Francisco.

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Amendments Proposed by Other Governments.

Mr.Graydon. (p.67 of Hansard of March 21,1945)

C233844

On this point, as well as others, this house would like to know if any other governments have sent in proposals or amendments relative to the Dumbarton Oaks proposals. If they have done so, has Canada received copies of them? If so, such proposals or amendments should be made public or tabled in this House.

Suggested reply:

While the Government has received from some of the other United Nations expressions of their views on the Dumbarton Oaks proposals and suggestions for their alteration, most of these have been communicated in confidence and it is, therefore, not open to me to make them public. The Netherlands Government, however, has recently made public its commentary and suggestions, and I am putting a copy in the Library for the information of ... ements - Time of Negotiation.

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C233845

HW/AH
March 21st, 1945.

MEMORANDUM FOR THE PRIME MINISTER

There follow suggested answers to four questions which were asked by Mr. R.B. Hanson at the conclusion of your speech on March 20th.

Question 1. It occurs to me....that the preservation of peace for tomorrow and for the future.... depends not upon this new league of nations but upon the attitude of the three great powers, Great Britain, the United States and Russia toward whatever agreement is reached among them outside the framework of the Dumbarton Oaks agreement.....We all desire peace; but does not the preservation of peace in the future depend upon the attitude of these three great powers?

Suggested answer.

It is true that great wars have their origin in differences between great powers and from this it follows that friendly relations between the Soviet Union, the United States and the United Kingdom are necessary to ensure the peace of the world. It is superfluous, however, to compare the contribution to world peace which would be made by the maintenance of intimate and friendly relations between these three countries with the operation of a general system of world security. The achievement of a world security system on the lines of the Dumbarton Oaks proposals would mean that the great powers were bound to observe in their relations with each other and with the rest of the world the purposes and principles on which the proposals are based. It would, furthermore, obligate them to consider together and with the other members of the Security Council any threats to peace which might arise. The World Organization ought, therefore, to be a very important complement to the normal means for the conduct of foreign affairs between the greater powers, in addition to its central objects.

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Revision of Peace Treaties

(9)

Mr.Graydon. (p.67 of Hansard of March 21,1945) C233[illegible]46

In his reply in this debate I would ask him, if he will, to make clear his interpretation with respect to the powers of the new security organization, particularly with reference to the question of the revision of any part or all of the peace treaties which may be made prior to the United Nations Charter going into effect.

Suggested reply:

One of the difficult questions which will have to be considered at San Francisco concerns the authority of the new organization to encourage or bring about the revision of treaties. On the one hand it is clearly desirable that the process of "peaceful change" should be furthered so that international engagements that have become inappropriate or outdated can be equitably altered to meet new conditions. On the other hand, respect for treaty obligations is the keystone of the structure of international law, ~~and no encouragement must be given to departure from the maxim "pacta sunt servanda"~~. I hope that at San Francisco it may prove possible to agree on provisions which

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will facilitate the revision of treaties while at the same time maintaining in its integrity the principle that international obligations must be faithfully carried out.

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San Francisco Conference

Composition of delegation

Mr. Graydon (p. 67 Hansard March 21, 1945):

> "I had hoped the Prime Minister would give a more detailed account, first as to how this broad representation was to be achieved, and second, as to the status of those who will be chosen outside of the normal government ranks."
>
> "Our party now ask that we be given by the Prime Minister the right to choose our own delegates."

Suggested Reply:

Under our system of government, the government in office must assume full responsibility for all acts of the administration, even after the dissolution of Parliament, until the electorate has spoken and a new government has been formed. It is a part of the responsibility of the government to select the representatives of Canada at international conferences, and we ~~do not propose~~ shall not seek to abdicate that responsibility.

By adopting the principle that the delegates chosen to attend the San Francisco Conference would be selected from the present Parliament, the government felt it was limiting the selection to the one body which represents the entire nation. To adopt any other course would be to substitute the government's own arbitrary opinion as to what persons might appropriately represent Canada ~~for the opinion of the electorate~~.

Moreover, since the Leader of the opposition has referred to the United States, I might point out that the Republican members

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of the United States delegation were selected not by the Republican party but by the Administration. also for ex. - Sir Gouverneur Jaffray

Mr. Graydon (p. 67)

> "I suggest, therefore, that the delegation to San Francisco cannot be confined to representatives of parties sitting in a dying parliament. In my opinion it should be enlarged to give proper representation to agriculture, labour, veterans of the last war, service men or veterans of this war, as well as industry and business."

This suggestion illustrates, I believe, the wisdom of the government's decision to confine representation on the delegation to Members of Parliament. Once we go outside Parliament it will be almost impossible to draw the line anywhere. Parliament, as I have said, represents the whole nation and every element in the nation. The fact that a man or woman has been elected to Parliament invests that person with a national representative capacity. ~~While we might have wished that there had been in existence a Parliament with a fresh mandate from the people, we must make the best of the Parliament we have.~~ (Incidentally the United Kingdom delegates will, I understand, all be Members of a Parliament elected not five but ten years ago.)

Mr. Graydon (p. 67)

> "Further in the Prime Minister's speech he states that the government itself will, of course, assume its constitutional responsibility both for the selection of

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the delegation and for any decisions which are agreed upon at San Francisco. This raises at once the question as to the status of the delegates the government will choose outside of its own supporters. Will they go as full-fledged delegates? Will they go as advisers, or what will be their capacity? Will they have the same freedom to express their view at San Francisco as is claimed by the representatives of the Republican party in the United States; and will there be any prior consultation among the delegates who will go to the conference?"

As to the exact status and designation of the non-governmental members of the delegation, I should prefer not to make a definite pronouncement until there has been an opportunity to discuss the matter with those the government proposes to invite.

The government would not seek to bind its political opponents in advance to accept the responsibility for every decision agreed to by the Canadian delegation at San Francisco. It is obvious that, if we tried to do so, no member of the opposition would associate himself with the delegation. The governmental delegates must therefore take full responsibility for every decision reached.

It would, however, be my hope that there would be so large a measure of agreement as to Canadian interests that, in practice, little if any divergence of view on fundamental points would arise within the Canadian delegation. It is

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clear that the wider the measure of common agreement among Canadians the greater will be the influence of Canada at San Francisco.

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(13)

Promotion of Trade

Mr.Graydon. (p. 68 of Hansard of March 21, 1945)

> Too little was said by the Prime Minister and too little has been said in this debate on the question of opening the channels of trade.....When the Prime Minister replies I suggest he give his views with respect to the possible functions and powers of the economic and social council in this regard.

Suggested reply.

I cordially agree with the Leader of the Opposition that world peace and world trade are inseparable partners. There is not much I can add to my earlier statement with regard to the functions of the Economic and Social Council in this connection. I do not expect that questions of trade will arise

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directly at San Francisco. We shall be concerned there with a new world order in which it is to be h oped that trade can flourish as never before. The General Assembly and the Economic and Social Council would have the responsibility in the World Organization for facilitating "solutions of international economic, social and other humanitarian problems and promoting respect for human rights and fundamental freedoms". There will be specialized international bodies brought into relation with the Economic and Social Council dealing with various aspects of these general functions. Promotion of trade is undoubtedly an essential element in promoting human welfare but it must be carried on through many agencies.

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Hon. members.

Mr. Graydon.

Military Agree... ...me of Negotiation.
Military Agreements - commitments
(p.68 of Hansard of March 21, 1945)

2 interpretations

With respect to these points I should like the Prime Minister to make clear when the agreements which are mentioned in the Dumbarton Oaks proposals, and referred to in his speech yesterday, are likely to be entered into by the states subscribing to the charter, and this is what I mean by that statement. Will there be any agreements entered into at San Francisco, or will the agreements be entered into after approval and ratification of the charter have been given by the respective governments, or will the agreements be entered into only after the peace treaties have been signed?

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Suggested reply:

I said in my statement of March 20th that there was "a good deal of obscurity" about the methods whereby the proposals relating to military agreements would be developed and I would not have spoken in this way if I had been in the position to answer the questions asked by the Leader of the Opposition. I can, I think, deal definitely with one of his points. No military agreements will be negotiated at San Francisco nor could any such agreements come into effect under the proposals until after they had secured the approval of the Security Council. I suppose no one can now say just when the agreements would be concluded if the provisions relating to them are included in the Charter.

Military Agreements - extent of Canadian Contribution

Mr.Graydon. (p. 68 of Hansard of March 21st,1945)

> It would appear that the extent of our contribution with respect to force will be governed by the agreements rather than by the charter itself. We should be told whether there will be one blanket agreement covering all our contributions in this regard or whether there will have to be a special agreement covering each particular operation in which the organization may require men and equipment, and, if so, will each of these special agreements have to come before Parliament for approval and ratification in each instance?

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~~Suggested Reply:~~

Here ,too, I am unable to give much further information except to state positively that under the proposals as they stand any military agreement involving a contribution from Canada or any other Member State would be subject "to ratification by the signatory states in accordance with their constitutional processes". The general scheme put forward in the proposals is designed to make it possible for the Security Council to know in advance what "armed forces, facilities and assistance" would be available to it to deal with whatever dangers might arise.

Other countries as well as Canada to be consulted.

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Re Statutory commitments

JAG/
25:iii:45

Note re Questions 10, 11, and 16¢ Parliaments

2 interpretations (one right, other wrong) In my own statement on March 20. I said, in part (Hansard, p. 27):

C233857

the exact wrong interpretation now

> As they stand, the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the security council. If any such commitment were sought, it would be embodied in a later agreement, freely negotiated by the Government of Canada, and coming into effect only after it had been approved by Parliament.

This was intended to be, and it was, a simple statement of fact of the position under the proposals as they stand. It was not intended to bear the construction which has been put upon it, unwarrantably in my view, by certain hon. members opposite. It did not convey any impression

i) that in entering a world organization Canada has not very much to worry about, (nor) that there is very little obligation;

ii) that the government was trying to escape ("leave open an exit") from some of the obligations that Canada will be asked to assume at San Francisco , thereby implying that such action was an attempt to appease the isolationists of Canada;

iii) that it was offered "as a sop to the isolationism or the little Canadianism of a minority in this country in order to ensure support for the resolution".

Still less did my words intend to create the impression that, to quote the hon. member of Lake Centre,

iv) that, instead of doing her part "to underwrite collective security absolutely and unequivocally, Canada will underwrite it conditionally and partially".

What the Canadian commitments for the wonderwriting of collective securiy may eventually be cannot be forseen at this moment. It is clear, I think, that the extent of Canadian contributions towards pooled armed forces can only be determined after it is known what the commitments and contributions of the great powers will themselves be. ~~More than this, I am not sure that a specific assurance in quantitative terms can reasonably be given in advance of the discussions at San Francisco~~

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(1) Mr. Green says it did not help to have
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the Prime Minister use the words:

> ....."as they stand the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the Security Council".

Mr. Green represents that this is a return to the "no commitment" policy of pre-war days and he argues that it gives the impression that Canada has very little obligation to assume and that the government is still trying to leave open an exit from some of the obligations that Canada will be asked to assume at San Francisco.

~~Comment~~:

This is a curious line for a member of the Progressive Conservative party to take. I cannot remember that there was any outspoken support for any policy of commitments in advance from the Conservative side of the House from 1930 onwards. ~~The Prime Minister's~~ [illegible]

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statement was a simple statement of fact, and to say that it is an attempt to appease the isolationists of Canada is reading into it an unwarranted construction. ~~It is, at the same time, a kind of confession of inability to appreciate what the position of Canada really is.~~

There is one inescapable answer to ~~Mr. Green~~ Parliament and the country on this point. ~~No one asked Canada to make~~ There was no commitment about going into this war. There was no "commitment" about the over-all total of Canada's war effort. There never was a commitment to stop fighting on a certain day. ~~Mr. Green is raising a false issue when he attributes any such intention to the government.~~

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End

If another Great War breaks out in 20 or 30 years, we can be sure it will be more horrible than this war, which was more horrible than the last one. The barbarisms of our enemies today greatly exceed those of our enemies of a generation ago, but in another war the last restraints would go and unrestrained savagery equipped with new and frightful weapons would spread over the world. All should hope San Francisco Conference will result in effective agreement. ~~Even if charter has many defects, acceptance of it may be wise.~~ Draft proposals and ~~proceedings~~ at San Francisco should be approached hopefully with full realization of the difficulties but full recognition of the great importance of achieving a strong association of the nations of the world.

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Views communicated to Great Powers

Mr.Graydon (p.66 of Hansard, March 21st,1945) C233861

Do we understand, therefore, that the views expressed in his address of yesterday cover all of the government's policy as communicated to the greater powers? We should know whether this government has advanced views to the greater powers which have not been made known in Parliament.

Suggested reply:

In my statement on March 20th I made known to Parliament the entire substance of the views which were communicated some months ago to the greater powers.

Relation to League of Nations

Mr.Graydon (p.66 of Hansard, March 21st,1945).

What will then be the status of the old league and its various collateral organizations? Will they be absorbed in the new set-up, or will the old organization and its collaterals be disbanded altogether?

Suggested reply: C233862

It should be remembered that the major part of the contribution of Canada to the League of Nations included in the main estimates is for the support of the International Labour Organization, amounting to nearly 60% of the total. It is

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certainly our desire and intention to ensure the continued existence of the I.L.O. and to support the maintenance, without any break of continuity, of a number of the valuable technical activities of the League, such as the supervision of the conventions governing international traffic in narcotics/and the collection and dissemination of information on international economic statistics, public health and so on. There are complicated legal problems to solve by international agreement before methods can be worked out for the replacement of the Covenant of the League of Nations in all its aspects by the Charter of the new organization.

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San Francisco Conference

C233864

The "Single Voice" Argument.

(See attached statement by Mr. Howard Green)

Suggested Reply:-

The Honourable Member for Vancouver South in the course of his speech repeated arguments which he has previously employed in this House to the effect that the British Commonwealth ought to be represented as such in the World Organization and ought, therefore, in all international matters to act as a unit. I do not propose to weary the House by going once more at any length into this issue. I think, however, that I may take the liberty of reading some passages from the remarks which I made in this Chamber on August 4th of last year and of pointing out that I have not yet heard from the Honourable Member or those few in Canada who share his views any answer to the questions which I then asked.

(Here might be quoted the last three paragraphs on page 10 of the attached print.)

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San Francisco Conference

Unrevised Hansard
March 22nd, 1945, pages 119-20

Mr. Green:

There is great importance attached to a permanent seat on the security council. Under the Dumbarton Oaks and Yalta proposals Canada will never have a permanent seat on that council, though occasionally she may have a non-permanent seat. In other words she will seldom be a member of that council. That is a humiliating position for a nation that has raised nearly a million men during the present conflict and has given so freely of her blood and treasure. In effect, Canada is in the same position as the Irish Free State.

The Prime Minister now bewails our position, yet it is a direct result of the policies of his government. Had the Canadian government so willed, the great world power at Dumbarton Oaks could have been the British commonwealth of nations rather than the United Kingdom of Great Britain and Northern Ireland. The British commonwealth of nations could have been the power named in the Dumbarton Oaks proposals as the power to hold a permanent seat on the security council. There can be no doubt of the attitude of Great Britain; Churchill and Eden have shown it on different occasions as clearly as they dared. I have here the press dispatch of a speech made by Mr. Eden in the British House of Commons over a year ago, in which he said that "if a close and intimate understanding could be achieved between the British commonwealth of nations, the United States and Russia, all our problems, however difficult, can be resolved." He did not say Great Britain, the United States and Russia; he mentioned the British commonwealth of nations. In October of last year, while in Russia, Mr. Churchill said:

> I hope most earnestly and I believe with deep conviction that the warrior statesman at the head of Russia, through these years of storm and tempest will bring his country into the sunlight of a broader and happier age for all, and with him in this task will march the British commonwealth of nations and the mighty United States of America.

Here again Mr. Churchill did not use the term Great Britain; he was very careful to say the British commonwealth of nations. But our Prime Minister has maintained throughout that this great power must be the United Kingdom alone. On July 20 of last year he was asked in this house about the meeting at Dumbarton Oaks. He was asked who were to be the four great powers represented there. This was his answer, as it appears in *Hansard:*

> The purpose of the meeting is that these four powers may consider the development of a general plan of world security. There wil be only the four powers at the meeting.

Then the leader of the opposition asked whether it was to be understood that the British commonwealth was included in those powers, or just the United Kingdom, to which the Prime Minister replied:

> The four powers are the United Kingdom, the United States, the U.S.S.R. and China.

The actual fact is that the third great power in the world to-day is not the United Kingdom but the British commonwealth. There have been almost a million young Canadians in the forces, hundreds of thousands of Australians and thousands of New Zealanders and South Africans, as well as something like two million from India. So that between three and four million men who have been fighting in this war under the British commonwealth did not come from the United Kingdom of Great Britain and Northern Ireland.

The government's policy has been and is to-day based upon a false premise, with the result that now Canada finds herself in a humiliating position. But she can still get out of it. The way to get out of this humiliating position is not to shout for a seat for herself on the security council and to give more trouble in that way. The way for her to get out is to ask that in the charter provision be made for a permanent seat on the security council for the British commonwealth rather than for the United Kingdom and Northern Ireland.

I am sure there will be no objection to that request in Great Britain. I have here a dispatch from Great Britain dated March 2, and reading as follows:

> Third leg of the massive tripod that is to sustain this structure of world order has to be provided by British power. Resources of this small island are inadequate for this, and only world-wide cooperation by the British commonwealth can be regarded as sufficient. Sovereign freedom of each dominion is no bar to action in peace, with similar concert as in war.

Thus if Canada makes this request, and if it is granted, Canada, still with a seat on the assembly, will be sitting in permanently on the security council, where the important decisions are being made. She will be sitting in as a very important part of one of the three greatest world powers, playing a vital role, making her greatest possible contribution to world peace, taking the place won for her by her sons on the field of battle, on the seas and in the air, in all parts of the world, and working with the other nations of the commonwealth as a team, in peace, as we have done in two wars. We would be taking our natural position

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San Francisco Conference

C233866

Canadian Commitments to Impose Sanctions

(See extracts attached from Mr. Green, Mr. Wilfrid LaCroix and Mr. Dorion)

Suggested Reply:

I am sure the House will be interested to note that the government has been attacked from two opposite points of view regarding the references in my statement of March 20th to the military aspects of the Dumbarton Oaks proposals. It is, of course, not the first time that the extreme imperialists and the extreme isolationists have found common ground in the public life of our country. The Honourable Member for Vancouver South states that he has suspicions that the government will refuse to make firm commitments to use force to prevent attempts at aggression. The Honourable Member for Quebec-Montmorency, supported by the Honourable Member for Charlevoix-Saguenay, assumes that the government intends to make commitments which will be binding on a future parliament and a future government. These two criticisms cancel one another out. The resolution itself provides that any instrument agreed to by the government at San Francisco should be submitted to parliament before ratification. The resolution does not even ask the House to approve the negotiation of the military agreements envisaged in the proposals. It

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certainly cannot conceivably be regarded as carrying any pledge or implication to impose conscription in peace-time to provide forces which might be placed at the call of the Security Council. I might say, however, that conscription is far more likely to be necessary in future if no effort is made to maintain international peace and security than if some effort, however imperfect, is made to prevent the recurrence of war. At the same time, I am somewhat surprised that the Honourable Member for Vancouver South should have so distorted the meaning of my statement so as to imply that words used merely to describe the proposals of the four inviting governments were intended in any way to express the view of the Canadian government. What I actually did say about the military agreements was that there was a good deal of obscurity as to how it was intended they should be negotiated, and I meant by that statement to imply that the Canadian government would naturally wish to know precisely what commitments we were being asked to make before commitments were entered into.

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C233383

San Francisco Conference

Unrevised Hansard
March 22nd, 1945.

Mr. Green:

Page 117

The Canadian House of Commons, the Canadian people, had better face that fact, had better realize that there may be a price to be paid in Canadian blood for world peace. I believe that Canadians will face it and will be prepared to pay that price. But it did not help to have the Prime Minister use these words in this speech of March 20, 1945, as reported at page 27 of *Hansard* of that date:

As they stand, the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the security council.

I realize that that statement can be interpreted in two ways. It can be said that what was meant was that in the first agreement which providing between Canada and the new world organization for the forces that Canada must furnish, there would also have to be special provision if these troops were to be sent beyond the boundaries of Canada. But it may also be interpreted in another way, and I fear that it will be interpreted the other way by some of the Prime Minister's followers in the election campaign this year. It can be interpreted to mean that when trouble comes Canada will not have to send any men beyond her boundaries unless there is an agreement made at that time that such shall be done. If every nation or only a few nations take that position, there will be no effective world organization. The tragedy of his statement is that it gives the impression that in entering a world organization Canada has not very much to worry about, that there is very little obligation. . . . . .

. . . . . .

Page 118

The Prime Minister showed the same attitude with regard to Canada imposing sanctions. His statement will be found at page 30 of *Hansard* of March 20, where he used these words:

It would seem to be desirable to develop some procedure whereby states not represented on the security council—

Which, of course, under the present provisions will be Canada's position most of the time.

—would not be called upon to undertake serious enforcement action without the opportunity or participating in the council's proceedings, or without agreeing separately to—

Here is the damaging part of the statement.

—or without agreeing separately to join in executing the decisions of the council.

That would probably mean a delay. It might defeat the whole purpose of sanctions being imposed.

. . . . . .

Page 118

I hesitate to be suspicious, but it looks to me like an attempt to appease the isolationists of Canada. In any event it is a very disturbing attitude. Our delegation must make clear at San Francisco that Canada is prepared to make commitments, to stand by them not only in word but in deed and with no thought of evasion.

. . . . . .

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C233869

San Francisco Conference

Translation

Unrevised Hansard
March 21st, 1945, pages 1-2

original French at - p. 104

Mr. Wilfrid LaCroix:

As the Russian government is wholly under the control of a dictator, Stalin, just as the German government is under the control of Hitler, one can easily imagine the adventure toward which we are heading by going to San Francisco. Such an adventure will be all the more regrettable as it will mean for this country permanent enforcement of conscription so that we may play our part in the international army which will have to maintain order in the world. That is an absurd and idiotic policy for a young country like ours, whose population is just 12 million, with an area as large as Europe awaiting development. Why should we not imitate Ireland and the Irish who, unlike us, remain first and before all Irishmen and do not accept as binding decisions that may be taken by the London government if they are against their interests.

. Further, as the hon. member for Laval-Two Mountains (Mr. Lacombe) so aptly said, what mandate has the present government to thus commit the future of our country? It has no such mandate. And I am convinced that notwithstanding the statements made by the Prime Minister the decisions which will be reached at San Francisco will be submitted to the new parliament as a fait accompli. Can we expect that the three groups present in this house will refuse to ratify them? I do not think so, for the present Prime Minister has become as much of a Tory as the staunchest of the imperialists who sit opposite him, and although he had about 160 supporters in the present house, he readily yielded to all the demands of the 39 Conservative members opposite.

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C233[illegible]

San Francisco Conference

Unrevised Hansard
March 22nd, 1945, page 128.

Mr. Dorion:

To-day through this resolution we are asked to declare, right off, that we will participate in any future war in the world. That is the real point. That is the only meaning of our accepting this resolution and our participation in the San Francisco conference. The question is: Shall we consent to engage ourselves and our country in participation in any war that may arise in the years to come in any part of the world?

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GRAYDON March 21, 1945 (headings used by Montreal GAZETTE) (March 22/45)

C233871

1) Role of Canada at San Francisco must be to tighten Empire ties; close bonds vital

Comment: The Conference at San Francisco is a conference of the UNITED NATIONS to consider a charter for a GENERAL INTERNATIONAL ORGANIZATION for the maintenance of peace and security. Just why a conference on this basis and with this objective should HAVE to tighten Empire ties is not clear.

2) U.S. /sic/ Relationship should be closer

(This is evidently a slip: the probable intention was to write "UK".

C233872 HW/AH March 22nd, 1945.

San Francisco Conference.

Commonwealth Collaboration at San Francisco

Mr.Graydon (p.66 of Hansard, March 21st, 1945).

Nor was there anything in his speech to indicate what position Canada was taking with respect to close collaboration with the United Kingdom and other units of the Commonwealth when the San Francisco Conference is convened.

Suggested reply:

I have already referred in the House to the consultations between Commonwealth Governments on world organization which have been a continuous process for many months. It is, of course, my intention that these consultations should be continued between the delegations at San Francisco.

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HW/AH
March 23rd, 1945.

San Francisco Conference.

C233873

This note contains suggested replies to two further enquiries which have been made in the course of the current debate.

Regional Security Organization in the Pacific

Mr. Green (p.121) asked question on what the Government would be proposing at San Francisco on this subject after enumerating matters such as the airways across Canada to Asia and Australasia, the Alaska Highway and so on.

Suggested Reply: The Hon. member for Vancouver South asked me a comprehensive question concerning the possible regional organization in the Pacific. I fully agree with him that whatever may be done in this connection is of great concern to the Province of British Columbia as well as to the whole of Canada. I must be excused, however, from making any attempt to forecast the nature of such regional arrangements as may in time be developed in the Pacific. The immediate problem of Pacific security is to bring about the complete defeat of Japan and I can say with confidence that the Allies in the war against Japan have created an organization which is proving most effective for attaining that object.

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23.3.45
J. A. G.

Confidential

C233874

MEMORANDUM FOR THE PRIME MINISTER:

San Francisco Conference - United States Delegation

Mr. Wrong has told me that at his request Mr. Escott Reid made enquiries at the State Department whether in naming those United States delegates who are members of the Republican party, the President consulted the leaders of that party.

The State Department told Mr. Reid they could not give a specific answer on this point without going to the President himself. They implied that the President would not like to have his own views quoted, but they were "pretty certain" that he had not consulted Republican leaders.

The State Department added that two of the Republican choice were "fairly obvious" - Congressman Eaton, because he was the ranking minority members of the House Committee on Foreign Affairs, and Senator Vandenburg (though he is not a ranking members of the Senate Committee on Foreign Relations) because of the considerable publicity to his statements on the post-war treatment of Germany. The only doubtful choice concerned former Governor Stassen. It was suggested that if Republican leaders had been consulted they might not have suggested his name.

J. A. G.

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W.L.M. K. / SFC

C233875

Memorandum for the Prime Minister:

Re: San Francisco Resolution.

Attached are:

1. An outline of the order in which the topics raised in debate might be dealt with, together with Hansard references and a few brief comments.

2. Some additional suggestions for replies to questions not previously covered.

3. Glazebrook's book on the Paris Peace Conference which contains Doherty's Memorandum on Article X as an appendix; also an account on p.123 of the Canadian attitude to commitments.

   The book is full of references to Borden's struggle for recognition of Canada's separate status.

J.W.P.

March 24, 1945.

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Debate on World Security:
Questions arising

1)	Relationship between world Security Organization and the Great Powers	Hanson	32
2)	Communications from Canada to the inviting governments	Hanson Graydon	33 66
3)	Instructions to Canadian Representatives at London meeting - why no Ministerial representation	Hanson Graydon	33 66
4)	Why was Canada not represented at Dumbarton Oaks discussions	Hanson	33
5)	What will be status of "old League" & its various collateral agencies	Graydon	66
6)	Amendments (if any) proposed by Canada; relations with peace treaties	Graydon	66, 67
7)	Representative character of Canadian delegation; status of delegates	Graydon	67
8)	What agreements may be entered into at San Francisco - will they be before or after peace treaties have been signed ?	Graydon	68
	Will there be one blanket agreement, or separate agreements covering each operation ?	Graydon	68
9)	Possible functions and powers of the Economic and Social Council	Graydon	68
10)	Extent of Canadian commitments under proposals as they stand (PM p.27).	Graydon Green Diefenbaker	67 117 168

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11)	Is the government trying to escape from some of its prospective obligations as a means of appeasing isolationists ?	C233877 Green		118
12)	Dumbarton Oaks proposals ignore the existence of British Commonwealth of Nations (implied at the suggestion of the Govt of Canada); a permanent Commonwealth Seat ?	Green		120, 121
13)	Relationships of Canada as a secondary power or as a leader of the smaller powers ? (Canada trying "to shove the small nations one rung further down the ladder" (Green)	Green Deifenbaker		120, 121 167, 168
14)	Allocation of non-permanent seats on Security Council to nations able to place "a high minimum of force" at the disposal of the Council ? Canadian disposition re ?	Diefenbaker "		167 167
15)	Parliamentary sanction for sending Canadian manpower abroad at direction of Security Council ? Reactions on U.S. opinion of this qn?	Diefenbaker		167
16)	Instead of underwriting world security absolutely and unequivocally, will Canada undwewrite it conditionally and partially? (see also No. 10, above)	Diefenbaker		169

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JAG/
25:111:45

MEMORANDUM FOR THE PRIME MINISTER: C233378

Debate on World Security Organization.

On the attached two pages I have set down what seemed to me to be the principal questions raised in the debate for which answers ought to be given. I have indicated the names of the Progressive-Conservative members concerned, and the page numbers in Hansard at which the references appear.

I have also added, on separate sheets, some impressions and comments arising from the general course of the debate so far. In this I have chiefly in mind a combatting of the idea that the Canadian intention from the start is intended to be "to whittle down /Canada's/ responsibilities towards the nations of the world and toward the preservation of world peace, in advance of the conference")Mr. Diefenbaker at p. 169).

I think that Graydon, Green and Diefenbaker have all (especially the latter two) read an unwarranted construction into what was in your own statement (page 27) a simple statement of fact. It may be that we should have anticipated such a reaction, but in any even it seems desirable to provide an answer to this point which will correct any supposition that on this point you are on the defensive. I have therefore attempted to set down some ideas under this head.

While this is the point to which I attach the greatest importance, I will set down some points under other heads as well.

J.A.G.

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Note re Questions 10, 11, and 16é JAG/ C233[illegible] 25:iii:45

In my own statement on March 20. I said, in part (Hansard, p. 27):

> As they stand, the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the security council. If any such commitment were sought, it would be embodied in a later agreement, freely negotiated by the Government of Canada, and coming into effect only after it had been approved by Parliament.

This was intended to be, and it was, a simple statement of fact of the position under the proposals as they stand. It was not intended to bear the construction which has been put upon it, unwarrantably in my view, by certain hon. members opposite. It did not convey any impression

i) that in entering a world organization Canada has not very much to worry about, (nor) that there is very little obligation;

ii) that the government was trying to escape ("leave open an exit") from some of the obligations that Canada will be asked to assume at San Francisco , thereby implying that such action was an attempt to appease the isolationists of Canada;

iii) that it was offered "as a sop to the isolationism or the little Canadianism of a minority in this country in order to ensure support for the resolution".

Still less did my words intend to create the impression that, to quote the hon. member of Lake Centre,

iv) that, instead of doing her part "to underwrite collective security absolutely and unequivocally, Canada will underwrite it conditionally and partially".

What the Canadian commitments for the wonderwriting of collective securiy may eventually be cannot be forseen at this moment. It is clear, I think, that the extent of Canadian contributions towards pooled armed forces can only be determined after it is known what the commitments and contributions of the great powers will themselves be. More than this, I am not sure that a specific assurance in quantitative terms can reasonably be given in advance of the discussions at San Francisco themselves

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GRAYDON March 21, 1945 (Hansard pp 66 - 72)

1) "no adequate explanation" why a Minister of the Government had not been despatched overseas to take part in a meeting of Commonwealth Representatives.

The invitation to attend this meeting when first extended on behalf of the United Kingdom Government by the Secretary of State for Dominion Affairs (Lord Cranborne) recognized that it might not be possible for me personally to attend, and indicated that in this event any representative from my Department (External Affairs) would be an agreeable representative in this meeting at the official level.

I explained that because the Parliament of Canada would be in session it would be very difficult for any Minister to be present in London.

The Associate Under-Secretary of State for External Affairs (Mr. Hume Wrong) is thoroughly conversant with the matters which may come up for discussion in London. I should like to make it clear that what is proposed is an exchange of views and not a formulation of policy.

2) NOTHING "to indidate what position was taking with respect to close ccollaboration with the United Kingdom and other units of the Commonwealth when the San Francisco Conference is convened".

The process of continuous consultation and exchange of views which works so well among the various nations of the Commonwealth has already enabled us to give and to receive expressions of views. We have been kept informed of views of the United Kingdom Government on the proposals themselves. There has been no suggestion that we should have to declare a "position" on the question of "close collaboration"; that may be taken as what will happen at San Francisco without in any way abridging our right to present our own views on any question which arises.

3) When the new Organization is set up, what will be the status of the old League /of Nations/ and its various collateral oeganizations? Will they be absorbed in the new set-up, or will the old Organization and its collaterals be disbanded altogether ?

No decision about the status of the League of Nations in relation tothe new organization can be taken in advance of the proceedings at San Francisco. If agreement on the proposed Charter is reached, steps can then be taken to deal with the older organization.

In my statement on Tuesday last I indicated that many activities of a social and humanitarian character might be conducted directly under the supervision of the Economic and ~~XXXXXXX~~ Social Council of the proposed Organization. Some of these services would probably be for the most part a continuation of the very useful activities directed from Geneva.

I spoke also of a number of large inter-governmental bodies - some already functioning, of which I cited the International Labour Organization - which might be related to the World Organization by agreements reached between them and the Economic and Social Council.

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(66) "Do we understand . . that the views expressed /in the Prime Minister's statement/ coverall of the government's policy as communicated to the Greater Powers ? We should know whether this government has advanced views to the Greater Powers which have not been made known in Parliament . . I should like the Prime Minister to indicate . . what his government has in mind with respect to proposed amendments which may properly come before the Conference, and which have not been mentioned by him so far in this debate. . ."

The statement which I made on Tuesday last, and particularly the parts reported at pages 29 and 30 of Hansard, give a correct view of the points on which the Government of Canada communicated its opinion to the GreaterPowers.

I mentioned that it was not the intention of the Government to propose /at present
detailed amendments in advance of the discussions at the Conference. As to the question of giving weight in the Security Council to those elected members other than the Great Powers which have special voting rights, alternative methods are available. It might be possible to secure the election of important secondary powers either for longer periods or at more frequent intervals.

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GRAYDON March 21, 1945 (headings used by Montreal GAZETTE) (March 22/45)

C233387

1) Role of Canada at San Francisco must be to tighten Empire ties; close bonds vital

Comment: The Conference at San Francisco is a conference of the UNITED NATIONS to consider a charter for a GENERAL INTERNATIONAL ORGANIZATION for the maintenance of peace and security. Just why a conference on this basis and with this objective should HAVE to tighten Empire ties is not clear.

2) U.S. /sic/ Relationship should be closer

(This is evidently a slip: the probable intention was to write "UK".

3) King is criticized for ruling Bracken out as Frisco Delegate

Comment: The argument used by Mr. Graydon is substantially the same as that set out in the attached argument from the Vancouver Province of March 9: i.e. that as the mandate of Parliament will have expired before the San Francisco Conference assembles, no one can claim to represent the Parliament of Canada, and that in this respect Mr. Bracken's position is no different from that of Mr. Graydon or any other member of Parliament.

This argument is open to at least one major objection, which is that Mr. Bracken was not a member of the Parliament which discussed (and which will approve) the Resolution now before the House, nor has he ever been a member of any Parliament of Canada (i.e. of the House of Commons of Canada. Mr. Graydon, and Mr. Coldwell, and any other member of the 19th Parliament, all did have SOME responsibility to electors in a particular constituency and they were answerable in Parliament for all of their public utterances. Mr. Bracken has never been in a comparable position.

The Prime Minister was careful to indicate that the Canadian representatives would be chosen from both sides of the House and from both Houses of Parliament, but he did not say that the leaders of any party or group would necessarily be chosen. Also made it clear that it was desirable the House should make its decision upon the resolution BEFORE the membership of the delegation were announced.

Unless the delegation is to include persons not members of the Parliament of Canada, then I cannot see what claim Mr. Bracken could possibly have apart from his political affiliation. He could scarcely be considered on any other ground of professional qualification.

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Mr. Howard Green (Vancouver S.) March 22, 1945

Mr. Green appears to be confusing two distinct questions.

(1) Mr. Green says it did not help to have the Prime Minister use the words:

> ....."as they stand the acceptance of the proposals would in no way commit Canada to send forces beyond Canadian territory at the call of the Security Council".

Mr. Green represents that this is a return to the "no commitment" policy of pre-war days and he argues that it gives the impression that Canada has very little obligation to assume and that the government is still trying to leave open an exit from some of the obligations that Canada will be asked to assume at San Francisco.

Comment:

This is a curious line for a member of the Progressive Conservative party to take. I cannot remember that there was any outspoken support for any policy of commitments in advance from the Conservative side of the House from 1930 onwards. The Prime Minister's

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statement was a simple statement of fact, and to say that it is an attempt to appease the isolationists of Canada is reading into it an unwarranted construction. It is, at the same time, a kind of expression of inability to appreciate what the position of Canada really is.

There is one inescapable answer to Mr. Green on this point. No one asked Canada to make a commitment about going into this war. There was no "commitment" about the over-all total of Canada's war effort. There never was a commitment to stop fighting on a certain day. Mr. Green is raising a false issue when he attributes any such intention to the government.

(2) Mr. Green says that if the Canadian government had so willed, "the great world power" at Dumbarton Oaks could have been the British Commonwealth of Nations rather than the United Kingdom of Great Britain and Northern Ireland. He adds: "The British Commonwealth of Nations could have been the power named as the power to hold a permanent seat on the Security Council".

Mr. Green's conclusion is that the way for Canada to get out of the "humiliating position" in which Canada finds herself is to ask that, in the charter, provision should be made for a permanency on the Security

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Council for the British Commonwealth, rather than for the United Kingdom and Northern Ireland. He concludes "I am sure that there will be no objection to that request in Great Britain.

Comment:

Mr. Green is arguing from a premise which cannot be sustained. The British Commonwealth of Nations has never been, nor can it now be, a single entity in international affairs. The British Commonwealth is not a nation; it is rather a fraternity of nations, who are by formal definition and by long practice, ~~firmly~~ "autonomous communities, in no way subordinate one to the other in any aspect of their domestic or external affairs". There has never been a serious attempt to make the British Commonwealth a single personality in international affairs. It was never done in the League of Nations or in any of its subsidiary agencies; nor has it ever been suggested as applying in the inter-governmental bodies created during the present war.

We cannot at this stage of our history as a free nation turn back upon the process by which we reached that free nationhood. By that I mean the progression from responsible government to federation, and through federation to autonomous nationhood within the British Commonwealth.

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The simplest answer I can give to the point raised by the hon. member for Vancouver South is to repeat to him and to this House a statement which I made on August 4th of last year. In concluding certain remarks about the relationship between the nations of the Commonwealth and the organization of peace I said:

"Inside the Commonwealth we can and do manage as a rule to reach agreement on the general lines of policy which our governments should pursue in dealing with major issues. We find it possible to agree because we have the will to agree and cherish similar international ideals and purposes. If, however, the countries of the Commonwealth, had to reach agreement by some political process yet to be devised, so that all were bound to carry out a single policy, there would be a very different story. The World Council is to be an executive body. It must be capable of prompt and singleminded action. The United Kingdom which is indisputably a great power, will sit on the Council in its own right, and its influence there will be enhanced by its special relationship with the countries of the Commonwealth. The United Kingdom representative will, however, be responsible to London and will take his instructions from London alone.

Supposing we were to change this so that he would become a representative of the British Commonwealth, should he have to withhold action until he has received instructions from half a dozen governments? What should he do if these instructions were in conflict? Should he follow the majority opinion even if it is violently opposed by the government, parliament and people in one or more Commonwealth countries? At the very best, action would be delayed and decisions blurred. At the worst we would run the risk of rendering the Commonwealth impotent in international affairs and perhaps of disrupting it.

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I say to the few in Canada who have advocated such a change that the prestige abroad of the British Commonwealth was never higher than it is today. The prestige is based upon a belief that in the British Commonwealth there has been evolved a unique alliance of a peculiarly tough and enduring kind whose members act together not because they are under any strict obligation to do so but because they have the will to act together. Our friends abroad, furthermore, have discovered that the primary objects for which the members of the Commonwealth act together are objects which can be shared by other countries of good will. They realize that the Commonwealth is not a power bloc exploiting its own interests but a group of like-minded nations whose close association has in the past formed, and should form in the future, a most reliable element within the framework of the world order."

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PRESS CLIPPINGS

Office of
The Prime Minister

Name of Publication Toronto Globe and Mail

Date March 23, 1945

C233803

Subject

A Sovereign Alternative

Prime Minister King's concern for the preservation of Canada's sovereignty, as demonstrated in his statement on the San Francisco Conference, revives all the ghosts of our timid past. Certainly, it was incongruous to find the spokesman who talked so realistically of the earth-shrinking implications of the rocket-bomb on Canadian security contemplating this nation's participation in a new collective security enterprise on the basis of the organdy-and-old-lace era of our colonial days.

The only significant statements as to the course to be followed in the Prime Minister's speech were the reservations he drew around the commitments Canada might be required to make. Those reservations were the same reservations we clung to in the League of Nations. Canada then took the vows of the Geneva Covenant; but, in the spirit of the isolationist minority at home, reserved the right to have Parliamentary approval for every step the League might take. It was these "escape hatches" by which Canada and others wriggled out of their obligations when sanctions were proposed that swamped the League.

This policy of giving lip service to one course while pursuing another did preserve partisan solidarity at home. But it also reduced this nation to the position of a nonentity, denying it even the privilege of an equal voice within the Commonwealth system. Immediately, therefore, the stern and practical issue before Canada is whether this policy is to be revived. If it is, then all our pretensions to a higher status and responsibilities in relation to power are froth in the breeze.

If it is invasion of our sovereignty which Mr. King actually fears; if he is afraid that Canada, even as a secondary Power, will be submerged by the influence of the Great Powers, then clearly any idea of Canada following an independent course in the new security system is sheer folly. It is more so when there is an alternative course which she can follow. That is, the course of collective action within the Commonwealth, which Mr. King, in defense of our sovereignty, has been equally timid to develop.

Opposition Leader Gordon Graydon underscored this timidity in drawing attention to the complete absence in the Prime Minister's statement of any reference to Commonwealth co-operation. It was the more noticeable because of the step toward collective action which Mr. King had taken at the Prime Ministers' conference last May. In co-operation with the other Dominions, he then gave Canada's approval to a common formula, which Britain carried to the Dumbarton Oaks Conference and which provided a basis for the proposals agreed on there.

As events and the Prime Minister's own action testify, that collective action involved no surrender of sovereignty. But it fixed a pattern which Canada is free to follow within the World Security Organization, and by means of which she could share the advantages of "Big Power" status. As we read the Dumbarton Oaks proposals, it is not only possible but wholly practical for the Commonwealth nations to pool the military forces they place at the disposal of the world organization, working out their separate commitments among themselves on a regional basis and augmenting the individual contribution of each with the collective aid of all the partners.

The Dominions would have full freedom in determining the contribution they would make and the circumstances under which it would be employed by the Security Council. Thus, and only thus, is it possible for Mr. King to elevate Canada's status and guarantee her sovereignty to the extent he seems to feel necessary. As an equal partner in the Commonwealth, Canada would have an equal voice in determining the commitments made, and to that extent a permanent voice in the Security Council. At the same time she could exercise full sovereignty without debasing her pledges in the way that Prime Minister King's "reservations" must do.

In all matters of military and economic commitments there is a practical side to joint Commonwealth action which is not to be ignored. It is almost impossible to visualize the military commitments which Canada might undertake, even in defense of her own vast territory, which she could fulfil without co-operation from or in alliance with another nation. Our natural alliance is with the Commonwealth. It has been the only group of nations capable of collective action in two wars. Mutual interest demands, and military eventualities impel, adherence to collective action in the future.

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1) Paul-Boncour C233889
news of Father read & initd

2) NAR Rqsts sending word to Van Kleffens wh dfelt for him to see him in C at SFC but he cd perhaps disc & he writing in London letter in wh precisely wtrs.

3) Evatt

4) ~~###~~
Directory # wd show. W/r
Sprnt Dpts – pls in the home
Govts &c

C233890

5) Memo re views of Govts
concrd
France
Belgn
Belgm

"a high minimum of force"
* Dr Defenbaker C233891
"sparring for power"
re amendments (UK - US)
representing Canada the views into
camp of Power politics –
trying to crowd smaller powers on
peripheries instd of being a Ldr of the
Sundry powers.
blanket pows ?

Protocol pledge Crimea Conf
Secret papers Kdms exhibd
to Govt Canada

C233892

Reports in London
Compress of Cdn delgn at SFC
Press Cuttings Separately
Views of other Govts
Organn of Conference
& dirctrs re Countries & Reps

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JAG/
25:iii:45

C233893

MEMORANDUM FOR THE PRIME MINISTER:

Debate on World Security Organization.

On the attached two pages I have set down what seemed to me to be the principal questions raised in the debate for which answers ought to be given. I have indicated the names of the Progressive-Conservative members concerned, and the page numbers in Hansard at which the references appear.

I have also added, on separate sheets, some impressions and comments arising from the general course of the debate so far. In this I have chiefly in mind a combatting of the idea that the Canadian intention from the start is intended to be "to whittle down /Canada's/ responsibilities towards the nations of the world and toward the preservation of world peace, in advance of the conference")Mr. Diefenbaker at p. 169).

I think that Graydon, Green and Diefenbaker have all (especially the latter two) read an unwarranted construction into what was in your own statement (page 27) a simple statement of fact. It may be that we should have anticipated such a reaction, but in any even it seems desirable to provide an answer to this point which will correct any supposition that on this point you are on the defensive. I have therefore attempted to set down some ideas under this head.

While this is the point to which I attach the greatest importance, I will set down some points under other heads as well.

J.A.G.

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HW/AH
March 26th, 1945.

C233894

San Francisco Conference.

As there may be some doubt about the belligerent status of some of the countries which will be represented at San Francisco, the following information may be of interest. It is based on a reply to an enquiry in the British House of Commons about the Governments which have declared war against Germany and Japan and the countries which have broken diplomatic relations.

1. The return shows that forty-one countries have declared war on both Axis states, all of which have been invited to San Francisco except Poland, Lebanon and Syria. The last two are about to receive inviations.

2. Four countries (Brazil, Colombia, Greece and Norway) have declared war on Germany and broken relations with Japan, while the U.S.S.R. has declared war on Germany without breaking relations with Japan. All five, of course, will be at San Francisco.

3. Two countries (Chile and Ecuador) have declared war on Japan and broken relations with Germany; both are invited to San Francisco.

This gives a total of forty-seven governments to be represented at San Francisco. In addition, four ex-enemy countries (Finland, Italy, Roumania and Bulgaria) have declared war on both Germany and Japan, and Hungary has declared war on Germany. Argentina has broken relations with both states. These six countries, however, will of course not be invited to the San Francisco Conference.

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Dr. Bruce (Parkdale) March 27, 1945

268 "unreality" of Prime Minister's declared intention "to refer all matters of aggression to Parliament and to await its decision before taking action. The delay and uncertainty, if such a procedure were carried out, would be the most certain way of bringing about a third world war. . . . . .

269 when peace is threatened, to make a provision that the consent of Parliament must be obtained before our armed forces can be used, as proposed by the Prime Minister, is to invite another world conflict."

- - - - - - -

The "proposals" alluded to by the hon. member are not my proposals as something apart from the procedure contemplated by the four inviting powers.

I hope it will not have escaped the attention of the hon. member that in my own statement I said: (Hansard p.27)

> "Under the present proposals, members of the organization would not be required to place forces under the control of the security council except in accordance with special agreements separately entered into, setting forth the number and types of the forces, and the facilities and assistance which they are prepared to provide. The agreements might include provisions governing the circumstances in which any forces could be called upon to serve abroad. These agreements would need separate approval in accordance with the constitutional processes of each country. In Canada that would mean approval by parliament before such agreements were ratified."

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In this statement there is no suggestion that the position of Canada in the ratification of necessary agreements is unique. In saying what I did, I said no more than is contained in the proposals of the four inviting powers. I quote the relevant part (of Chapter VIII, Section B, paragraph 5)

5. "In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the number and type of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible and should be in each case subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes."

I think it is incorrect to represent that in my statement I made any "proviso" that the consent of Parliament must be obtained before our armed forces can be used. Whatever agreements are entered into will have to have the approval of the Parliament of Canada. What these agreements may contain with application to Canada cannot be determined in advance of the San Francisco Conference, nor, indeed, in advance of precise information about the military agreements to be undertaken by the great powers themselves. But I should not like any doubt to exist in the minds of hon. members that Canada will do other than assume her fair share in the task of building a general international organization for the maintenance of peace and security.

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Wo/11/SFC/PCJ
C233897

March 27, 1945.

NOTE FOR THE PRIME MINISTER

Re: Preliminary Conference at Washington, April 9.

1. The attached note from the United States Ambassador transmits the formal invitation for a meeting of jurists prior to the San Francisco conference to prepare a draft of a statute to be submitted to that conference for consideration. The invitation is for a jurist, to be accompanied, if desired, by not more than two advisers.

2. The United States will be represented by the Legal Adviser of the State Department. The Soviet Union will be represented by the Counsellor of the Embassy at Washington. China will be represented by Dr. Wang, who is a member of the Permanent Court. There is no information as to other representation, but it is probable that the Legal Adviser of the Foreign Office will be the United Kingdom representative.

3. The Minister of Justice was consulted about ten days ago with regard to the Washington arrangements which were then somewhat indefinite. Mr. St. Laurent thought that, if the conference were established on an official level, the Legal Adviser of this Department should be the representative to the committee of jurists.

4. The questions have been studied by the Canadian Bar Association, the Chairman of the Committee being Chief Justice Farris. It has not been possible as yet to ascertain whether the United States advisers would include a representative of the American Bar Association. It is, however, desirable to take action without delay, as there is such a short time before the meeting in Washington.

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4. It is suggested that the representative for this conference should be the Legal Adviser of the Department of External Affairs.

5. In view of the interest which has been taken in this matter by the Canadian Bar Association, it might be well to ask Chief Justice Farris, who is the Chairman of the Association's Committee, to attend the Washington conference as an adviser.

6. It would be desirable that there should also be an adviser who is familiar with the principles of the Civil Law, and the Minister of Justice is being consulted.

7. It is desirable that Mr. Roger Chaput of this Department, who is a member of the Quebec Bar, and who has made special studies with regard to the Permanent Court, should attend as Secretary to the delegation.

8. Copies of this memorandum are being sent to the Minister and Deputy Minister of Justice for information.

Approved WLMK 31-3-46
Noted

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COPY

EMBASSY OF THE
UNITED STATES OF AMERICA

Ottawa, Canada, March 26, 1945.

No.304

Sir:

You will recall that no effort was made during the Dumbarton Oaks conversations to prepare a statute for the International Court of Justice envisaged by Chapter VII of the proposals on the establishment of a general International Organization that resulted from those discussions. The proposals contemplated that the statute should be either (a) the statute of the Permanent Court of International Justice continued in force with such modifications as may be desirable or (b) a new statute in the preparation of which the statute of the Permanent Court of International Justice should be used as a basis.

It is now deemed desirable to have a preliminary meeting of jurists of the United Nations to prepare, prior

The Right Honorable
the Secretary of State
for External Affairs,
Ottawa.

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C233900

prior to the San Francisco Conference, a draft of a statute to be submitted to that conference for consideration.

Accordingly the Government of the United States of America on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of Canada to send a representative to a meeting of the United Nations Committee of Jurists to be convened at Washington on April 9, 1945, for the purpose of preparing a draft of a statute of an International Court of Justice.

The above named governments suggest:

a. That each of the invited governments appoint one representative to the Committee of Jurists, to be accompanied, if desired, by not more than two advisers.

b. That if the work of the Committee of Jurists is not completed by the time the United Nations

Conference

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Conference begins, sessions should be continued at San Francisco.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Ray Atherton

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12

28.III.45

WORLD ORGANIZATION

Shorter Catechism

C233902

QUESTIONS BY MR. HANSELL (McLeod)

1. QUESTION:

Would the adoption of these proposals in any way weaken the ties or relationship between the countries which comprise the British Empire? If so, in what manner and to what extent?

ANSWER:

The establishment of a general international organization for the maintenance of international peace and security would, I believe, strengthen the association of the countries of the British Commonwealth. Certainly it could in no way weaken or impair it.

2. QUESTION:

If the proposals are adopted, would the control of this nation's currency and credit remain within our own power? In other words, would we retain absolute control over our own currency and credit?

ANSWER:

Answered by reply re Bretton Woods' Proposals - (attached).

3. QUESTION:

Do any of the proposals and principles involve the return to the gold standard?

ANSWER:

No.

QUESTION:

And if so will the delegation oppose such a step? Will the government, as far as it is concerned, oppose such a step?

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ANSWER:

Answered by the above.

4. QUESTION:

Do any of the proposals or principles involve the acceptance of the Bretton Woods proposals?

ANSWER:

No.

QUESTION:

And if so will the delegation oppose such a step? Will the government, as far as it is concerned oppose such a step?

ANSWER:

Answered by the above.

5. QUESTION:

Is this vote to be regarded as a vote of confidence in the delegation?

ANSWER:

The resolution now under consideration by the House sets forth clearly the points on which approval is sought. The House is asked to endorse acceptance of the invitation to send representatives to the Conference and to agree that the Canadian representatives should endeavour to further the preparation of an acceptable charter for an international organization for the maintenance of international peace and security. I have already stated that the Government will accept its constitutional responsibility forthe selection and appointment of the delegation.

6. QUESTION:

Will the Prime Minister assure the House that as far as he is concerned this whole matter will be brought before

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appropriate committees of the House for full investigation before any commitments are made?

ANSWER:

The resolution now before the House states that the charter establishing the International Organization should, before ratification, "be submitted to Parliament for approval". When it becomes necessary to take action in order to secure the approval of Parliament, if the present government is in office, there will be an opportunity to consider what form of action and what method of procedure would most appropriately give an opportunity for adequate parliamentary consideration and discussion.

7. QUESTION:

If the proposals are adopted, would Canada and any other individual nation be able to negotiate a trade agreement upon a basis satisfactory to the two countries without any interference by the world organization?

ANSWER:

Certainly: the proposals before the House do not relate to the conduct of international commercial policy.

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RGR/LF/SR
28.3.45

QUESTIONS BY MR. HANSELL

QUESTION

1. Would the adoption of these proposals in any way weaken the ties or relationship between the countries which comprise the British Empire? If so, in what manner and to what extent?

PROPOSED ANSWER

1. The establishment of a general international organization for the maintenance of international peace and security would, I believe, strengthen the association of the countries of the British Commonwealth. Certainly it could in no way weaken or impair it.

QUESTION

2. If the proposals are adopted, would the control of this nation's currency and credit remain within our own power? In other words, would we retain absolute control over our own currency and credit?

PROPOSED ANSWER

2. Answered by reply to Blaçkmore et al.

QUESTION

3. Do any of the proposals and principles involve the return to the gold standard and if so will the delegation oppose such a step? Will the government, as far as it is concerned, oppose such a step?

PROPOSED ANSWER

3. Answered by reply to Blackmore et al.

QUESTION

4. Do any of the proposals or principles involve the acceptance of the Bretton Woods proposals and if so will the delegation oppose such a step? Will the government, as far as it is concerned oppose such a step?

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and appointment of the delegation.

QUESTION

6. Will the Prime Minister assure the House that as far as he is concerned this whole matter will be brought before appropriate committees of the House for full investigation before any commitments are made?

PROPOSED ANSWER

6. The resolution now before the House states that the charter establishing the International Organization should, before ratification, "be submitted to Parliament for approval". When it becomes necessary to take action in order to secure the approval of Parliament, there will be an opportunity to consider what form of action and what method of procedure would most appropriately give an opportunity for adequate parliamentary consideration and discussion.

QUESTION

7. If the proposals are adopted, would Canada and any other individual nation be able to negotiate a trade agreement upon a basis satisfactory to the two countries without any interference by the world organization?

PROPOSED ANSWER

7. Certainly: the proposals before the House do not relate to the conduct of international commercial policy.

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In the course of this debate various suggestions have been advanced which it was evidently hoped could be brought forward by the Canadian delegation to the San Francisco Conference.

In the statement which I made on March 20 I mentioned that the San Francisco Conference was not the peace conference, and that it would have nothing to do with the preparation of the treaties of peace. It is intended to deal with the constitutional framework of the future society of nations, and to provide for the safeguarding of peace, once peace has been secured.

I might perhaps have added that the Conference at San Francisco will not be concerned with the fixing of boundaries of territory in dispute, nor with reparations nor with war crimes and war criminals. I mention this now because of certain statements made during the debate, from which it might possibly have been inferred that the terms of reference of the Conference are broader than in fact they are.

The future of Poland, to which the hon. member for Renfrew South alluded in his speech on March 22, is not in the first instance a question for the San Francisco Conference. The House will not dissent, I am sure, from the hon. member's eloquent appeal that justice should be done for a free, strong and united Poland.

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C233908

March 28th, 1945.

Gentlemen:

America Wants to Know!
America Should Know!
America Speaks!

What of Poland . . .
Of Rumania . . .
Of the Balkans . . .
Of the Baltic Nations, including Finland . . .
Of Manchuria for China . . .
Of India . . .
Of Czechoslovakia . . .
And last, but not least, voting procedure?

Are these nations booked for Liberty and Freedom? . . . America wants to know . . . or you as Leaders have failed in your trust.
Speak up!

I believe.

Respectfully,

370 Upper Terrace
San Francisco
California

Charles D. Ryan.

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C233909

PEACE

War, with its devastating tentacles ever reaching out to encircle and destroy the entire world, must cease, otherwise the universe will become as a barren desert, devoid of all evidence of civilization.

Man's mind is so constructed he can but will not see the beauties of a nature created for him alone, and for his peace and happiness.

Why not turn the pages of history backward, learn its lessons, and make a firm resolution to trust your fellow man as a brother, live in peace and contentment, the intent of a divine Creator.

This is your destiny, heed it and live, or reject it and perish, decide it now.

This destruction of all things good can not go on forever, it is unnatural and inhuman, make a just peace for all mankind, and the whole world will applaud your efforts.

The time is fast approaching, the opportunity of the centuries, obey nature's laws, they are inexorable, the power of man is as naught to that of the Creator, the one that rules, and with patience and forbearance.

He warns you, accept that warning in all its meanings.

I believe.

Respectfully,

370 Upper Terrace
San Francisco
California

Charles D. Ryan.

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C233910

PEACE *is the key that will unlock the hearts of man, barring the doors to further wars, that man can devote his time and energies to the task of advancement to all mankind.*

In no other way can you hope for surcease from wars. You can not build today and destroy tomorrow in reason; that leads to nothing. It is not the plan on which the world was built; every evidence is to the contrary.

Progress is the true intent of the Creator, for when you interfere with Nature's laws, immediately you are submerged in wars that stop the forward march.

Looking around at the beauties of Nature and its unchanging character, the seasons, the rains, the sun to shine and bring forth food that man may live and advance in knowledge, thus creating better things for better living. Who can deny that these things spell Peace and Peace alone, the real destiny of man . . . his salvation from his own brutal desires?

I believe.

Respectfully,

370 Upper Terrace
San Francisco
California

Charles D. Ryan

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C233411

file 1/3

Gentlemen:

Is this to be another Dumbarton Oaks? Your work there was left unfinished, and from all we know at the present time, history will repeat itself. Then you were playing marbles with no stakes attached; this time apparently you are shooting dice for lives, and unless more decided action is taken the people will be the sufferers, as they always are.

That defect is in relation to security, the crux of which was whether a big power if accused of aggression should have a veto power on any action against itself.

Certainly not, as an aggressor it is completely out of the picture, has no rights of any character and should so be ruled or you can attain no secured peace; failure to observe this may harbor a possible aggressor.

Europe is seething in diplomacy; ever has been.

What is diplomacy?

Largely the art of saying nothing by the use of words.

Organize the Negotiation Table in the settling of differences and you have something flavored with common sense and reason.

Or, is your vanity so imbedded in your minds that you are adamant to a degree of rightful thinking in the interests of others?

Is there one common man such as a GI Joe amongst those of our Nation who will be sitting around the peace table on April 25, 1945, and if not, why not? This is his war.

This opportunity has been accorded you as leaders. Prove that leadership or humanity can conceivably revert to the dark ages.

Your stand is momentous; heed it.

I believe.

Respectfully,

370 UPPER TERRACE
SAN FRANCISCO
CALIFORNIA

Charles D. Ryan

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SFC

NAR/ET
30 March, 1945

MEMORANDUM

C233912

In conversation this afternoon the French Ambassador referred to the President's announcement that the United States would seek three votes in the Assembly of the United Nations Organisation. I told him that the Canadian Press despatch from Ottawa in this morning's paper was incorrect in its implication that the Canadian Government had known about this proposal in advance. The reasons why the United States Government might wish to secure such an amendment of the Dumbarton Oaks proposals were quite understandable. It was, however, unfortunate that American Congressional and press comment should link the American desire for three votes in the Assembly with the argument that the "British Empire" was going to have six votes there. This was a resurrection of the old argument which the isolationist Senators had used in 1920 to block American participation in the League of Nations, and which had been proved quite without foundation by the practical experience of the last 25 years.

M.de Hautecloque said he had not received any comment from his Government on the President's proposal, but he thought it quite possible that in due course a restored France would seek some sort of multiple representation in the World Organisation for its great colonial possessions which were in process of acquiring a constitutional position not unlike that of the members of the British Commonwealth.

Val.

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SFC

NAR/ET
30 March, 1945

C233913

MEMORANDUM FOR THE PRIME MINISTER:

The French Ambassador came to see me this afternoon to enquire, on instructions from his Government, whether Canada would object to the French language enjoying the same status under the new United Nations Organisation as it enjoyed under the League. I told him that, as French was one of the two official languages of Canada, no Canadian delegation would oppose its being made an official language of an international organisation in which Canada took part. I could not of course say what would happen at the San Francisco Conference when the question was raised, because undoubtedly the proposal to make French an additional official language would probably produce proposals to give Spanish and Russian similar status.

Mack

V
31-3-45

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C233914

GREETINGS
to the
Delegates Attending
the
United Nations Conference
on
International Organization

Permit me to submit for your consideration

A TRADE MEDIUM AND PRACTICE
for a
LASTING PEACE

Today, trade practices are too greatly influenced by the barter concept. They are not up-to-date. Commerce now requires two aids: mediums to transfer products and a medium to transfer the ownership of the products. From the latter arise the major difficulties. The prime cause for these difficulties is fear of debt and debt. Debt has often caused internation disputes. There is a way to prevent debt and remove the fear.

Debts have their source in transfers of ownership. The ownership transferring mediums now in use are based on gold and silver. Those metals are substances. As such, each can and does serve as one product in barter transactions. Barter is a debtless practice.

Trade, commerce, business now proceeds on a sale basis, not barter, and changes in practice are necessary. There is a time element in sales. The seller faces delay in replacement of "value" sold. The seller receives from the buyer a medium called "money". This money is supposed to discharge the buyer's debt.

To find the debt this is the general formula: There are three ingredients - value, price, money. "Value" is a quality humans have attached to products. The United States Supreme Court has said: "Value is an ideal thing". "Ideal" is defined as "existing only in the imagination." To express "value", a concept called "price" is used. This also exists in the imagination. To figure price, there are several monetary devices in use - dollar, pound, franc, ruble, rupee, peso, etc. These also are imagined. They represent ideas. Just the same as a motor represent an idea. The real force that makes the motor go is natural and invisible. When the maker arranges its parts to respond to that force, the motor will operate in any country and serve everyone in the same way. The devices mentioned above cannot respond to any natural force. They respond to human-law "force" called "legal tender". They fail to serve everyone in the same way. This failure is traceable to a basic difference between a mechanical and a monetary device. It is due to the source, or place of origin.

Sellers receive these monetary devices from buyers. If their source is government or other institution, they must be borrowed. There is a charge - interest - for the loan of money. It is paid in the same money as wages. Interest money does not represent products put into the market, but it takes products out just as easily as wage money. Although the money in both cases is the same, the service rendered to get them was not the same. Out of this failure arises most, if not all, economic conflict.

Is there a natural law for exchange of products? Can each nation have a

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medium that would serve under that law? Every nation has two things - substances and man-power. Products are results from applying human energy (service) to substances. Nowhere in the world is there an exception. That service is present in every transaction. Can it be measured by any known device?

In transfers of products, the benefits from the producers' services go to consumers. For this service the consumers are in debt. This transfer of benefits cannot always go one way. At some point producers must become consumers, sellers become buyers. That, at least, is a natural condition, if not a natural law. To determine when one changes to either group is difficult, yes, impossible. This situation compels acceptance as a fact, the evidently natural condition, that indebtedness for service is mutual and equal, as an effect from natural law. Natural physical laws, such as gravity, light, motion, pressure are self-enforcing and natural economic law is also, except with mankind.

Man is a trader operating under those laws. He may disregard their command to so arrange trading that, by a free agreement with the holder, anyone may remove from the market at any time any desired products. Further, it forbids the imposing of conditions, such as money borrowing, that might limit removals or deliveries to the market. Each nation can solve problem that arises from acceptance of those conditions, by establishing for its citizens a bank account.

Most nations have paper currency. Doubtless, it has been created by the government on the peoples requests, at their expense, for their use. It is their common utility for transferring ownership. Like roads, streets and highways, the currency is their common utility used in transfer ownership. This currency can be called into the banks and kept there as a permanent, unchangeable deposit and treated as The Peoples' Bank Account. The withdrawing of any part or portion should be forbidden. Printing of currency would cease.

In place of the currency, the government would supply free, printed forms worded, perhaps, as follows:

Receipt. Non-Negotiable. Requisition.

ANY BANK IN Canada

will credit and debit this receipt-requisition to the

PEOPLES' ACCOUNT

in acknowledgement of the delivery and removal of services to and from the market

BY BEARER.

At time of purchase buyer would hand a receipt to the seller. Every buyer, foreigner or citizen, including government, would use receipts. This would forever stop private and public debt and taxation would cease. There could not be any risk nor loss. Demand, is practically unlimited. Every desired product or service would be sold.

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THE CAUSE OF DEBT

Mr. R. H. Hemphill, Department Manager, Federal Reserve Bank, Atlanta, Georgia, U.S.A., said: "Someone has to borrow every cash or credit dollar we have in circulation. This means that debt begins before products are ready for sale to buyers. War bonds were bought with borrowed money. Then the planes, ships, rifles were made. When a buyer offers money the seller thinks the buyer has delivered service to the market in payment for the service in the products wanted. If that was not the seller's thought sales would cease. All trading would be barter transactions.

This medium would be a frank acknowledgement of accepted conditions: That humans have only service to deliver. That nature provides all substances. That there is no way to measure service. That deliveries being non-measurable withdrawals cannot be measured. That the present practice of distributing products by measuring them to buyers through the fictions of value, price and money limits trade and causes scarcity and poverty.

The practice would preserve the benefits of agreements to pay money, such as insurance, bonds, pensions, etc. Holders of these so-called securities would use the receipts in place of the money they might have received through those agreements.

AN OBJECTION

Some persons object because there is not a limit to the amount a buyer could obtain through a receipt. They say: "If everyone could get things that way many would stop working." Taking things without making a return therefor is sometimes called cheating, stealing, pilfering. Would you quit? Would your neighbor quit? Would his neighbors quit? Who would supply the market? Would the present urge to work cease to operate?

Monetary systems are planned to obtain the fullest possible distribution of products. They are not codes for human conduct. Has any nation peace-time compulsory work-laws? In what nation is every capable person a producer? Most currencies are legal tender. Their acceptance is compulsory. The receipts would not be legal tender. They would not circulate. Anyone could refuse to take them. There cannot be trade freedom through borrowed, legal tender, money.

Who can foresee or predict the changes in human conduct and international relations, when debt is stopped; crime curbed; government expense reduced; employment assured; many patents and much unused land released from monopoly control; enterprise set free?

The world has seen many depressions. Present practices brought them. Another appears. It cannot be averted under the present national and international monetary practices. Some basic change must be made.

Sincerely,

James McEldowney

James McEldowney, LLB,
Honolulu 4, Hawaii,
P. O. Box 2497,
April 1945.

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RGR/ET

C233917

MEMORANDUM FOR THE PRIME MINISTER:

Attached hereto is a copy of the print that has been prepared of your statement of March 20, to the House of Commons, concerning the proposals for discussion at San Francisco. A French translation has also been prepared and will be available on Monday or Tuesday. We have placed an order for 500 copies in English and 150 copies in French, and the type will be left standing in order that additional copies can be secured as required.

100 copies in English and 75 copies in French are being sent to the Embassy in Washington to be distributed to the representatives of all foreign governments that have diplomatic missions in Washington. We are also sending copies to our posts abroad.

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A-MV

JAG/
1:iv:45

SECRET

C233918

Memorandum for the Prime Minister:

Re: Voting Proposals (San Francisco Conference)
and the "British Empire 6 Voices" Argument -

1) You will have seen various reports and communications on this question, which has now been thrown into controversy by press disclosures of the reported secret agreement made at Yalta between the U.S.S.R. and the United Kingdom whereby the latter would support a Soviet Demand for three votes; and the resurrecting of the specious argument in support that the "British Empire will have six votes in any case".

2) It occures to me that if you wish to make a statement in the House in anticipation of questions on these reports, there are two points at least which you would wish to make:

a) an emphatic statement that you had no previous knowledge of the reported "secret agreement"; and that you had no knowledge of it when you made your main statement on March 20;

b) a refutation of the validity of the "six votes" argument.

3) On this latter point, I think a great injustice will be done to the position and the usefulness of Canada in any general international organization if the idea is allowed to gain any currency within Canada that this argument is accepted or concurred in. It is an argument which did great harm to the general strength of international organization twenty years ago; and it came up repeatedly in conferences in which all the nations of the British Commonwealth was represented. Enough has already been said this year to deny any suggestion that there is a Canadian interest in creating a Commonwealth "bloc"; but on the other side an injustice is done to Canada by suggesting that she is not in fact an autonomous nation, with a right and a duty to speak her mind in any proposals for the preservation of peace.

I am not sure it is necessary to embrodier the defence; but I would like to think that anyone who thinks he can take comfort behind the shelter of this specious argument should be disillusioned and put right at the earliest opportumity.

J.A.G.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C233919

For the Prime Minister.

Early arrangements should probably be made for transportation to San Francisco, as the American lines are very congested, particularly those in the West, the worst of all, according to reports, being the Coast lines from Seattle to San Francisco.

The attached sheet shows the various possibilities, with one exception which is a special train which is being arranged to bring the overseas delegation through from Halifax on the 17th. To connect with this would involve leaving Ottawa on the 19th, to arrive in San Francisco on the 23rd. There appears to be little, if any, advantage over the regular C.N.R. service via Chicago.

W.J.T.

April 2, 1945.

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ALTERNATE ROUTES OTTAWA TO SAN FRANCISCO C233920

No. 1 C.P.R. Via Vancouver

Lv.Ottawa	Apl.17	10.25 p.m.	
Ar.Vancouver	" 21	9.20 a.m.	
Lv.Vancouver	" 21	4.15 p.m.	
Ar. San Francisco	" 23	10.50 a.m.	

No. 1 C.N.R., via Vancouver

Lv.Ottawa	Apl. 17	10.55 p.m.	
Ar.Vancouver	" 21	9.20 a.m.	
Lv.Vancouver	" 21	4.15 p.m.	
Arr. San Francisco	" 23	10.50 a.m.	

No. 2 C.P.R.via Pr. Albert and Vancouver

Lv.Ottawa	Apl.15	10.25 p.m.	
Ar. Pr.Albert	" 18	8.25 a.m.	
Lv. Pr.Albert	" 18	9.00 p.m.	
Ar.Vancouver	" 20	10.15 p.m.	
Lv.Vancouver	" 21	4.15 p.m.	
Ar. San Francisco	" 23	10.50 a.m.	

No. 2 C.N.R. via Pr.Albert and Vancouver

Lv.Ottawa	Apl.17	10.55 p.m.	
Ar.Pr.Albert	" 20	12.15 p.m.	
Lv. Pr.Albert	" 20	5.55 p.m.	
Ar. Vancouver	" 22	8.45 a.m.	
Lv. Vancouver	" 22	9.00 a.m.	
Ar.San Francisco	23	10.20 p.m.	

No. 3 Can.Pacific-Can.National

Lv. Ottawa	Apl.16	10.25 p.m.	C.P.
Ar. Pr.Albert	" 19	8.25 a.m.	C.P.
Lv. Pr. Albert	" 19	5.55 p.m.	C.N.
Ar. Vamcouver	" 21	9.20 a.m.	C.N.
Lv.Vancouver	" 21	4.15 p.m.	
Ar. San Francisco	23	10.50 a.m.	

No. 4 Via Chicago C.P.R.

Lv.Ottawa	Apl.19	9.20 a.m.	Pool
Ar. Toronto	" 19	5.30 p.m.	
Lv.Toronto	" 19	10.00 p.m	C.P.
Ar.Chicago	" 20	8.30 a.m.,	N.Y.C.
(Private Car to transfer from Central Sta.to Chicago N. W.			
Lv.Chicago	Apl 20	8.45 p.m.	N. W.
Ar.San Francisco	Apl.23	10.50 a.m.	Un.Pac.

No.4. C.N.R. Via Chicago

Lv.Ottawa	Apl.19	3.00 p.m.	
Ar.Toronto	" 19	9.45 p.m.	
Lv.Toronto	" 19	10.00 p.m.	
Ar.Chicago	" 20	8.00 a.m.	
Lv. Chicago	" 20	10.00 a.m.	
Ar. San Francisco	" 23	6.50 a.m.	

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TOP SECRET

JAG/
April 3, 1945
8.35 p.m.

MEMORANDUM FOR THE PRIME MINISTER : C233921

Re Telegram Circular D.540 and draft reply, attached:

1) I have consulted Mr.Robertson, as directed. He suggests that if you wish to send an immediate reply it might be along the lines of the attached draft. His intention would be to send a fuller statement tomorrow.

2) I understand Mr. Robertson feels that the implications of the references in Mr. Churchill's telegram to the British Commonwealth should be carefully examined and replied to. As he described it to me, it was a case of thinking how the Commonwealth association applies not only among the nations of the Commonwealth itself, but among other nations as well.

3) The attached draft is for consideration, please.

Jan.
J.A.G.

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JAG/Z

TELEGRAM C233922

FROM: SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO : SECRETARY OF STATE FOR DOMINION AFFAIRS, LONDON

IMPORTANT
TOP SECRET
CYPHER

Ottawa, April 3, 1945

No.

No._____ Following from Prime Minister for your Prime Minister, begins:

Your telegram Circular D. 540, World Organization, Voting in Assembly.

I was very glad to receive your message at noon today. Coming as it did along with a withdrawal of the United States proposals, this word enabled me to avoid making in the House of Commons what might otherwise have been a ~~very~~ difficult statement, ~~and one surrounded by considerable embarrassment.~~

The question of multiple votes raises important issues on which I will be sending you very shortly a fuller statement of our views. Ends.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

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COPY

TELEGRAM

From The High Commissioner for Canada in Great Britain C233923

To The Secretary of State for External Affairs, Canada

CODE

LONDON, April 3, 1945.

NO. 928

No.928. Following for Robertson from Massey, Begins:

You will, I think, be interested to see following report from today's Times of a statement made by Dr. Evatt at a press conference yesterday when he and Mr. Forde spoke on international affairs with special reference to the British Commonwealth:

"Dr. Evatt said that the suggestion that the United States and the Soviet Union should have three representatives each in the proposed International Assembly whereas the United Kingdom would retain one only had already led to serious misconception about the position of the United Kingdom and the other members of the British Commonwealth. For instance, it had been stated in the United States that Britain already possessed multiple representation through the votes of the Dominions. This was most inaccurate and misleading. Britain and the four Dominions would be separate, distinct, equal and autonomous members of the Organization. The British Commonwealth, as such, would not be a member at all. Nobody who understood the position of the Dominions in world affairs would think that their membership would amount to multiple representation of the United Kingdom". Ends.

HIGH COMMISSIONER

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Draft

JAG/Z
C233924

TELEGRAM

FROM: SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO : SECRETARY OF STATE FOR DOMINION AFFAIRS, LONDON

IMPORTANT
TOP SECRET
CYPHER

Ottawa, April 3, 1945

No._____

No._____ Following from Prime Minister for your Prime Minister, begins:

Your telegram Circular D. 540, World Organization, Voting in Assembly.

I was very glad to receive your message at noon today. Coming as it did along with a withdrawal of the United States proposals, this word enabled me to avoid making in the House of Commons what might otherwise have been a very difficult statement, and one surrounded by considerable embarrassment.

The question of multiple votes raises important issues on which I will be sending you very shortly a fuller statement of our views. Ends.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

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W0/11
C233925

JAG/

TOP SECRET

April 3, 1945
8.35 p.m.

MEMORANDUM FOR THE PRIME MINISTER :

U.N. - Conference at San Francisco, 1945 ✓

Re Telegram Circular D.540 and draft reply, attached:

1) I have consulted Mr. Robertson, as directed. He suggests that if you wish to send an immediate reply it might be along the lines of the attached draft. His intention would be to send a fuller statement tomorrow.

2) I understand Mr. Robertson feels that the implications of the references in Mr. Churchill's telegram to the British Commonwealth should be carefully examined and replied to. As he described it to me, it was a case of thinking how the Commonwealth association applies not only among the nations of the Commonwealth itself, but among other nations as well.

3) The attached draft is for consideration, please.

J.A.G.

J. A. GIBSON

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SF/CD
C233926

NAR/SR
6.4.45

MEMORANDUM FOR THE PRIME MINISTER

It would probably be desirable if you could make an announcement today about the personnel of the Canadian delegation to San Francisco. I think it could be confined to the delegation proper, who will all be Members of Parliament. Names of the senior advisers and staff could be given out subsequently in a press release.

I attach the list that you have had under consideration. If you have not yet heard definitely from Senator Ballantyne as to whether or not he will be able to go, I see no objection to including his name in the list of those who have been invited to form the delegation.

The press report of Wilgress' departure, by air, from Moscow this morning, intimates that he will be attached to the Canadian delegation to San Francisco.

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Canadian Delegation to
the United Nations Conference on International Organization, San Francisco, April 25th.

DELEGATES:

Rt. Hon. W.L. Mackenzie King, P.C., M.P., Prime Minister of Canada, President of the Privy Council and Secretary of State for External Affairs.

Hon. L.S. St. Laurent, K.C., M.P., Minister of Justice and Attorney General of Canada.

Senator the Hon. J.H. King, M.D., Leader of the Government in the Senate.

Mr. Gordon Graydon, M.P., Leader of the Opposition in the House of Commons.

Mr. M.J. Coldwell, M.P., President and Parliamentary Leader, Co-operative Commonwealth Federation.

Mrs. Cora T. Casselman, M.P.

Senator the Hon. C.C. Ballantyne, Leader of the Opposition in the Senate.

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DEPARTMENT OF EXTERNAL AFFAIRS

C233928

Ottawa,.....

To THE PRIME MINISTER

FOR INFORMATION

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CONFIDENTIAL

MEMORANDUM:

Travel Arrangements for San Francisco Conference.

The arrangements we are trying to make at the present time are as follows:-

An advance party will leave Ottawa on April 18th consisting of the following:-

R. G. Robertson
Miss M. Bridge
A. D. Dunton
Mrs. P. M. Jones
A. L. Hall
J. J. Meagher
Miss C. McCorquodale
Miss E. Simond
Sgt. P. Cooper

The Prime Minister's car will be attached to the regular Toronto train leaving Ottawa in the afternoon of April 19th. With the Prime Minister in the car will be:-

Mr. Turnbull
Mr. Handy
Mr. Nicol

We are trying to make arrangements for the following to proceed on the regular passenger train to which the Prime Minister's car will be attached:-

Hon. L. S. St. Laurent, K.C., M.P., Minister of Justice and Attorney General of Canada.

Senator the Hon. J. H. King, M.D., Leader of the Government in the Senate.

Mr. Gordon Graydon, M.P., Leader of the Opposition in the House of Commons.

Mr. M. J. Coldwell, M.P., President and Parliamentary Leader, Co-operative Commonwealth Federation.

Mrs. Cora T. Casselman, M.P.

~~Senator the Hon. C. G. Ballantyne, Leader of the Opposition in the Senate.~~

.....

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N. A. Robertson
Hume Wrong
L. D. Wilgress
Major General Pope
L. Rasminsky
P. E. Renaud
C. S. Ritchie
Miss E. MacCallum
J. L. Delisle
J. W. Pickersgill
J. A. Gibson
Mr. St. Laurent's Secretary.

Arrangements will be made to have the following join the special train from Halifax to San Francisco in Montreal:-

Mr. Frankham) of Prime Minister's Office
~~Mr. Russell~~)
3 Army Messengers
Miss S. Rump
Miss A. Hill
Miss L. St. George
Miss H. Perrault
General Pope's Stenographer — ?
2 W.I.B. Stenographers
Mrs. R. S. Mitchell
Mrs. F. Fowler
Mr. Graydon's Stenographer
Mr. Coldwell's Stenographer

J. J. Anderson of W.I.B. will be proceeding from Ottawa with the Press party.

The following will be proceeding directly from Washington to San Francisco and the Embassy will make the necessary arrangements:-

Mr. Pearson
Escott Reid
Roger Chaput
Hugh Campbell of W.I.B.
1 Stenographer

Mr. Desy and Mr. Chipman will make their own arrangements to proceed directly from their posts to San Francisco.

.....

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The staff of five to be provided by the Army for the Military cars will make their own travel arrangements from Vancouver to San Francisco.

The Aircrew of four and the two members of the administrative staff being provided by the R.C.A.F. will proceed to San Francisco by air.

As soon as possible, we should obtain the names of persons mentioned above, who are not named, and should have those who are named confirmed by the Under-Secretary. The Embassy in Washington should then be advised of all names, the port and date of entry into the United States, the title of the individual concerned and of their function with the Canadian Delegation.

Ottawa, 6th April, 1945.

WDM/JEB

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C233932

PERSONAL

NAR/SR
6.4.45

MEMORANDUM FOR THE PRIME MINISTER

Routine arrangements for our representation at San Francisco are well in hand. Arrangements for transport, staff acommodation, communications etc., are in train. We are preparing an office memorandum on these arrangements, for the information of our delegates, which should be ready for circulation on Monday. There are a number of supplementary questions that have occurred to me on which I should be glad to have your views:

(1) I wondered whether you would wish to have Measures included in the delegation? There is bound to be a measure of official entertaining in San Francisco and a good many calls will have to be made in return. At the same time, there will probably be a truce in Government hospitality in Ottawa.

(2) If Senator Ballantyne decides that he should not accept your invitation to go to San Francisco, you might wish to consider the possibility of taking Senator A.D. McRae as a senior Conservative Senator. I should expect McRae to be cooperative, and he probably would be glad to help with the representative side of the Conference.

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(3) I think it might be a good idea to take Brockington along to broadcast over the C.B.C. two or three times a week on the progress of the Conference. I do not know anybody who could do a better "public relations job" over the air for the Government on such a subject.

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COLOURED PAPER
PAPIER DE COULEUR

DEPARTMENT OF EXTERNAL AFFAIRS

C233924

Ottawa, ...

To THE PRIME MINISTER

FOR INFORMATION

This is being gestencographed for distribution to members of Delegation and Staff

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CONFIDENTIAL

C233935

SAN FRANCISCO CONFERENCE

MEMORANDUM FOR DELEGATES AND ADVISERS

Information from Washington with regard to general conference arrangements and plans here with respect to arrangements for the Canadian delegation and staff are not yet complete. However, the information in this memorandum may be of some assistance to members of the Canadian delegation who will be going to San Francisco.

I. Composition of the Canadian Delegation

(1) In addition to the delegates and advisers, there will be a secretariat consisting of a secretary, and two assistant secretaries, three officers of the Wartime Information Board to handle press matters and a secretariat for the Prime Minister.

(2) For general assistance in the work of the delegation there will be a staff consisting of an accountant, stenographers and three army messengers. The press section will have two stenographers to handle its work.

(3) It is intended to install a typex machine for direct and secret communications between Ottawa and San Francisco. There will be a staff to operate this and handle all code and cypher work.

II. Travel Arrangements to San Francisco

(1) Advance Party

An advance party will leave Ottawa on April 18th to complete arrangements at San Francisco prior to the arrival of the delegation.

(2) Delegates and Advisers

The Prime Minister's car will be attached to the train leaving Ottawa for Toronto at 3:00 o'clock on April 19th. It is hoped to secure accommodation on the same train for the delegates and advisers.

(3) Administrative Staff

Arrangements will be made for the administrative staff to join a special train in Montreal on April 19th.

Further information with regard to travel arrangements can

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be secured from Mr. W.D. Matthews, Chief Administrative Officer, Department of External Affairs - Local 4786.

III. Accommodation at San Francisco

(1) All arrangements for accommodation are being made by the Department of External Affairs with the United States State Department. It is probable, although not certain, that the entire delegation will be housed in the same hotel. Accommodation in San Francisco will be taxed and consequently it may not be possible to secure all the space that would be desired. There will be single rooms for all delegates and senior advisers, and probably for all other personnel except the clerical and administrative staff. It will not be possible to secure offices for the private use of members of the delegation. We are endeavouring to secure a certain number of "sitting rooms" (possibly from 4 to 6) which could be used for interviews and small delegation meetings.

(2) It is hoped that the delegation office can be arranged in the same hotel as the sleeping accommodation. The office will consist of a stenographic pool, code and cypher section, press office, and offices for the secretariat. It is hoped to have a delegation conference room and two or three offices for general use.

IV. Transportation at San Francisco

A special bus service is being provided for the conference; conference cars will be available for special purposes on request, and one car will be allocated by the State Department for the use of the Canadian delegation.

In addition to the above, a Canadian Army staff car is being provided from Vancouver for the Prime Minister and two will be available for general use by the delegation. All will have Canadian Army drivers.

V. Meetings of the Conference

Information now available is that plenary sessions of the Conference will be held in the San Francisco Opera House. Sessions of commissions and other meetings, will be held in the Veterans War Memorial Building. The hotel for the delegation is expected to be within a mile of both of these buildings.

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VI. Organization of the Conference

The plan of organization that has been tentatively suggested by the State Department is as follows:

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The above plan is purely tentative and may be considerably modified. It will, however, give some idea of the type of organization that can be expected.

VII. Arrangements for the work of the Delegation

(a) Documentation

A commentary on the Dumbarton Oaks proposals is being

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C233938

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In addition to material directly on the conference, there will be a selection of reference material. This will cover the operation, organization and work of the League of Nations and the I.L.O; economic and other organizations connected with the League; the Bretton Woods, U.N.R.R.A., and Food and Agriculture agreements; Canadian participation in international affairs; economic and general statistics; and other related subjects. Wherever possible a number of copies of documents will be secured in order that members of the delegation can be provided with them on request. The reference material will be kept in the general offices.

If delegates or advisers have in mind any documents they particularly wish to have available, it would be appreciated if they would communicate with Miss M. Bridge, Assistant Secretary, at Local 6172

(b) Communications with Ottawa

There will be direct typex connection with Ottawa from the delegation office. In addition special telegraph facilities are being installed for the conference.

There will also be a special airplane courier service between Ottawa and San Francisco for official purposes.

VIII. Personal arrangements for Delegation Members

(1) Passports

Passports should be secured or renewed (if necessary) as soon as possible. A special insertion will be placed in the passports of all delegation members to certify that they are proceeding to the conference on official missions. To secure these insertions, passports should be sent to: Mr. L. Beaudry, Assistant Under-Secretary of State for External Affairs, East Block, Ottawa. (Local 2344). Mr. Beaudry will ensure that the

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(2) Funds

Transportation, accommodation, and necessary living expenses of the members will be met from official funds. Personal expenses will be the responsibility of the individual. To assist in the handling of accounts, a delegation accountant will be available at San Francisco.

Enquiries with regard to finances should be directed to Mr. W.D. Matthews, Local 4786.

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Business suits will be adequate for all daytime functions. Senior members of the delegation may wish to include a dinner jacket (black tie) for evening wear. It is expected that there will be a minimum of social functions. None are being provided as part of the organization of the Conference.

Temperatures at San Francisco in late April and May range between 50 and 63 degrees. Light-weight woollen clothing and topcoats are suggested.

IX. The Secretary and Assistant Secretaries will be glad to give any assistance or information they can with regard to arrangements. They can be communicated with at the following telephone numbers:

Secretary - R.G. Robertson - Local 3151
Assistant Secretaries - J.L. Delisle - Local 4211
Miss M. Bridge - Local 6172.

R.G. Robertson.

Secretary.

Ottawa,
April 7, 1945.

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C233940 CONFIDENTIAL
NAR/SR
7.4.45

MEMORANDUM FOR THE PRIME MINISTER

Canadian Delegation to the
United Nations Conference on International Organization
San Francisco, April 25th.

DELEGATES

Rt. Hon. W.L. Mackenzie King, P.C., M.P., Prime Minister of Canada, President of the Privy Council and Secretary of State for External Affairs.

Hon. L.S. St. Laurent, K.C., M.P., Minister of Justice and Attorney General of Canada.

Senator the Hon. J.H. King, M.D., Leader of the Government in the Senate.

Mr. Gordon Graydon, M.P., Leader of the Opposition in the House of Commons.

Mr. M.J. Coldwell, M.P., President and Parliamentary Leader, Co-operative Commonwealth Federation.

Mrs. Cora T. Casselman, M.P.

Senator the Hon. C.C. Ballantyne, Leader of the Opposition in the Senate.

SENIOR ADVISERS

Mr. N.A. Robertson

Mr. H.H. Wrong

Mr. L.B. Pearson

Mr. Jean Desy, K.C.

Mr. L.D. Wilgress

Mr. W.F. Chipman, K.C.

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Major-General M.A. Pope, C.B., M.C.

TECHNICAL ADVISERS

Mr. L. Rasminsky

Mr. P.E. Renaud

Mr. E. Reid

Mr. C.S. Ritchie

Miss Elizabeth MacCallum

Mr. R. Chaput

SECRETARY OF THE DELEGATION

Mr. R.G. Robertson.

Assistant Secretaries - Mr. J.L. Delisle
Miss M. Bridge.

PRIME MINISTER'S SECRETARIAT

Mr. W.J. Turnbull

Mr. J.W. Pickersgill

Mr. J.A. Gibson

Mr. E. Handy

Mr. J.S. Nicol

Plus a Cypher Staff of five;
six stenographers, including an accounting officer (and Russell);
and four messengers (including Frankham).

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C233946

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R.G. Robertson.

Secretary.

Ottawa,
April 7, 1945.

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DS/MA

C233947

NAR/SR
8.4.45

MEMORANDUM FOR THE PRIME MINISTER

The Brazilian Ambassador in Ottawa, Mr. Freitas Valle and the Mexican Ambassador, Dr. Del Rio, have been added to their countries' delegations to the San Francisco Conference.

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S/1945/P 9.IV.45
C233948

Re Winding up the business of Parliament

Date of Conference and Departure for:

The United Nations Conference at San Francisco opens on the 25th instant

Some of the delegates are already on their way.

Some may be passing through Ottawa this week.

To be reasonably certain of arriving on time for opening proceedings, it will be necessary for the Canadian delegation to leave Ottawa by train on Thursday of next week -- 19th instant.

Re my own presence at opening:

Here let me say that, anxious as I personally am to be present at the opening proceedings,

whether that will be possible or not

will depend on how long this House continues in Session.

The term of Parliament will have expired by Tuesday the 17th.

Were the proceedings of this session not concluded before that time it is quite apparent that it would be impossible for me to be ready to leave within the next 48 hours

There are many matters to be concluded before I leave some of which cannot be dealt with until after the present session is wound up:

a) matters pertaining to the war -- accumulation during session

matters to be anticipated arising out of eventualities in Europe

b) matters pertaining to business of Government during my absence

c) matters pertaining to the general elections which would take place at as early a date as circumstances would reasonably permit

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Session called for following purposes:

(1) To discuss matters pertaining to the San Francisco Conference;

(2) To obtain the supplementary supply needed for fiscal year 1944-45;

(3) To obtain for Parliament needed appropriations to prosecute the war,

the needed supply to carry on government over the period of a general election, and

the time necessary for the reassembling of the next Parliament.

The first purpose was completed on Wednesday (March 28).

The second purpose, on Thursday (March 29).

The discussion on No. 3 began on April the 3rd, and continued four days last week.

There remains the interim 5/12ths of war appropriations supply for the fiscal year 1945-46.

It is said that we are voting millions without sufficient discussion.

What we are asking Parliament to approve:

something to enable the govt. to carry on for an indefinite time, or

to vote monies for purposes that have not already been approved and for amounts not already carefully scrutinized.

there might be something to the point but such is not the case.

Parliament has already approved the purposes.

Parliament has already voted similar, if not identical amounts for the fulfilment of these purposes.

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What we are asking for is 5/12 of sums that Parliament already has said were justified and necessary.

As a government, we are asking nothing for ourselves except to have provision made by Act of Parliament instead of Governor General's warrants for the purposes I have mentioned.

It will be out duty to carry on whether Parliament votes the needed supply or not.

If honourable gentlemen of parties opposite are sincere, when they say thex expect to be in office after the next general elections, then what we are actually doing is seeking to make that possible at the earliest possible date.

It will take 2 months for election;

2 months from ~~that~~ date of issue of writs to the date of polling;

another 2 months from day of polling to the time of the return of the writs to the Electoral Officer.

Another couple of weeks after the return of the writs, and the summoning of the new Parliament before Parliament itself can meet.

To permit of this, we ask for the needed interim appropriations on war account - an interim supply, nothing more.

The new Parliament will have not only the opportunity, but it will be its duty to scrutinize every dollar of expenditures made during the interim, or estimated for the fiscal year 1945-6.

The voting of the interim appropriations and supply will commit the new Parliament to nithing, and deprive the new Parliament of nothing it would otherwise have.

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WLMK/Z
9-4-45

C233051

Re: Delegation to San Francisco Conference

Personnel of Delegation:

Reasons for.

Representation of both Houses of Parliament.

Representation both sides of House in each case.

Not outside of Parliament - confined to Members.

Important to keep before people that Parliament is most representative of all our national institutions.

Size of Delegation - 7.

The House of Commons:

Government side -	Rt.Hon.W.L.Mackenzie King	- Leader of the Government and Secretary of State for External Affairs.
	Hon. L. S. St. Laurent	- Minister of Justice.
	Mrs. Cora Casselman	- M.P. for Edmonton East.
Opposition side -	Mr. Gordon Graydon	- Leader of His Majesty's Loyal Opposition.
	Mr. M. J. Coldwell	- Leader of the Co-operative Commonwealth Federation.

= Five from the House of Commons:
3 from Government side
2 from Opposition.

Representation not by groups,
but by Government and Opposition.

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Re: Opposition in House of Commons -

Chosen from parties that have representatives in this House from more than one province.

The Senate -

Government and Opposition.

Hon. Dr. J. H. King - Leader of the Government.

Wished very much to have Leader of the Opposition in Senate - Hon. C. C. Ballantyne.

For personal reasons, unable to attend. Particularly sorry, as Senator Ballantyne has had wide experience in public affairs. Associated with Sir Robert Borden in matters pertaining to League of Nations.

Hon. Lucien Moraud, LL.D. - appointed instead and accepted.

Senator Ballantyne, while not French-speaking, is from Province of Quebec.

Senator Moraud will be representative of French-speaking Canadians as well as the Conservative party in the Senate.

Apart from advisability of Canadian point of view of having representatives of Opposition as well as Government from the Senate, it is advisable to have representatives of French-speaking as well as English-speaking representative from the Senate.

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Monday, April 9, 1945

STATEMENT BY THE PRIME MINISTER

C233953

On March 28th this House gave overwhelming endorsement to the proposal that Canada should send a delegation to the conference which is to open in San Francisco on April 25th to deal with the establishment of a general international organization for the maintenance of international peace and security. When the matter was under discussion, I stated that the Government would assume its constitutional responsibility for the selection of the delegation, but I also intimated that it was the intention of the Government that the delegation should be broadly representative in character through having among its members representatives of ~~the~~ opposition ~~parties~~ in Parliament. ~~I have, in the interim, discussed the matter with the Leader of the Opposition and with the leader of the C.C.F. party, and I~~ may now announce that the following persons will be the Canadian delegates to the San Francisco Conference:

From the House of Commons:

Rt. Hon. W.L. Mackenzie King, P.C., M.P., Prime Minister of Canada, President of the Privy Council and Secretary of State for External Affairs.

Hon. L.S. St. Laurent, K.C., M.P., Minister of Justice and Attorney General of Canada.

~~Member for Camrose~~ Mrs Cora J. Casselman, M.P.

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~~Mrs. Cora T. Casselman, M.P.~~

C233251

From the Senate:

Senator the Hon. J.H. King, M.D., Leader of the Government in the Senate.

Senator Lucien Moraud, K.C.

In choosing a group of advisers for the delegation, the primary consideration in mind has been that of providing ~~men~~ who, from their capacities and experience in the public service, will provide the expert knowledge and broad perspectives that will be required. It has been suggested from a number of quarters that representatives of special groups in the country should be included among the advisers in order to present their particular interests and points of view. Careful consideration was given to these proposals, but ~~in the end it became clear that the number of special interests is so great that it would be impossible to give direct representation to all who consider that they have - and in most cases do have - a close interest in the world organization that it is hoped to establish. The advisers that have been chosen are men who, I think,~~ can give expert advice and broad counsel. So far as is possible the special interests of all groups in this country will be kept in mind and should be protected through the

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general representational character of the delegates. In any event, there will, of course, be an opportunity for final review when the resultant agreement comes before Parliament for consideration, prior to ratification. The senior advisers to the delegation will be the following:

Mr. N.A. Robertson, Under-Secretary of State for External Affairs.

Mr. H.H. Wrong, Associate Under-Secretary of State for External Affairs.

Mr. L.B. Pearson, Canadian Ambassador to the United States.

Mr. Jean Desy, K.C., Canadian Ambassador to Brazil.

Mr. L.D. Wilgress, Canadian Ambassador to the U.S.S.R.

Mr. W.F. Chipman, K.C., Canadian Ambassador to Chile.

Major-General M.A. Pope, C.B., M.C., Military Staff Officer to the Prime Minister, Military Secretary to the Cabinet War Committee and Member of the Chiefs of Staff Committee.

I might add that there will also be six or seven technical advisers to deal with particular problems which require special knowledge, and, of course, whatever secretarial and clerical assistance is necessary to ensure the efficient discharge of the duties of the delegation.

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TOP SECRET

To: The Prime Minister

From: N.A. Robertson C233956

FOR INFORMATION

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DOCUMENT NO.

CONFIDENTIAL MEMORANDUM

MEETING OF COMMITTEE OF JURISTS, WASHINGTON

April 9th - 20th, 1945.

1. The report of the Rapporteur and the draft Statute of an International Court of Justice give a clear indication of the work which was done at the Washington meetings of the Committee.

2. This Memorandum will confine itself to the points which are likely to give rise to controversy at San Francisco.

3. The questions raised in Article 1 of the Draft Statute.

There are two contrasting views with regard to the nature of the Statute.

The first view is that the old Statute should be continued and that the new Statute should be in the nature of a revision and consolidation of the old. A very substantial number of countries represented on the Committee of Jurists favour this course. It offers definite advantages. It ensures the continuity of the Court. It preserves its jurisdiction under several hundreds of international agreements, many of which continue in force, the most recent being the Aviation Agreement. It preserves the position of States which have accepted the Optional Clause.

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The second view, which has received substantial support, is that a new Statute, based upon the old Statute adapted to meet present-day needs, should be brought into operation by a new multilateral agreement. It would be annexed to and form a part of the Charter. It is likely that it can be brought into being with less delay than would be involved in a Statute providing for revision and consolidation. The old Statute has no provisions for amendment and changes can only be made with the unanimous agreement of all of the parties. The effect of most of the treaties conferring jurisdiction can, to a large extent, be preserved by a General Agreement along the lines suggested in the comment in the Canadian brief, para.3, sub-para.(d),pp.7 and 8. Upon the acceptance of the Charter and Statute of the Court by all countries, there would be complete preservation of existing jurisdiction.

There is a political angle to this question which should not be overlooked. Some of the countries, especially the Soviet Union, would have very strong objections to the continuation of the old Statute. It would give a voice in the organisation and control of the Court to States which are not members of The United Nations, such as Estonia, Germany, Japan, Italy, Spain, etc. If Chapter VII,para.5 of the Dumbarton Oaks proposals is intended to mean that States which are not members of The United Nations can only be parties to the Statute upon appropriate action by the

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General Assembly and the Security Council, the continuation of the existing Statute would be inconsistent with the proposal.

4. The disposition of the questions raised in Article 1 may involve the submission of drafts.

(a) Suggested draft based upon continuation of the present Statute and Court.

Article 1.

The Permanent Court of International Justice established in 1920 shall function under this Statute, and shall be the chief judicial organ of The United Nations. This Court shall be in addition to the Permanent Court of Arbitration organised by the Conventions of The Hague of 1899 and 1907 and to other tribunals to which States are at liberty to submit their disputes for settlement.

(In this draft the particular references to the old Statute are restricted to a minimum with a view to making it less offensive. The second sentence is modified in accordance with understandings reached at the meeting of the Committee of Jurists. The preservation of the position of special tribunals of arbitration was inconsistent with the French text and seemed to imply that the position of general tribunals might be prejudiced. It would be better to drop the sentence out entirely, but if it is retained it is essential that the preservation of

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alternative methods of disposition of disputes should be broad enough to extend to all types of tribunals including the International Joint Commission.)

(b) Suggested draft based upon establishment of a new Court.

Article 1.

(1) The Permanent Court of International Justice is hereby established and shall function under the present Statute as the chief judicial organ of The United Nations.

(2) This Court shall be in addition to the Court of Arbitration organised by the Conventions of The Hague of 1899 and 1907 and to other tribunals to which States are at liberty to submit their disputes for settlement.

(3) The Permanent Court of International Justice established under the provisions of this Article shall be deemed to continue and may exercise, under the provisions of any treaties or conventions in force, any jurisdiction which has been conferred upon the Permanent Court of International Justice established by the Protocol of Signature of December 16, 1920, by treaties and conventions now in force.

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(The third paragraph might just as well be placed among transitory provisions in a Protocol bringing the Statute into force; or in the Charter; or in the Protocol bringing the Charter into force, along with other transitory provisions. It should be recognised that it would not immediately preserve all existing jurisdiction. It would, for example, preserve jurisdiction under the Aviation Convention because the parties to it and to the Charter would be identical. It would preserve jurisdiction under all Agreements in which both or all of the parties accepted the present Statute. It would presumably be made a condition of admission to the fold that other countries, both enemy and neutral, should agree to the Court's jurisdiction. Ultimately all existing jurisdiction would be preserved.)

5. There is no special Canadian interest in this matter. The Canadian and American Bar Associations recommended that the present Statute should be continued with necessary modifications, but that, if the creation of a new Statute should be deemed unavoidable, the continuity with the past should be fully maintained and jurisdiction conferred on the Court under existing treaties and agreements should be preserved. There would be no serious disadvantage to any country concerned, and this appears to me to be a case in which even a substantial majority should give way to meet a minority position if the concession would result in a more general acceptance of the Court.

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6. The questions raised in Articles 3 - 13 of the draft Statute.

7. It will be observed that alternative proposals are presented, covering some of these Articles, which are concerned with the nomination and election of Judges. The following comments will indicate the position:-

(a) The Committee of Jurists decided by a very large majority that the number of the Court should be maintained at 15 members. The U.K. delegation tried hard to reduce the number to 9. Bearing in mind that the system of nomination and election was of such a character as to make it certain that the Court would always contain members from the countries having permanent seats on the Security Council, it was thought by most of the members of the Committee that there would be dissatisfaction with a Court of 9, with only 4 members from the other countries including both middle and small powers. It was also thought that 4 was too small a number to give effect to the provisions of Article 9. The Sub-Committee which studied this problem had the advantage of consultation with two members of the Court, and with one ex-Judge (the Chinese representative) who had sat on the Court when it consisted of 11 members and whose term of office extended over into the period when the numbers had been increased to 15. It was made clear to the Sub-Committee that the increase to 15 members was essential in order to enable the Court to do its work. Further, most of the Sub-Committee expected that there would be a substantial increase in the business of the Court arising from United States membership. The Committee and Sub-Committee were influenced by the recommendation of the American and Canadian Bar Associations

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that the number of 15 Judges should not be reduced. There would therefore appear to be good reasons for resisting an effort which will probably be made at San Francisco to re-open this question and to reverse the position taken by the Committee of Jurists.

(b) On the question of whether Judges should be nominated by governments or by national groups, there was a very close vote. The Committee was equally divided and the Chairman ruled that the motion was lost. On this point the Bar Associations recommended that the present practice should be continued, but there does not seem to be any strong Canadian interest either way. The present practice is described in the Canadian brief at p.21 para 2, and it is clear that the method followed in Canada could be continued even if the Statute provided for nomination by the Government. When I sat on the sub-committee studying this point, I followed the Bar Association recommendation, but was prepared to accept the U.K. proposal in deference to the views of the majority of the sub-committee. When the question was raised again in the main committee as the result of a very strong appeal from the United States delegation, I went back to my original position. I think, however, that this is a case in which the United States might very well be willing to make concessions. The United States view is based

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largely on the embarrassment which would be placed upon their Government if they had to nominate directly, but they could follow the same course as we do and accept the advice of their national group and thus get rid of most of their political difficulty.

(c) The third point relates to the number of nominations. The United Kingdom led a movement to cut down the number to one and to restrict the countries to nomination of their own nationals. Here again I followed the general views which had been approved by the Bar Associations, bearing in mind that there had been some advantage to countries such as Canada, which were unlikely to have Judges on the Court, to have a part in the nomination of candidates who were likely to succeed. There is, however, no very strong Canadian interest on this point. On the other hand, I do not think that there is any very strong United Kingdom interest unless San Francisco reverses the position taken by the Committee of Jurists on the next point.

(d) The United Kingdom had proposed that defeated candidates should become members of the Court available on call to serve on the Court when the Court became short-handed. The countries would be limited to such members in their selection of ad hoc Judges. If it is revived and action taken in Washington reversed, it would follow automatically that each country should be limited to a single nomination of one of its own nationals.

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8. The questions raised in Article 36 of the draft Statute.

9. Article 36 is presented in parallel columns. The left-hand column sets forth the Optional Clause taken directly from the old Statute with practically no change of any sort. The right-hand column presents a scheme for compulsory jurisdiction. The following observations are made.

(a) Paragraph one defines the extent of the jurisdiction of the Court. If the parties agreed to submit a matter to the Court which did not come within the limitations prescribed by paragraph one, the Court would be bound to rule that it was without jurisdiction and that it could not deal with the matter notwithstanding the concurrence of the parties. The United Kingdom urged very strongly that there should be inserted the word "justiciable" governing "cases" or some similar word or phrase such as "of a legal character". The reason for this revision is to prevent the Court from being concerned with political questions. There was a strong feeling to the effect that the Court would lose the respect of the world if it went beyond justiciable matters in its jurisdiction. This point was taken by Judge Jackson of the Supreme Court of the United States in a very able address before the American Society of International Law on April 14. There was general agreement in the Committee that it was desirable that the Court

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not be concerned with other than judiciable disputes. There were, however, many of the delegates who felt that "justiciable" was a very vague word, lacking in exact definition. Others felt that the alternative phrase "of a legal character" might present unforeseen difficulties. Further, the application of the paragraph by the Court during the last 25 years had not presented any difficulty. The principal objection was to the Austrian reference which was clearly both a justiciable dispute and a dispute of a legal character. The objection, if sound, should have been taken to the action of the Council of the League in referring the matter to the Court. The Committee therefore by an appreciable majority rejected the proposal.

(b) The principal point of difference concerned the question of compulsory jurisdiction. The draft in the right-hand column presents the views of a substantial majority of the Committee. It provides compulsory jurisdiction for legal disputes in four classes of cases. The compulsory jurisdiction under paragraph 2 of this draft is narrower in its scope than the voluntary jurisdiction which may arise under paragraph 1, but it is still very extensive. There is no provision for reservations or for contracting out in any way. There was a very solid objection to this position taken by the U.K. , U.S.A., U.S.S.R., France, Norway and perhaps

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three or four other countries. I objected to it largely by reason of the fact that if offered no scope for essential reservations such as those which are set forth on pp.38,39,40 and 41 of the Canadian brief. The United States delegate, Mr. Hackworth, who was President of the Committee, made a very strong appeal for the maintenance of the system of the Optional Clause. He assured the Committee that the United States could be expected to accept the Statute of the Court on the basis of the Optional Clause and that there was good reason to expect that the Optional Clause would also be accepted by the U.S.A. perhaps later. He did not say that the United States would be unable to accept a Statute with compulsory jurisdiction, but I am convinced that he had a good deal of doubt as to United States acceptance on a compulsory basis. The British and French objected strongly, but I think that they would be unwilling to stay out of the Court even if it were established on a compulsory basis if the Statute were accepted by the U.S.S.R. and the U.S.A. It was very clear that the Soviet representatives did not think that their Government could accept the Statute on a compulsory basis.

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(c) The Bar Associations had put forward a proposal which was the basis of the draft in the right-hand column, but which included an additional provision that, in becoming a party to the Statute, a State should be permitted to attach reservations to its acceptance of compulsory jurisdiction and thereafter to withdraw or waive or limit such reservations. Reservations made by a State were to enure to the advantage of any other party to a dispute against which the State might have invoked the Court's jurisdiction. This view commended itself to a good many of the delegates. It was actually put to a vote and defeated, but in view of the fact that few of the members of the Committee heard the motion or knew what they were voting about, it is not certain what the actual sentiment of the Committee was on the point. In substance a provision of this sort would go a long distance to meet the difficulties which are faced by the countries which prefer the Optional Clause. It would not, however, meet the traditional jealousy of the U.S. Senate in asserting its right to make the approval of the Senate a condition upon the validity of any Agreement for submitting a question to international arbitration.

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Traditionally, the Senate has insisted that particular international questions should be subject to approval by two-thirds majority of the Senate. Further, I am doubtful as to whether the Russians would accept this compromise position. Insofar as Canada is concerned, our experience in the past would indicate the need to extend it so as to make it possible, not merely to withdraw or waive or limit reservations, but also to add additional reservations to meet future conditions. With such an extension the Canadian position would be indistinguishable in substance from that which we have enjoyed under the Optional Clause.

(d) This question, like the point arising under Article 1, is the sort of question which might affect the question of acceptance or non-acceptance of the Statute. It might give rise to difficulties which would go beyond the Court question and affect the broader position under the Charter of The United Nations. It might form a focal point for a revival of isolationist sentiment on this continent. I should think that it would be necessary fully to explore the U.K., U.S.A., U.S.S.R. and French position and to try to avoid any position which might wreck the main scheme. (I do not think that my fears in this point were shared by the Canadian Advisers, except, perhaps, Chaput).

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(e) It should not be overlooked that this question is one of differences in the method of approach to an objective which is desired by all. There is a general desire, shared by all of The United Nations, to reach a position in which there will be general compulsory jurisdiction to deal with legal questions. One view based upon logical reasoning to which there is no easy answer, is that the objective could best be attained by an immediate universal acceptance of compulsory jurisdiction. The other view is that the objective could more certainly be obtained by beginning with voluntary jurisdiction and providing machinery whereby the countries concerned could accept compulsory jurisdiction under the Optional Clause. Following upon the adoption of the Statute of the Permanent Court in 1920, 46 out of 51 parties to the Statute accepted the Optional Clause. It took nearly 10 years before the United Kingdom, Canada and other nations of the Commonwealth were ready to accept the Optional Clause. There can be little doubt that acceptance would have been universal if it had not been for the decline in internationalism in the "30's". If, as it is hoped, The United Nations, as a scheme for World Organisation, succeeds, there will be a progressive growth of world sentiment favouring the international disposition of political and juridical questions. It can be expected that this will be accomplished by a general acceptance of

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the Optional Clause so that it will not be many years before there is in fact universal acceptance of the principle of the settlement of international disputes by judicial process. It is suggested that the Canadian policy might be to bring about the acceptance of the draft in the right-hand column with the addition of a suitable provision for reservations; but that, if it proves to be impossible to get unanimous acceptance of this course, the Canadian policy might be to urge the majority to acquiesce in the maintenance of the present position, rather than to take a chance on non-acceptance of the Statute by any of the countries concerned.

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10. Chambers to deal with particular cases.

11. The most important change in the Statute of the Court is tucked away in Article 26. This Article provides that the Court may at any time form a Chamber for dealing with a particular case. It provides that the number of judges to constitute such a Chamber is to be determined by the Court with the approval of the parties. This needs to be read in conjunction with Article 28 which provides that the Chambers under Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

12. While there is a sort of conventional understanding that everybody should talk about what wonderful work the Court has done, it is impossible to overlook the fact that the Court as it has functioned is not an entirely satisfactory world tribunal. It has not attracted to itself a large proportion of international questions which are dealt with by pacific means. It has failed to supplant ad hoc tribunals, especially where difficult problems need to be dealt with. We have had, during the period when the Court has been functioning, a dozen or more important international questions, all with the United States. They have been dealt with for the most part by the International Joint Commission, with two of them by special tribunals, namely, the Trail Smelter and the I'm Alone. Measured on a basis of their relative importance, they would compare favourably with the general run of cases before the Permanent Court. I should not be inclined to advocate

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the transferring to the World Court of the joh which is done by the International Joint Commission. On the other hand, a World Court should be capable of doing the sort of jobs that the Commission does very well indeed.

To deal with cases such as those referred to above, it is necessary to have a reasonably small Court which is capable of moving to the place where the international dispute has arisen. In the Trail Smelter case, for example, the tribunal met at the following places: Washington, Spokane, Ottawa, Montreal. In addition it surveyed the Columbia Valley and went over the plants at Trail. It could not have done justice otherwise. It may be important that an international tribunal should present itself in the place in which the dispute has arisen and give to the people affected in both countries concerned an opportunity to have their day in court. A feeling may thus be created that justice is being done and people are ready to accept an adverse decision by a court more readily, if they have the feeling that the court has given full consideration to all aspects of the question.

The present provision gives the Court the power which is necessary in order to enable it to work out this problem in conjunction with the parties. At Washington there was an attempt by the Philippine representative to curtail the powers of the Court on this point by specifying the number of judges who should form a Chamber of this sort. This movement was successfully resisted by Mr. Hackworth and there should be no real difficulty in preserving the provisions of Article 26(2) and (3) intact.

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13. There is one point which arose with the discussion of Article 31. In the provision for ad hoc judges the right of representation seems to be limited to cases inter partes. We had some discussion of an alternative draft for para.(2) and (3) which had been put forward by the United Kingdom representative. The alternative draft was clearly preferable from every point of view, especially in that it made it possible to provide for ad hoc judges in the case of proceedings for advisory opinions where a particular country had an interest. It is possible that a reference might be made under Dumbarton Oaks proposal, Chapter 8 Section A para.6, or under Article 65 of the present Statute, in which there might be an important interest of a particular country which did not have a judge on the Court. A question might be dealt with by this procedure which would be as important or even more important than questions arising inter partes. When we were discussing this question in the drafting committee, there was a general feeling that Article 31 should be left as it is. It was very badly drafted, but it has worked well in practice. I think that we had in mind the possible incorporation of another provision applying the provisions of Article 31 to proceedings under Chapter 4 of the Statute. We never got around to it. The place where we thought that it might be dealt with was in Article 68, and I think on the whole that the Court would have ample power in that Article if a case arose in which a particular State had a genuine interest in a proceeding of the same sort as it would have in a proceeding inter partes.

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I am mentioning the point, but I am inclined to think that the matter will not give rise to any practical difficulties and can safely be left to a broad construction of Article 68.

14. The Committee did not discuss the question of provision for advisory opinions in the Charter itself. It did, however, provide for advisory opinions in the Statute, and there was no dissent with regard to the extension which was involved in Article 65 as drafted, where the power to refer was given to the General Assembly as well as to the Security Council. This was carrying out the same scheme as in Article 65 of the old Statute. It was not in accord with the position taken in the Dumbarton Oaks proposals.

It should be noted that the scheme put forward in Article 65 of the present Statute is broad in its scope. It does not go as far as the I.L.O. want. It does not give to the I.L.O. or to any other international organisation a right of direct reference to the Court. The position taken on this as on other matters by the Committee of Jurists was dictated to some extent by a very obvious prejudice against the I.L.O. On the other hand, the giving of the power to make references for advisory opinion to the General Assembly would, I think, be adequate to enable the General Assembly to authorise references by the Social and Economic Council, which is probably a good thing. Provision is made whereby questions can be laid before the

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Court by the Secretary General of The United Nations under instructions from the General Assembly which presumably would enable the General Assembly to give general instructions, as well as instructions in a particular case, and the general instructions might well extend to matters referred by the Economic and Social Council within limitations imposed by the general instructions.

I am not sure that the position taken will stand up at San Francisco. There may well be a strong movement to limit the right to lay questions before the Court for advisory opinion to the Security Council. There may well be a strong movement for taking the provisions of Chapter 8, Section A, para.7 outside of the scope of the proviso to Chapter 6, Section C, para 3. In substance, if not in theory, the power to refer a matter for advisory opinion involves compulsory jurisdiction imposed upon a country which has a direct and substantial interest in the matter referred.

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UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Washington, April 9, 1945 — San Francisco, April 25, 1945

ESTABLISHMENT OF INTERNATIONAL COURT OF JUSTICE AND OTHER LEGAL QUESTIONS

DEPARTMENT OF EXTERNAL AFFAIRS, OTTAWA

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ESTABLISHMENT OF INTERNATIONAL COURT OF JUSTICE AND OTHER LEGAL QUESTIONS

CHAPTER I.—INTRODUCTION

Comment

1. The Dumbarton Oaks proposals recognize the importance of international justice. In the statement of principles, it is set forth that all members of the Organization should settle their disputes by peaceful means in such a manner that international peace and security should not be endangered. In describing the principal organs of a General International Organization, the proposals set forth in Chapter IV Principal Organs, are—

"1. The Organization should have as its principal organs:

(*a*) A General Assembly;

(*b*) A Security Council;

(*c*) An international court of justice; and

(*d*) A Secretariat."

2. At the Conference it was not possible to provide for a close examination of the problems presented by the establishment of an international court of justice and, consequently, Chapter VII dealing with this matter does not go into details but merely sets forth the general ideas—

"Chapter VII An International Court of Justice

1. There should be an international court of justice which should constitute the principal judicial organ of the Organization.

2. The Court should be constituted and should function in accordance with a statute which should be annexed to and be a part of the Charter of the Organization.

3. The statute of the court of international justice should be either (*a*) the Statute of the Permanent Court of International Justice, continued in force with such modifications as may be desirable, or (*b*) a new statute in the preparation of which the Statute of the Permanent Court of International Justice should be used as a basis.

4. All members of the Organization should *ipso facto* be parties to the statute of the international court of justice.

5. Conditions under which states not members of the Organization may become parties to the statute of the international court of justice should be determined in each case by the General Assembly upon recommendation of the Security Council."

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3. The questions relating to the establishment of a Permanent Court were examined by a committee in London under the chairmanship of the Legal Adviser of the Foreign Office and including representatives from Belgium, Czechoslovakia, France, Greece, Luxembourg, the Netherlands, New Zealand, Norway and Poland. At the first two meetings of the committee, Mr. D. M. Johnson, a member of the Quebec Bar and of the staff of Canada House, was in attendance, but, when he joined the armed forces, it was not possible to arrange for further representation so that there was no Canadian representation during the greater part of the discussions.

4. The committee consisted of persons who were familiar with the problems of international justice insofar as they affect European conditions, but it did not include any members who fully appreciated the North and South American points of view and there were no representatives from Asiatic or African countries.

5. The Canadian Bar Association, at its meeting in the summer of 1944, decided to undertake studies of the questions relating to international organization in order to be able to give assistance and advice to the Government if called upon to do so. A committee was formed consisting of the President and past-Presidents of the Association; and Chief Justice Farris of British Columbia was appointed Chairman. It met during the winter meetings of the Council of the Association in Ottawa in February of this year. In the meantime the American Bar Association had undertaken studies of the legal aspects of the international organization and sent Judge Ransom, a past-President of the Association, who is Chairman of the American Bar Association's Committee, to Ottawa to confer with the Canadian committee. It was learned in this way that the American Bar Association was confining its studies to questions relating to the Permanent Court. Regional committees had been formed throughout the United States, and an organized program was established. The committee of the Canadian Bar decided to follow a similar course and a similar program of studies. Regional committees were organized, one in Halifax covering the three Maritime provinces, one in Montreal, one in Toronto, one in Winnipeg, one in Edmonton, one in Vancouver and one in Victoria. The committees organized were of a broadly representative character, including members of the bench and bar who were interested in international questions. Arrangements were made for convening Chief Justice Farris' committee in Ottawa on March 28, and for joint meetings with the Central Committee of the American Bar Association at Chicago, April 4 and 5. The conclusions reached in this manner indicate a trend of professional opinion based upon a thorough study of the problems involved. For the most part, Judge Hudson of the Permanent Court of International Justice attended the meetings both in Canada and the United States. He was unable to go to Halifax and the meeting there was attended by Mr. Robinson of the Maine Bar, who had been present at the meetings in Boston and Chicago, and by the Legal Adviser of the Department. The Bar Association conclusions will be available under separate cover.

6. In the Dumbarton Oaks proposals, and particularly in Chapter VII as cited above, there is a definite indication that a solution should be found based on maintaining continuity between

the Permanent Court of International Justice and the new court which may emerge as one of the principal organs of the General International Organization. Accordingly, it is possible to confine the consideration of this problem at the present stage to an examination of the questions which arise out of the experience of the Permanent Court in its twenty odd years of history.

7. The activities of the Court were largely confined to the adjudication of justifiable questions arising in or in the neighbourhood of Europe. Brazil appeared before the Court in a case in which France was the other party. Belgium brought a case against China but China did not enter an appearance and the case was withdrawn. Two cases related to Palestine and two to African questions. Apart from these exceptional instances, the Court did not succeed in attracting to itself legal disputes arising in North or South America, in Asia, or in Australasia. This was due in a large part to the fact that the United States did not adopt the statute of the Court, but it is also due to some extent to the fact that the Court, in its organization and methods, was better suited to dealing with the types of problems which arise in the older European civilization.

8. It is desirable that, in any plan for the continuation and reform of the Permanent Court, it should be so constituted that it would be the type of tribunal to which countries like Canada, the United States of America, and the Latin American republics would be inclined to resort for the judicial settlement of international disputes in which they were interested.

9. In view of the course which has been followed in studying these questions, this brief is being arranged in the following manner:—

(*a*) The chapter headings are taken from the report of the informal inter-allied committee.

(*b*) The chapters begin, in all instances, with a comment prepared in the Department of External Affairs, which is based upon the study of the report referred to, of the conclusions of the inter-allied committee, of preliminary recommendations of the Canadian Bar Association, and of any other available information. Perhaps the most useful of all of the sources has been a series of notes prepared by Judge Hudson dealing with various aspects of international justice.

(*c*) The comment is followed by an annexed note setting forth the following texts, when available:

A Summary of recommendations and conclusions from the report of the inter-allied committee.

B Relevant extracts from notes prepared for study by the Bar Associations.

C Relevant articles of statute of Permanent Court.

D Other texts.

10. While this brief is primarily concerned with questions relating to the establishment of a Court of International Justice, there will be included, at the end, chapters discussing special legal questions which may arise during examination of Dumbarton Oaks proposals at San Francisco.

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11. By way of introduction, it may be noted that there is general agreement that, whether another court should be set up or the existing one continued, the present name and seat of the court should be retained. The retention of the seat of the Court at The Hague should not preclude the possibility of the Court having more than one seat, and it should not preclude the possibility of the Court sitting elsewhere than at The Hague. It might well be desirable that the Court should have alternative seats in different parts of the world, and that the Court should have mobility so as to be able to meet the needs of the Americas, the Orient and the Antipodes.

N.B.—From the Canadian point of view, there would be some advantage in having alternative seats, especially if such a course promoted the resort to the Court by Countries in the Western Hemisphere. This course would be in accord with the Canadian Bar recommendation, which proposed that the seat of the Court should continue to be at The Hague, but that provision should be made to enable the Court to sit elsewhere *en banc*, or, by consent of the parties, to establish a special or regional chamber, so constituted as to exercise the authority of the Court.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE.

113. In general the Statute of the Court has worked well and should be retained as the general structure of the future Court. In the case of provisions as to which no recommendation is made, we consider that no amendment is called for (paragraphs 4 and 5).

114. Whether a new Court be set up or the existing one continued, the present name and seat of the Court should be retained (paragraphs 6 and 7).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS.

(None)

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT.

(None)

D OTHER TEXTS.

See: Consensus of American and Canadian Views (p. 9).
Appendix: Recommendations of Canadian Bar Association Committee No. 2 (*infra*).

CHAPTER II.—NEED FOR A NEW INTERNATIONAL AGREEMENT ABOUT THE COURT

Comment

1. In the course of the studies of this question by the regional committees of the Bar Associations, there has been support for the view that it would be undesirable to have a new Statute for the Court, and that action taken now should be limited to amendment and revision of the existing Statute.

2. There has been universal recognition of the importance of maintaining an element of continuity between the old and the new regimes. Obviously this would be secured if the existing Statute were continued with such amendments as might be necessary in the circumstances. The position of countries which had signed the Optional Clause, and the position of countries affected by existing agreements conferring jurisdiction upon the Permanent Court, would be undisturbed. There are several hundreds of international agreements, many of which continue in force, conferring jurisdiction on the Court, and forty states are bound by the Optional Clause. This Clause establishes compulsory jurisdiction, and Canada is a party to it.

3. Certain objections have been raised against amendment of the Statute. They may be summarized as follows:—

(*a*) The amendments, which would need to be made, would be so extensive, that the result would be little more than a patchwork job. It would be hard to understand, and it would not be easy to explain to the public the reason for bringing out in a new charter a constitutional instrument which would not be intelligible to most people.

(*b*) There would be juridical difficulties arising out of the fact that the Statute of the Court would require unanimous assent of the parties, including many States which will not be represented at San Francisco.

(*c*) It is possible that it might be easier for some countries, such as the United States of America and the Soviet Union to become parties to a new international organization, including a new Court, than to become parties to a Court closely associated with the League. In the case of the United States, it might be easier for the very large number of people, who fought a successful political fight nineteen years ago against joining the Court, to support a new venture, rather than one which had already been rejected twice.

(*d*) Continuity and existing jurisdiction could be substantially preserved by appropriate provisions in a new Statute of the Court. For example, a provision whereby it was agreed by all of the participating States that all treaties conferring jurisdiction upon the Permanent Court, to which they were parties, should be deemed to confer jurisdiction upon the Permanent Court of International Justice as established by the

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new Statute, would be effective in most instances and would ultimately be completely effective upon accession of all, or substantially all, civilized States. In so far as the Optional Clause is concerned, there could be a similar provision in the new Statute, and those countries which were still content to accept compulsory jurisdiction would doubtless accept it.

4. The studies made by the Canadian Bar Association Committees indicate that there is a definite trend of opinion in view of the maintenance of the existing Statute with appropriate amendments. It is understood that the American Bar studies have indicated a similar trend. In order to preserve the existing Statute, with essential amendments, it will be necessary to find some legal basis for action. The prevalent opinion in the past has been that the Statute of the Court can only be amended with the unanimous consent of the countries concerned. It would, therefore, be impossible to go ahead with the Court as a Court in action until the consent is secured, both from the neutrals and from the enemy countries. It will be necessary to examine with care any proposals which may be made to overcome this difficulty.

N.B.—There is no particularly Canadian interest in this question. If there is no general movement at the conference for a new statute, it would be satisfactory to rely upon the existing statute with suitable amendments. If, however, there is a strong stand taken by the U.S.A. or the U.S.S.R., every effort should be made to insure that both the U.S.A. and the Soviet become members.

The Canadian interest appears to be—

(*a*) A scheme acceptable to Washington, and, if possible, Moscow.

(*b*) Maintenance of continuity.

(*c*) Preservation of existing jurisdiction under optional clause and particular treaties, bilateral and multilateral.

(*d*) Adaptation of Court to present and future needs.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

115. On the assumption that an International Court in some form will be required after the war, it will not be sufficient to rely on the automatic continuance and functioning of the existing Permanent Court of International Justice. A new international agreement will be needed, whether the object be to set up a new Permanent Court or merely to continue the old one in existence (paragraphs 8-11).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

The Statute of the Permanent Court of International Justice is annexed to a Protocol of Signature of December 16, 1920, which has been signed and ratified by fifty-one States, and

which has been signed but not ratified by the United States of America, Argentine Republic, Costa Rica, Egypt, Guatemala, Iraq, Liberia, and Turkey. The Statute has been in force since 1921; amendments proposed in 1929 entered into force in 1936. The text of the Statute gave a generally satisfactory method for electing the judges, a problem which the Hague Conference of 1907 failed to solve. The provisions concerning procedure before the Court were modelled on provisions in the Hague Convention of 1907. The Statute is merely constitutive; it confers no jurisdiction on the Court. However, it contains an optional provision under which States desiring to do so may confer jurisdiction over legal disputes; this option was exercised in declarations made at various times by forty-five States, and declarations by twenty-seven States still continue in force.

States have also conferred jurisdiction on the Court by several hundreds of international agreements, many of which continue in force; some such agreements have been concluded since 1939. All States in the world, except Nepal, Saudi Arabia, Vatican City State, and Yemen, have taken part in this movement and have given the Court some measure of jurisdiction. The United States conferred a limited jurisdiction on the Court by becoming a party to the Constitution of the International Labour Organization.

This network of international agreements would be imperilled, to some extent at least, if a court were created under "a new Statute."

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

(None)

D OTHER TEXTS

See: Consensus of American and Canadian Views (p. 10).

Appendix: Recommendation of Canadian Bar Association Committee (*infra*).

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CHAPTER III.—CONNEXION BETWEEN THE COURT AND A GENERAL INTERNATIONAL ORGANIZATION

Comment

1. Consideration needs to be given to the question of relationship between the Court and the General International Organization. The Dumbarton Oaks proposals are based upon the assumption that the International Court of Justice should constitute the principal judicial organ of the Organization. The Statute of the Court is to be annexed to, and be a part of the Charter of the Organization. It is also provided that all members of the Organization will, *ipso facto*, be parties to the Statute of the International Court.

2. If the Dumbarton Oaks proposals are accepted, this question may be regarded as settled. It may be noted, however, that the Inter-Allied Committee in London took the position that there should not be an organic connection between the Court and the General International Organization. It may, therefore, be worthwhile noting some of the considerations supporting the view that the Court should be linked with the Organization.

3. While theoretically, there are strong grounds for the complete independence of the Court, there are practical difficulties. Such questions as—

(*a*) Constitution of the Court
(*b*) Selection of judges
(*c*) Finance
(*d*) Establishment of a volume of judicial business
(*e*) Recognition of states

need to be overcome. These considerations might justify the maintenance of an organic link between the Court and the General International Organization. In the United States, Great Britain, and in Canada, experience has indicated that it is possible to have courts organically related to the executive and legislative authorities without sacrificing independence. It is likely that there would be support in Canada and the United States for a position in which the Court was related to the General International Organization in the same sort of way in which the Supreme Court of the United States is related to the President and to Congress. There is also much to be said for the view that membership in the Organization and in the Court should be identical. In any event, rights of access to the Court should be determined by the Organization and, if there is any provision for independent accession to the Court, it should be on conditions laid down by the Organization. Resort to a world court by a nation is closely related to its recognition and recognition must necessarily be a political, and not a legal, matter. There would be difficulties in any scheme which permitted access to the Court or participation in its activities without the approval of the Organization.

4. This view is generally in harmony with the views of the Canadian Bar Association (and also of the American Bar).

N.B.—There is no special Canadian interest in this question, apart from the general desirability of supporting a view which has been approved by the Bench and Bar as represented by the Bar Association committees. On the other hand, Canada, in common with other countries, has a very strong interest in ensuring that the regime of the Court fits into the international pattern presented by the proposed charter for the United Nations. An independent court was not out of harmony with the world system which existed during the period of the League of Nations. It would be out of harmony with a world system based upon Dumbarton Oaks. It would be difficult in the type of world organization envisaged by Dumbarton Oaks, to accept a position in which it would be open to the Court, on legal grounds, to deal with such matters as recognition in a manner different from that in which the same matter was being dealt with by the Security Council.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

116. The existing connexion between the Court and the League of Nations should be discontinued and should not, for the present at any rate, be replaced by an organic* connexion with any new International Organization. This need not exclude all connexion between the Court and the International Organization. The Court would be part of the machinery at the disposal of the Organization; and the constitution of the Organization might lay down the conditions in which its members would be bound to have recourse to the Court, and provide measures for ensuring that the decisions of the Court were complied with. A connexion of this character would not be created by the Statute of the Court, but by the constitution of the Organization (paragraphs 12-20).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

Question 4: What would be the legal effect of having the statute of the court "annexed to" and made "a part of the Charter of the Organization"? Chapter VII, 2. Is an independent statute to be preferred? Advantage that "all members of the Organization should *ipso facto* be parties to the statute" of a Court? Chapter VII, 4.

Comment

Neither the Statute of the existing Court nor the Constitution of the International Labour Organization forms a part of the Covenant of the League of Nations.

No State became a party to the Statute of the Court which was not at the time a Member of the League. Withdrawal from

*By organic connexion is meant that the Court was established by one of the articles of the League Covenant, that its judges were elected by the Assembly and Council of the League and that its expenses were a charge on the budget of the League, etc.

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the League did not affect the position of a State with reference to the Statute; some withdrawing States acknowledged this expressly. The Statute was open to signature and ratification by two States which were at no time members of the League—The United States of America and Hedjaz.

Members of the League of Nations became members of the International Labour Organization automatically; some States withdrawing from the League continued their membership in the International Labour Organization, and States not members of the League also became members of the International Labour Organization.

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

(None)

D OTHER TEXTS

See: Consensus of American and Canadian Views (p. 9).

Appendix: Recommendations of Canadian Bar Association Committee No 1 (*infra*).

CHAPTER IV.—CONSTITUTION OF THE COURT

Section 1. Qualifications and Nationality of Judges

Comment

1. There is general recognition that integrity and competence in International Law are essential qualities. On the other hand, it is probably impossible to lay down hard and fast lines which would confine the constitution of the Court to one or two particular types of jurists. It is undesirable that any appointee should lack adequate education, professional standing, or experience; and, if he has these three, combined with integrity, competence in International Law, and some experience and interest in international affairs, there should be a good prospect of his making a good judge.

2. The problem of representation brings into consideration regional considerations as well as considerations based upon the differentiation between systems of law and presents a good deal of difficulty. There can be no dissent in theory from the comment by the Inter-Allied Committee in paragraphs 119 and 120 subject to reservations on the question of the size of the Court. It would be undesirable that there should be regional blocs and, at the same time, it would be desirable that there should be representation among the judges of the Court of different types of mind and methods of legal thought.

3. It is unlikely, however, that any Court would survive which did not include British, American, Russian and French jurists. Further, it is unlikely that a Court would be universally accepted if it were staffed predominantly by continental European jurists. The treatment of the problem in the report of the Inter-Allied Committee does not fully take into account the needs of the non-European world. A court to command the respect and acceptance of Africa, Asia, North America, South America and Australasia would need to have members who were known within those continents. The continents would be unlikely to consider a court politically acceptable if it did not bring within its scope men brought up on different legal systems. In the world as it is, there is a difference between the points of view of Canadian jurists and Swiss or Norwegian jurists in approaching problems of international law and, even if there were no difference, it would be hard to obtain acceptance for a type of court and a resultant jurisprudence from which Canadian contribution was, in fact, excluded (Canadian is, of course, selected for the purpose of looking at the problem from a concrete point of view. One could substitute for "Canadian", "Brazilian", "Australian", etc.).

4. If it is necessary to choose between two evils, it might well be preferable to accept a court like the Permanent Court in the years between the wars which was, to some extent, subject to bloc politics rather than a small and compact court predominantly European which would not, in fact, be accepted by the world as a whole for the settlement of its justiciable disputes.

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5. There is general agreement with the view that the existing provisions of the statute directed to securing and safeguarding the independence of the judges are satisfactory.

N.B. From a Canadian point of view, there should be no change in the present position in respect of qualifications of judges.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

117. The requirements of Article 2 of the existing Statute of the Court should be maintained as they stand, so that the Court would be composed of "a body of independent Judges, elected regardless of their nationality from amongst persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law" (paragraph 21).

118. The question of the weight to be given to the various factors of judicial standing, academic or forensic attainments, political, administrative or diplomatic experience in choosing the Judges of the Court is one which cannot satisfactorily be dealt with in the Statute of the Court and must be left to the judgment of those responsible for the nomination and election of candidates. It is, however, desirable that a certain balance should be maintained between those Judges possessed of previous general judicial experience and those having a specialized knowledge of international law. There has been a tendency for the former to be under-represented, and some increase in the proportion of Judges who have had judicial experience in their own countries is desirable (paragraph 22).

119. It is essentially inconsistent with the principle of electing the best candidates, irrespective of nationality, that there should be any system directed to securing the permanent representation of certain countries or groups of countries amongst the Judges of the Court. Any such system also tends to produce a large unwieldy Court instead of the reduced Court which we recommend. There is no need to continue any such system (paragraphs 25 and 26).

120. Any specific attempt, such as that made in Article 9 of the Statute, to secure the representation of particular legal systems, as such, should be abandoned. On the other hand, there is great value in the representation among the judges of the Court of different types of mind and methods of legal thought, and this would indirectly have the consequence that certain countries would habitually be represented. If the principle of selecting the best available candidates is acted on, it will almost inevitably result that different schools of thought would in practice find representation, and no special steps to secure this end would be necessary (paragraphs 23 and 24).

121. Everything points to the paramount importance of selecting the best available candidates irrespective of other considerations. Failing this, a demand is certain to grow for a larger Court and for the representation of particular countries or groups of countries as such (paragraph 27).

122. The existing provisions of the Statute directed to securing and safeguarding the independence of the Judges are satisfactory and require no change (paragraph 28).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(None)

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 2. The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

D OTHER TEXTS

HAGUE CONVENTION

Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes reads as follows:

"Each contracting power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

"The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the contracting powers by the Bureau.

"Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the contracting powers.

"Two or more powers may agree on the selection in common of one or more members.

"The same person can be selected by different powers.

"The members of the Court are appointed for a term of six years. These appointments are renewable.

"Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years."

See: Consensus of American and Canadian Views (p. 10-17).

SECTION 2. NUMBER OF JUDGES

Comment

1. The opinion has been expressed by the Inter-Allied Committee that the Court is too large, and that, instead of fifteen, nine was about the right number of judges. A small Court might be preferable,

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with a view to keeping certain countries or groups of countries from being always represented on the Court. It would, however, be unwise to consider the problem mainly from the point of view of pure theory, without relation to its practical aspects.

2. Consideration might well be given to the experience of the Permanent Court over the last twenty years or so. This indicates that there is a definite ratio between total membership and quorum. Taking into account long leaves, occasional vacancies and inevitable illnesses, a total membership of fifteen was necessary in order to maintain a quorum of nine. Further, not merely "Quorum" but also "full court" deserves consideration. A full court of eleven judges was necessary in order to maintain a quorum of nine through the period of hearing and deliberations. It seems to be clear that if a quorum of seven is desired, a total membership of twelve is essential with a full Court consisting of ten. On the other hand, if the Court is to operate special chambers in various regions of the world, a larger membership would be required.

N.B. Canadian Position—On this point, there is no special Canadian interest. On the other hand, it would be unwise to take a position like that of the Inter-Allied Committee in London which seemed to be directed against certain groups of countries. On balance, and bearing in mind the fact that the Court never sits with all of its judges on the Bench, the present Court of fifteen does not seem to be too large. If the Court is developed along regional lines, it will be necessary to have at least fifteen judges in order to meet the requirements of a "full Bench" at the Court's permanent seat and, at the same time, a regional tribunal operating on a sort of "assize".

This view is strongly supported by the recommendation of the Canadian Bar Association No. 3 (*infra*).

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

123. The present number of fifteen judges is too high to be conducive to the satisfactory working of the Court and should be reduced to nine, exclusive of *ad hoc* judges. The quorum should be seven (paragraphs 29-32).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(None)

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 3. The Court shall consist of fifteen members.

D OTHER TEXTS

See:

Appendix: Recommendation of the Canadian Bar Association, No. 3 (*infra*).

Section 3. Period of Appointment

Comment

1. The present system of electing judges for a period of nine years has been approved by the Inter-Allied Committee and is probably as satisfactory as any which could be devised. There are obvious objections to long appointments. The Committee, however, objected to continuing the existing system whereby the entire Court goes out of office every nine years and suggested an arrangement for nine-year appointments, retiring one-third every three years. Under this scheme, it was proposed that any judge elected to fill an interim vacancy caused by the death or retirement of a judge should serve only for the remainder of his predecessor's term.

2. The Committee also discussed the question of age limits and thought that there should be none and that, if an age limit were adopted, it should not be fixed too low. Seventy-two was put forward as a minimum, with seventy-five probably preferable.

N.B. The consensus of American and Canadian views and the recommendation of the Canadian Bar indicate that there would be no reason for withholding support from the views put forward in the Report of the Inter-Allied Committee on these points.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

124. The present system of electing the Judges for a period of nine years is satisfactory and should be continued (paragraphs 33 and 34).

125. On the other hand, it is undesirable to continue the existing system whereby the entire Court goes out of office every nine years. This should be replaced by a system under which one-third of the Judges would go out of office every three years, when an election would be held to fill these vacancies. In order to get this system working, special arrangements would be necessary during the first years after its adoption. Any Judge elected to fill an interim vacancy caused by the death or retirement of a Judge would serve only for the remainder of his predecessor's term of office. All Judges should, as at present, be eligible for re-election (paragraph 35).

126. There should be no age limit at which Judges should be called on to retire. If, however, an age limit were adopted it should not be fixed too low. Seventy-two would be a minimum, and 75 probably preferable (paragraphs 36 and 37).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(None)

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C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 13. The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

In the case of the resignation of a member of the Court, the resignation will be addressed to the President of the Court for transmission to the Secretary-General of the League of Nations.

This last notification makes the place vacant.

Article 14. Vacancies which may occur shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General of the League of Nations shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Council at its next session.

Article 15. A member of the Court elected to replace a member whose period of appointment has not expired, will hold the appointment for the remainder of his predecessor's term.

D OTHER TEXTS

See: Consensus of American and Canadian iVews (p. 14).
Appendix: Report of Canadian Bar Association Committee (*infra*).

Section 4. National and Supplementary Judges

Comment

1. The report of the Inter-Allied Committee proposes to retain the existing rule permitting judges of nationality of any of the parties to sit in a case, and providing that any party may, if there is no judge of its nationality on the Court, appoint a national or *ad hoc* judge to sit on the case. It is suggested in the report, but not embodied in the recommendations and conclusions, that in appointing *ad hoc* judges a party should be limited in its choice to its own nationals. Further, it is recommended that, in the system of selection, each party should nominate one candidate who would *ipso facto* become a member of the Court, but not a judge. In that capacity he would be the *ad hoc* judge and would be available to sit as a supplementary judge when it was necessary to make up the numbers of the Court.

2. The suggestion that a country should be limited to its own nationals in making nominations is open to objection. During the twenty odd years in which the Permanent Court has been in existence Canada has never succeeded in having a Canadian appointed as a member. On the other hand, this country has

played a not unimportant part in the appointment of distinguished jurists from the United Kingdom, France and United States of America. Further, there are countries which would not have a national jurist available, with the ability and experience necessary for serving as an *ad hoc* judge on an important case. For example, it would not be fair to say that Liberia should not be permitted to name a jurist from some third country as an *ad hoc* judge in a controversy with France.

3. The proposal that there should be a member of the Court from every country is an interesting suggestion. Consideration should be given, however, to the advisability of limiting choice in the case of *ad hoc* appointments. A jurist selected without any particular case in mind, might not prove to be the most effective *ad hoc* judge in a particular matter. Further, there might be some difficulty in getting a jurist to give the undertaking to serve if it involved an obligation to be available to sit as a supplementary judge, even in the event that the jurist was not elected as a judge of the Court.

N.B.—There is no special Canadian point of view on these questions. A continuance of the present position would be satisfactory, and preferable, on the whole, to the modifications suggested in the report of the Inter-Allied Committee. Having in mind the history of international arbitrations in which Canada has been a party in the past, it is suggested that, from the Canadian point of view, there are very strong reasons for preserving the right to appoint an *ad hoc* judge. Our international questions are likely to arise more frequently with the United States of America than with any other country. There is certain to be a United States citizen on the Court at all times, and it is unlikely that there will be a Canadian on the Court, except on rare occasions. Further, there will always be an English jurist. Having in mind the traditional views of Canadians, as to the disregard for strictly legal principles by international jurists, it would be almost essential that there should be a Canadian judge sitting on the Canadian case. This view is strongly supported by the Canadian Bar Resolution No. 3, and by the Consensus of American and Canadian Views.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

127. The existing rule, which permits Judges of the nationality of any of the parties to a case to sit in the case, and also provides that any party may, if there is no Judge of its nationality on the Court, appoint some person (known as a "national" or *ad hoc* Judge) to sit in the case, should be maintained (paragraphs 38 and 39).

128. In order to spread interest in the Court, and to give a more permanent and assured position to the national Judges, each country party to the Statute should nominate one candidate, who, as such, would *ipso facto*, become a member (though not a

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Judge) of the Court and the national judge of his country. These national judges would also be available to sit when required as supplementary Judges of the Court to make up the number of nine, and for other purposes (paragraphs 40-44).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(*c*) Judges of the present Court have no representative character.

(*d*) Judges *ad hoc* may be appointed by a party having no person of its nationality on the bench. A judge *ad hoc* is not required to have the nationality of the State appointing him.

(*e*) Judges are permitted to express their individual opinions, in dissent or in concurrence.

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 31. Judges of the nationality of each of the contesting parties shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties, the other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these parties may proceed to select a judge as provided in the preceding paragraph.

The present provision shall apply to the case of Articles 26, 27 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the Chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such or if they are unable to be present, to the judges specially appointed by the parties.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected as laid down in paragraphs 2, 3 and 4 of this article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20 and 24 of this Statute. They shall take part in the decision on terms of complete equality with their colleagues.

D OTHER TEXTS

See: Consensus of American and Canadian Views (p. 17).
Appendix: Recommendations of Canadian Bar Association Committee No. 3 (*infra*).

CHAPTER V.—METHOD OF NOMINATION AND ELECTION

SECTION 1. NOMINATION
SECTION 2. ELECTION

Comment

1. It will be convenient to deal with both nomination and election in the one note.

2. In so far as the studies made by the Canadian and the American Bar Associations are concerned, there is general satisfaction with the present system of nomination. Under Article 4 of the Statute, nomination is ordinarily by the national groups in the Court of Arbitration organized under the Hague Conventions of 1899 and 1907. In the case of countries not represented in the Permanent Court of Arbitration, nomination is by national groups specially appointed by the governments, under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Hague Convention of 1907. Canada is not a member of the Permanent Court of Arbitration and, consequently, comes under the latter provision. In the case of the 1939 election the national group consisted of the following members: Chairman, Mr. Justice Hudson; Members, Sir Joseph Chisholm, Chief Justice of Nova Scotia; Mr. Beaulieu, K.C., President of the Canadian Bar Association at the time; and Mr. O. M. Biggar, K.C., who was Chairman of the Committee of the Canadian Bar Association on International Law.

3. The present system of nomination has worked well in practice, and both the Canadian and the American Bar Association committees are recommending its retention.

4. The Inter-Allied Committee has recommended that the system of nomination by the national groups in the Permanent Court of Arbitration should be replaced by a system of direct nomination by governments, each government nominating one candidate only, who should be one of its own nationals.

5. The system of election, in which both the Assembly and Council of the League of Nations participated, has met with general approval. There is no dissent from the view that it should be continued, with the substitution of the General Assembly and of the Security Council in place of the League Assembly and League Council.

N.B. In view of the position taken by the Canadian Bar Association, and having in mind the desirability of preserving, in so far as may be practicable, the existing position in court matters, it would seem to be desirable to support the view that the present method of both nomination and election should be retained. In the past there has not been a Canadian member on the Permanent Court, and it has been a definite advantage that Canada has been able to take a part in the nomination of distinguished jurists from other countries, including the United Kingdom, France, and the United States of America.

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Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

Section 1. Nomination

129. The existing system of nomination of candidates by the national groups in the Permanent Court of Arbitration should be replaced by a system of direct nomination by Governments (paragraph 45).

130. Each of the Governments concerned should nominate one candidate only, who should be one of its nationals (paragraph 46).

131. The provisions of Article 6 of the Statute recommending Governments to consult the appropriate judicial, legal and academic authorities in their respective countries before making nominations should be retained as a recommendation (paragraph 47).

Section 2. Election

132. The method of double election of Judges by the Assembly and Council of the League should be discontinued and replaced by direct election by the Governments from among the corpus of candidates nominated (paragraphs 48 and 49).

133. Unless it proved possible to combine the elections with meetings of the Assembly of the future General International Organization, special meetings of Governments would have to be held every three years. The inconvenience of so frequent meetings might be reduced by conducting the first ballot in writing, each Government sending its vote to an agreed headquarters Government. In that case subsequent ballots might be conducted by the diplomatic representatives of the Governments concerned at some convenient capital (e.g. the seat of the Court), assisted if desired by an *ad hoc* representative of any Government wishing to send one (paragraphs 50 and 51).

134. In the event of the subsequent establishment of an organic connexion between the Court and the future Political Organization, the task of election could then be transferred to the appropriate organization of the latter body (paragraph 52).

135. Judges should, as at present, be elected by an absolute majority of the votes cast (paragraph 53).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATION

(None)

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 4. The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

The conditions under which a State which has accepted the Statute of the Court but is not a Member of the League of Nations, may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the Assembly on the proposal of the Council.

Article 5. At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

Article 6. Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

Article 7.—The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

Article 8. The Assembly and the Council shall proceed independently of one another to elect the members of the Court.

Article 9. At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

Article 10. Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

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Article 11. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

D OTHER TEXTS

Convention of the Hague of 1907, Article 44 (*supra* p. 15).

See: Consensus of American and Canadian Views (p. 14).

Appendix: Recommendation of the Canadian Bar Association No. 3 (*infra*).

CHAPTER VI.—JURISDICTION OF THE COURT

Comment

(*a*) *Jurisdiction as to subject matter*

From a "perfectionist" view point, it may be said that members of the international community should obligate themselves to submit all their disputes to the international judicial authority. In the past, however, States have been reluctant to undertake this obligation and it is generally agreed that the time is not yet ripe for the formulation of a plan providing for the submission of all interstate controversies to the international judicial organ.

2. During the two decades preceding the last war, the tendency was for States to agree to submit to international tribunals disputes commonly referred to as "justiciable" i.e. which could be settled by the application of rules of law. This pre-war practice was sanctioned by the Covenant of the League of Nations (Article 13) and embodied in the Statute of the Permanent Court (Article 36). It is now specifically provided for in the Dumbarton Oaks proposals in Article 6, Section A of Chapter VIII which begins as follows:—

> 6. Justiciable disputes should normally be referred to the international court of justice.

(It may be noted here, however, that the first paragraph of Article 36 of the Court's Statute can be interpreted as meaning that non-justiciable disputes could be referred to it.)

3. This raises the problem of what particular disputes can be looked upon as justiciable and thus become the object of decisions by the international court. The Covenant of the League of Nations was the first document which endeavoured to furnish a comprehensive list of justiciable disputes. The list is contained in Article 13, paragraph 2 of the Covenant which reads as follows:—

> 2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

This list was repeated in Article 36 of the Statute of the Permanent Court. While disputes listed in the Covenant were declared as being among "those generally suitable for judicial settlement", the wording of Article 36 of the Statute of the Court can be construed as meaning that the list contained therein is exclusive. The question whether there are other justiciable disputes than those listed over which the Court should have jurisdiction is one which remains to be settled. Contrary to the Covenant, the Dumbarton Oaks Charter contains no enumeration of justiciable disputes. It may be said here that while in practice no difficulty has been encountered by the Court in connection with the classification of justiciable disputes, the enumeration of Article 36 has been the object of much criticism.

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(*b*) *Jurisdiction as to parties*

4. Generally speaking only States were up to now given access to international tribunals. However, the question of permitting individuals or inter-state organizations to become parties before the international court is repeatedly raised in different circles.

5. Assuming that access is limited to States, the question arises as to what States should be permitted to appear before the Court. It is often contended that all civilized States should as a matter of principle be admitted as members of the Court, while in some quarters it is suggested that Germany and Japan or, generally speaking, States that are not members of the international organization should not be parties to the Court. This, even though the present Court would be maintained and in spite of the fact that many of these States are still members of the Court.

An incidental question to that of the jurisdiction over parties is that of the position vis-a-vis the international court of States expelled from the international organization in the event that membership of the Court is made conditional upon membership of the organization.

6. Access to the Permanent Court was originally granted to belligerent nations in the last war plus thirteen States mentioned in the Annex to the Covenant. Conditions under which other States could become members of the Court were to be laid down by the League of Nations Council. (Article 35).

The relevant provisions of the Dumbarton Oaks proposals in this matter are the following:—

Chapter VII

4. All members of the Organization should ipso facto be parties to the statute of the international court of justice.

5. Conditions under which States not members of the Organization may become parties to the statute of the international court of justice should be determined in each case by the General Assembly upon recommendation of the Security Council.

(*c*) *Compulsory jurisdiction*

7. The next question which may be considered in connection with the court's jurisdiction is whether or not States should be obliged to submit their justiciable disputes to the Court by the mere fact that they are parties to its Statute. At the time the Permanent Court was established, it was proposed that the Court should have compulsory jurisdiction over disputes between members of the League of Nations. This plan failed to be adopted, however, and the obligatory character of the Court's jurisdiction became subject to the making of special declarations to that effect by members of the Court in accordance with the second paragraph of Article 36 of its Statute. Forty-five States made such declarations between the two wars. While the Covenant intimated that justiciable disputes should be referred to international tribunals (Article 13), it did not especially provide for the obligatory jurisdiction of the Permanent

Court as such. The Dumbarton Oaks plan is more specific on this point when it says that "justiciable disputes should normally be referred to the *international court of justice*" (Chapter VIII, Section A:6).

8. Whatever may be the circumstances under which the jurisdiction of the Court becomes obligatory, the question arises whether or not the States' acceptance of compulsory jurisdiction should be made unconditionally. Ever since the beginning of the movement whereby States agreed to submit their future disputes to international tribunals, their acceptance of that procedure has most of the time been subject to certain conditions. This practice has been recognized in the Statute of the Court (Article 36) and in the great majority of cases where States have recognized the compulsory jurisdiction of the Court their adherence entailed some limitations. In a great many cases, the acceptance was limited in point of time while some States went a step further and indicated one or more classes of disputes over which the Court would have no jurisdiction. A list of the types of disputes thus reserved will be found in annex D to this chapter.

9. Whatever the extent of the reservations made, it is understood by all States when agreeing to compulsory jurisdiction that disputes concerning matters coming within their domestic jurisdiction should under no consideration be subject to international adjudication. This classic reservation has been specifically provided for in the League of Nations Covenant in paragraph 8 of article 15. Since article 15, however, was concerned as a matter of principle with non-justiciable disputes, it can be said that this reservation as appearing in the Covenant only applied insofar as the Permanent Court was concerned with regard to its advisory jurisdiction. The Dumbarton Oaks proposals, however, provide for the application of the exception in justiciable as well as non-justiciable disputes under Article 7 of Section A of chapter VIII which reads as follows (*see* text of article 6 in paragraph 2 above):—

7. The provisions of paragraphs 1-6 of Section VIII A should not apply to situations or disputes arising out of matters which by International Law are solely within the domestic jurisdiction of the State concerned.

While the Covenant provided that the question whether a particular matter came within the domestic jurisdiction of a State was to be decided by the Council, it will be noted that the sole criterion provided for in Article 7 is International Law which, in practice, may mean that this question will be decided by the international court.

(*d*) *Law applicable*

10. It could easily be taken for granted that a tribunal to which has been assigned the task of solving disputes between States should normally base its decisions on International Law. However, it has become customary for States to provide expressly that international tribunals should render decisions in accordance with International Law. Various wordings have been used in this connection and the Statute of the Permanent Court contains an enumeration of the

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sources of law to be applied by the Court. The enumeration appears in Article 38 which reads as follows:—

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. International custom, as evidence of a general practice accepted as law;
3. The general principles of law recognized by civilized nations;
4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

A variety of opinions has been expressed with regard to the question whether any enumeration is necessary or, alternatively, whether one or more of the items appearing in the enumeration should be deleted. It is also questioned whether the Court should be or need be authorized to decide *ex aequo et bono* since on the one hand, it is assumed that the Court should deal exclusively with justiciable disputes while on the other, it is considered that equity forms an integral part of International Law. As indicated in paragraph 2 above, however, the first paragraph of Article 36 of the Statute of the Permanent Court can be construed as meaning that the Court could deal with non-justiciable disputes in which case the inclusion of a clause enabling the Court to decide *ex aequo et bono* may appear necessary.

11. When considering the problem of the jurisdiction of the Permanent Court, it should be noted that the Court was granted exclusive power under Article 36 (last paragraph) of its Statute to decide whether or not a given dispute came under its jurisdiction. The jurisdiction of international tribunals to which such a power is not granted can hardly be looked upon as being compulsory.

N.B. On the question of jurisdiction as to subject matter, there do not appear to be any objections of a substantial character to the view of the Inter-Allied Committee that the court should be confined to justiciable disputes and should not be used for disputes essentially political in character. On the question of jurisdiction as to parties, the views of the Canadian Bar Association as embodied in Recommendation No. 14 (Appendix:—infra p. 64) should be put forward unless it is found that there is general support for the position taken in para. 136 of the Report of the Inter-Allied Committee. On the question of compulsory jurisdiction, there is a definitely Canadian interest. This is exemplified by the reservations upon the acceptance of the Optional Clause and the General Act and by the special reservation which was made in 1939 in respect of both of these instruments. They are cited below and it will be necessary to have enough flexibility in a new Statute to enable corresponding reservations to be made in future if they are required and approved by the Parliament of Canada. Further, on the question of domestic jurisdiction, the recommendation of the Canadian Bar Association goes so far as to approve the determination of the Court on the question as to whether a

matter is solely within the domestic jurisdiction. Here, it might be embarrassing to put this forward as a Canadian proposal. Public opinion is nervous on the pacific slopes of this continent on certain questions which are regarded as being within the domestic jurisdiction and it might be very embarrassing if support were given without specific authority of the government to these special views. On the question of law applicable, there is no special Canadian interest.

Annexed Note

Comment

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

Chapter VI.—Jurisdiction of the Court.

Jurisdiction as to parties.

136. It should be open to all States, whether or not members of the future General International Organization, to become parties to the Statute of the Court; but no country should be permitted to have recourse to the Court which is not a party to its Statute (paragraph 54).

Jurisdiction as to subject matter.

137. Since it is of prime importance that the jurisdiction of the Court should be confined to matters that are really "justiciable", and that all possibility should be excluded of the Court being used to deal with cases which are essentially political in their nature and require to be dealt with by political means, a more precise definition of the jurisdiction of the Court is required than that contained in the existing Statute (paragraphs 55-57).

Compulsory jurisdiction.

138. The Statute should contain no provision making the jurisdiction of the Court compulsory for the adhering States. On the other hand, there would, as at present, be nothing to prevent countries voluntarily accepting compulsory jurisdiction by other means, either generally or in defined cases, e.g., under particular bilateral or multilateral conventions in regard to disputes arising thereunder, or by means of a general agreement between two or more States to have recourse to the Court in justiciable disputes arising between them, or by acceptance of the existing "Optional Clause", which should be retained. There would equally be nothing to prevent compulsory recourse to the Court being made a condition of membership of any future General International Organization, to such extent and on such terms as its members thought proper and decided to lay down in the Constitution of the Organization. In such event the Constitution of the Organization could also set out the means whereby the decisions of the Court in these cases should be enforced (paragraphs 58-60).

Reservations.

139. In imposing any general obligation on States to have compulsory recourse to the Court as contemplated in paragraph 138 above, it will almost certainly be necessary to allow countries to make certain reservations, as in the case of acceptance of the "Optional Clause" (paragraph 61).

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Applicable Law.

140. The law to be applied by the Court is set out in Article 38 of the Statute, and although the wording of this provision is open to certain criticisms, it has worked well in practice and its retention is recommended (paragraph 62).

141. Article 59 of the Statute, which provides that "The decision of the Court has no binding force except between the parties and in respect of that particular case", should be maintained (paragraph 63).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(*a*) *Jurisdiction as to subject matter.*

DEFINITION OF JURISDICTION AS TO SUBJECT-MATTER

Wordings used during the last forty years for the purpose of describing justiciable disputes:—

(1) "disputes concerning questions of a legal nature (*d'ordre juridique*) and particularly questions of interpretation and application of international conventions."

(Hague Conventions for the Pacific Settlement of disputes, 1899, 1907).

(2) "disputes in which the parties were concerned by virtue of a claim of right... under treaty or otherwise and which were justiciable in their nature by reason of being susceptible of decision by the application of the principles of law and equity."

(Arbitration Treaties between the United Kingdom, France and the United States, 1911).

(3) "disputes with regard to which the parties are in conflict as to their respective rights".

(Locarno Arbitration Treaties, 1925).

(4) "disputes with regard to which the parties are in conflict as to their respective rights. This applies particularly to disputes enumerated in Article 36 of the Statute of the Permanent Court of Justice".

(General Act of Geneva, 1928).

(5) "disputes arising by virtue of a claim of right made by one party against another under treaty or otherwise, which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law. Particularly such disputes as are enumerated in Article 36 of the Statute of the Permanent Court of Justice".

(Inter-American Arbitration Treaty 1929).

(6) Post-war bilateral arbitration treaties have more or less adopted the wording of the General Act of Geneva (see (4) above) with the exception of arbitration conventions concluded by the United States in which the formula used was that appearing in paragraph (2) above.

(*b*) *Jurisdiction as to parties*

Status in the past of Individuals vis-a-vis International Tribunals.

(1) Individuals were given no access to the 19 tribunals created under the scheme of the *Permanent Court of Arbitration* of The Hague.

(2) *The Inter-American Court of Justice* (1908-18) had jurisdiction over claims of nationals of a Central American state against another Central American state provided local remedies had been exhausted, or in case of a denial of justice.

(3) *International Prize Court* proposed in 1907, was to hear appeals made by individuals from decisions of International Prize Courts on certain conditions.

(4) Some 37 *Mixed Arbitral Tribunals* created by pairs of states under provisions of the Treaty of Versailles and other peace treaties were open to individual claimants who were nationals of Allied or Associated Powers and many thousands of individual claims were brought before them. Previous exhaustion of local remedies was not necessary in these cases.

(5) For contentious proceedings, the *Permanent Court of International Justice* was open only to states. In the exercise of its advisory jurisdiction, however, while the Court permitted international organizations to furnish information, it showed reluctance to grant the same privilege to individuals.

(6) Generally speaking, individuals, as such, have had no access to the numerous arbitral tribunals and claims commissions established in bilateral treaties.

(*c*) *Compulsory Jurisdiction*

While progress has been made between the two wars with regard to the willingness of states to agree to compulsory jurisdiction, many features of the situation during this period were unsatisfactory:—

(1) In the first place, there was a considerable lack of uniformity in the declarations whereby states accepted the Court's obligatory jurisdiction. The duration of many declarations was limited so as to require repeated renewals. In some cases, the declarations were quite restrictive, while, in other cases, they were never brought into force.

(2) The fact that the acceptance of compulsory jurisdiction was made separately facilitated the modifying or denouncing of declarations which, in turn, gave rise to difficulties. A number of states made reservations when Paraguay denounced its declaration, and when Great Britain and France sought to modify their declarations.

(3) The multiplicity of jurisdictional obligations assumed by certain states was confusing and, in some cases, could easily give rise to difficulties. This was illustrated in the *Electricity Company Case* between Belgium and Bulgaria, where earlier declarations by the parties had been followed by a bipartite arbitration treaty of somewhat different tenor; the Court held, however, that both the declarations and the treaty were operative with reference to the case (several judges dissenting). The *Borchgrave Case* between Belgium and Spain was before the Court on a special agreement, made

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when the parties were bound to accept the Court's jurisdiction by Optional Clause declarations, by the Geneva General Act, and by a bipartite arbitration treaty.

Thus, if a revision of the Court's Statute were undertaken, opinion in some quarters would probably favor a general provision for the Court's compulsory jurisdiction, applicable to all States, or applicable to all States participating in a general international organization. Agreement might not be difficult to achieve on the classes of disputes to be covered. The formulation in Article 36 of the Statute, taken from Article 13 of the Covenant of the League of Nations and originally invented by an unofficial "Bryce Committee" in England, is not satisfactory, but it might have to be retained because of its history. The broad question of principle might give difficulty, however, and in the United States it might revive the difficult question of distribution of power between the executive and the legislative branches of the Government.

(*d*) *Law Applicable by International Courts*

Wordings used in the past for the purpose of describing the law applicable by international tribunals:—

(1) Though the Hague Conventions envisaged arbitration as having for its object the settlement of disputes *sur la base du respect du droit*, they failed to give precise indications as to the law to be applied by tribunals created within the framework of the *Permanent Court of Arbitration*. Some of the *compromis* creating such tribunals contained provisions as to the law applicable; it was variously "the rules of international law", or "in accordance with justice and equity", or "in accordance with the principles of law and equity", etc.

(2) *The International Prize Court* proposed in 1907 was to apply in default of conventional stipulations the rules of international law, and in the absence of such rules, "the general principles of justice and equity".

(3) The *Central American Court of Justice* was to be governed, on points of law, by "the principles of international law".

(4) The law applicable by the *Permanent Court of International Justice* was indicated in Article 38 of its Statute (see Annex "C" to this Chapter).

(i) The reference to "general principles of law" in sub-paragraph (3) of Article 38 has been widely hailed, but it does not loom large in the Court's jurisprudence.

(ii) The reference to "judicial decisions" in sub-paragraph (4) is confusing and it seems to have had little influence on the Court.

(iii) Commentators are by no means agreed as to the meaning of the power of the Court to decide *ex aequo et bono* as provided for in the last paragraph of Article 38, and the power has not been exercised by the Court. The provision seems to empower the Court, at the request of the parties, to go outside the realm of law for deciding a legal or non-legal dispute. The suggestion is frequently put forward that a Court could apply equity without being so authorized by the parties.

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(iv) In addition to the comprehensive enumeration of Article 38, the Permanent Court has declared itself competent to deal with questions of private international law, or even municipal law, should circumstances so require.

(5) The General Act of Geneva, 1928, embodied the enumeration contained in Article 38 of the Permanent Court's Statute, adding that, in so far as non-justiciable disputes were concerned, the tribunal could decide *ex aequo et bono* in the absence of any rule of law applicable.

(6) *The Inter-American Arbitration Treaty* of 1929 simply provided for the arbitration of disputes susceptible of decisions by the application of the "principles of law".

(7) Generally speaking, post-war arbitration treaties have tended to follow Article 38 of the Permanent Court's Statute. One of these treaties attempted a clarification of Article 38 as follows:—

The Tribunal shall apply:—

Firstly: the conventions in force between the Parties, whether general or special, and the principles of law arising therefrom;

Secondly: international custom as evidence of a general practice accepted as law;

Thirdly: the general principles of law recognized by civilized nations.

If, in a particular case, the legal bases mentioned above are inadequate, the Tribunal shall give an award in accordance with the principles of law which, in its opinion, should govern international law. For this purpose it shall be guided by decisions sanctioned by legal authorities and by jurisprudence.

If the Parties agree, the Tribunal may, instead of basing its decision on legal principles, give an award in accordance with considerations of equity (nach billigem ermessen).

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Jurisdiction as to parties.

Article 34. Only States or Members of the League of Nations can be parties in cases before the Court.

Article 35. The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

Jurisdiction as to subject matter.

Article 36. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

Compulsory jurisdiction.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the Protocol to which the present

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Statute is adjoined, or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

Definition of justiciable disputes.

(*a*) the interpretation of a treaty;

(*b*) any question of international law;

(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

Reservations.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37. When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

Law applicable.

Article 38. The Court shall apply:—

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. International custom, as evidence of a general practice accepted as law;
3. The general principles of law recognized by civilized nations;
4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

D OTHER TEXTS

(1) *Jurisdiction as to subject-matter*

Compulsory jurisdiction over *legal* disputes for which states failed to achieve settlement by other means must be an essential goal of the Community of states.

(Manley O. Hudson, "International Tribunals" page 83).

The International Court should exercise jurisdiction in conformity with the provisions of the Dumbarton Oaks proposals and Article 36 of the Statute of the Present Court.

The Court should have power to interpret the provisions of the Charter of the International Organization.

The Security Council should be entitled to deal with a dispute endangering international peace even though the dispute is pending before the Court.

(Appendix: Recommendation of Canadian Bar Association No. 4 *infra* p. 63).

States should accept the jurisdiction of the International Court over all their legal disputes.

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(2) *Definition of justiciable disputes*

It is desirable to maintain the provision in Article 36 of the Statute of the Permanent Court of International Justice which defines the classes of legal disputes. (Consensus of American and Canadian views, page 19).

The four classes of disputes described in the second paragraph of Article 36 of the Permanent Court Statutes represent a culmination of almost thirty years of history . . . Taking into account the history of the classification of disputes it would seem that the four categories set out in Article 36 should be regarded as schematic compendium of legal disputes, perhaps of all legal disputes . . .

The classification in Article 36 of the Court Statute is generally regarded as unsatisfactory; it might lose nothing a value if telescoped to read, "disputes involving questions of international law." Yet the classification has produced no difficulties in the cases before the Court in which compulsory jurisdiction has been invoked. (Manley O. Hudson).

The enumeration in Article 36, p. 2 has been justly criticized. The choice, however, between such an enumeration, the formula of Article 17 of the General Act of September 26, 1928 (all disputes with regard to which the parties are in conflict as to their respective rights), or the simpler and more flexible formula "all justiciable disputes," or other similar formulas that one may find treaties and authoritative proposals, does not loom as large to-day in the minds of international lawyers as it did some years ago. Each of the three solutions mentioned is favoured by some members of the Committee. (Report of the Committee on the Permanent Court of the Institute on World Organization, Section B, paragraph 3, A.J.I.L., July 1944).

(3) *Jurisdiction as to parties*

General

All members of the International Organization should *ipso facto* be parties to the Statute of the Court as contemplated by paragraph 4 of Chapter VII of the Dumbarton Oaks Proposals. (Appendix: Recommendation of Canadian Bar Association No. 1 and 14, *infra* pp. 62, 64).

Access to the court—as distinguished from jurisdiction—should continue to be open to all states whether or not they are members of the new Organization and whether or not they are parties to the court's statute. (Consensus of American and Canadian views, page 17.)

Until further progress has been made in conferring on the Court compulsory jurisdiction with respect to States, the time can hardly be ripe for considering an extension of access to the Court to individuals. (Manley O. Hudson, "International Tribunals", page 203).

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Neutral and Belligerent States

The intimation in paragraph 5 of Chapter VII of the Dumbarton Oaks proposals that membership in the new Organization will not be a condition precedent to a State becoming member of the Court is approved. With reference to States such as Portugal, Sweden and Switzerland it is deemed to be improbable that there will be a decision to set significant conditions to their continuing to be parties to the Statute and it is thought that the provisions as to conditions (Dumbarton Oaks proposals, Chapter VII, paragraph 5) should not apply to their relationship to the Court. With reference to States such as Germany and Japan the majority opinion favours the application of that paragraph. (Consensus of American and Canadian views, page 22-23).

States expelled from the International Organization

Opinion is divided with regard to States expelled from the Organization under the provision of paragraph 3 of Section 3 of Chapter V of the Dumbarton Oaks proposals. On the one hand, it is thought that the provision for conditions as stated in paragraph 5 of Chapter VII should apply to these States while on the other hand the idea of expulsion from the Court is rejected. Canadian opinion advocates the adoption of a system whereby a state expelled for the international organization should nevertheless be subject to and bound by the ruling of the Court (Consensus of American and Canadian views, pp. 22-23).

The International Organization, upon suspending or expelling a member from the Organization should define the rights and obligations that the suspended or expelled member should have with respect to the Court. (Appendix: Recommendation of Canadian Bar Association No. 11, *infra* p. 64).

(4) *Compulsory jurisdiction*

'The attainment of compulsory jurisdiction should be a primary objective, ultimately to reach the point of universality. Subject to this, the Court should exercise its jurisdiction in accordance with the Dumbarton Oaks proposals and Article 36 of the Statute of the Permanent Court. (Appendix: Recommendation of Canadian Bar Association No. 4, *infra* p. 63).

The optional provision for compulsory jurisdiction as embodied in Article 36 of the Statute of the Permanent Court should as a minimum be fully maintained. (Consensus of American and Canadian views, page 18.)

It would be a mistake to propose amendment of the Statute of the Permanent Court for the purpose of rendering its jurisdiction compulsory by the mere fact that a State becomes member of the Court. In order to be utilized the Court must first be accepted and it is important, for this purpose, that its Statute should retain the character of an instrument which can be signed and ratified without incurring any obligation to submit to suit before the Court. (Report of the Committee on the Permanent Court of the Institute on World Organization, Section B, paragraph 1, A.J.I.L., July 1944).

The most vital question as to the future of the Court relates to the extent of its compulsory jurisdiction over legal disputes. If such jurisdiction could be made universal, a great advance would be registered toward the supremacy of law in international relations. This would constitute a fundamental reform, however, and despite

the progress made from 1922 to 1938, despite also the shock of a world war, it may not be possible of achievement. Many of the smaller States have shown themselves willing to approach this goal, but account must be taken of the reluctance of certain States of larger political aspirations. Declaration under Article 36 of the Court's Statute were made by China, France, Germany, Great Britain, and Italy, but they were binding only for limited periods; France, Great Britain, and Italy are also parties to the 1928 General Act which is denounceable only at five-year intervals. No such declaration has been made by the United States of America, by Japan, or by the Union of Soviet Socialist Republics. In the United States, a proposal of such action might encounter the insistence upon a special compromis in each particular case, in which the Senate of the United States has persevered almost uniformly for more than a generation. The Japanese Government has shown no disposition to move in this direction, and the Government of the Soviet Union has in the past expressed opposition to such a course. In these circumstances, it may be necessary to make haste slowly. One may hope for a continued extension of compulsory jurisdiction under the present Statute, and it may be accelerated if adequate provision is made for the functioning of other international bodies with respect to the category of disputes which the Covenant described as "likely to lead to a rupture." If a desire exists to go beyond the optional clause in the existing Statute, a provision could be included in the instrument setting up a general international organization or in some other separate instrument, without an amendment of Article 36 of the Statute. The exclusively constitutive character of the Statute may herefore be preserved. (Manley O. Hudson, "International Tribunals" page 153).

(5) *Reservations.*

List of reservations which were frequently made between the two wars:—

(1) Future disputes;
(2) Disputes relating to situations or facts prior to the acceptance of the Court's jurisdiction.
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(6) Disputes relating to the territorial status of a State;
(7) Disputes in time of war;

(Manley O. Hudson, "Permanent Court of International Justice", page 468-472).

While the reservations had the general effect of narrowing the extent of the compulsory jurisdiction conferred on the Court, they did not deprive it of substantial significance, and they did not rob the optional provision in the Court's Statute of its value. Moreover, the jurisdiction which the declarations conferred on the Court was safeguarded by the provision in the Statute that "in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court." (Mainly O. Hudson, International Tribunals, p. 77).

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The exception of disputes arising out of "domestic matters", as contained in Paragraph 7 of Section A of Chapter VIII of the Dumbarton Oaks Proposals, is not sufficiently limited. The exception made in the Covenant was only of disputes "found by the Council to arise" out of domestic matters. When an exception of domestic matters was made by Canada and other states in declarations under Article 36 of the Statute of the Permanent Court of International justice, it was subject to application by the Court. The consensus was that the Dumbarton Oaks Proposals will be strengthened if the exception can be made applicable only to action by the Security Council, and if it can be limited to disputes found by the Security Council to arise out of domestic matters. (Consensus of American and Canadian views, page 20.)

In so far as it affects the jurisdiction of the Court, the Court should determine whether or not a dispute is by international law solely within the domestic jurisdiction of the state concerned. (Appendix: Recommendation of Canadian Bar Association No. 8, *infra* p. 64).

Reservation upon Acceptance of Optional Clause signed by Canada—September 20, 1929, Ratification deposited July 28, 1930.

"On behalf of His Majesty's Government in Canada and subject to ratification, I accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after ratification of the present declaration with regard to situations or facts subsequent to said ratification, other than:

disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement, and

disputes with the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree, and

disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada.

and subject to the condition that His Majesty's Government in Canada reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the members of the Council other than the parties to the dispute".

Reservation upon Deposit of Canada's Instrument of Accession to the General Act, July 1, 1931

"Canada's Instrument of Accession was deposited with the Secretary General of the League of Nations on July 1, 1931, and was subject to the following conditions:—

1. That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:—

(i) Disputes arising prior to the accession in respect of Canada to the said General Act or relating to situations or facts prior to the said accession;

(ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(iii) Disputes between His Majesty's Government in Canada and the Government of any other Member of the League of Nations which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and

(v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

2. That His Majesty in respect of Canada reserves the right in relation to the disputes mentioned in Article 17 of the General Act to require that the procedure described in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the procedure, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the Members of the Council other than the parties to the dispute.

3. (i) That, in the case of a dispute not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure described in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That, in the case of such a dispute, the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute".

Special Canadian Reservation with regard to Optional Clause

GENEVA, December 7th, 1939.

"SIR,—The Canadian Government has found it necessary to consider the position, resulting from the existence of a state of war with Germany, of the Canadian acceptance of the Optional Clause of the Statute of the Permanent Court of International Justice.

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The acceptance of this clause was for ten years from the date of ratification, which took place on July 28th, 1930.

The general acceptance of the Optional Clause providing for the compulsory adjudication of certain issues was part of the system of collective action for the preservation of peace established under the Covenant of the League. It is clear that the conditions assumed when the Optional Clause was accepted do not now exist, and that it would not be possible that the only part of the procedure to remain in force should be the provisions restricting the operations of the countries resisting aggression.

I am therefore directed to notify you that the Canadian Government will not regard their acceptance of the Optional Clause as covering disputes arising out of events occurring during the present war.

It is requested that this notification may be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the Permanent Court of International Justice.

I have the honour to be, Sir, your obedient Servant,

H. H. WRONG. "

Special Canadian Reservation with Regard to General Act

GENEVA, December 7th, 1939.

"SIR,—The Canadian Government has found it necessary to consider the position, resulting from the existence of a state of war with the German Reich, of the Canadian acceptance of the General Act for the Pacific Settlement of International Disputes. The acceptance of the General Act was for a five-year period ending on 16th August of this year. In view of the fact that no action was taken by the Canadian Government, it is understood that the obligation would extend for another five-year period dating from that date.

In view of the circumstances referred to in the letter of this date dealing with Canadian adherence to the Optional Clause and of the fact that the consideration therein set forth applies with equal force in the case of the General Act, I am, therefore, directed to notify you that the Canadian Government will not regard their acceptance of the General Act as covering disputes arising out of events occurring during the present war.

It is requested that this notification may be communicated to the Governments of all the States that have accepted the General Act.

I have the honour to be, Sir, your obedient Servant,

H. H. WRONG. "

(6) *Law applicable*

The author of the anonymous monograph referred to above (x) has suggested substituting another flexible formula "law and equity" for another enumeration, that of Article 38, an attempt to define the law to be applied by the Court. Another suggestion, made by a member of the Committee, consists in replacing Article 38 by the following text:—

"The Court shall apply the rules of international law.
"The general principles of law recognized by civilized nations are considered to be part of international law.
"The Court shall decide a case *ex aequo et bono* if the parties agree thereto."

Another member concurs in this suggestion as regards the first two paragraphs. He would prefer to see the third deleted, for very definite reasons. Even if the present text, which merely gives the Court a power,—a power which the Court, so far, has never been requested to make use of,—is maintained, the presence of a text saying that the Court may decide *ex aequo et bono*, "if the parties agree thereto" opens the door to the contention that, in the absence of such agreement, the Court may not apply equity as part of the law. However mistaken such contention may be it is undeniable that, as long as that paragraph stands, there is some danger of "law" being considered as synonymous with "strict law." (Report of the Committee on the Permanent Court of the Institute on World Organization, Section B, paragraph 4, A.J.I.L., July 1944).

This provision in Article 38 of the Court's Statute has tended to produce confusion with reference to the much-discussed question as to the inclusion of equity in the international law which a tribunal should apply. In various systems of national law, the conception of equity has served as a catalytic force, employed to keep rules of law in harmony with the dictates of justice. To some extent it has played a similar rôle in the development of international law, and international tribunals called upon to apply international law have sometimes been guided by considerations of equity in the process of finding the law applicable. Equity may be said to form a part of international law, serving to temper the application of strict rules to prevent injustice in particular cases, and to furnish a basis for extension where lines have been forged by experience. Hence a tribunal may include principles of equity in the law which it applies, even in the absence of an express mandate. (Manley O. Hudson, International Tribunals, page 103).

(x) International Conciliation, as cited, p. 347, item 10.

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CHAPTER VII.—ADVISORY OPINIONS

Comment

1. While, for all practical purposes, the jurisdiction of the Permanent Court was limited to justiciable disputes, the League of Nations Covenant also provided that the Court should give advisory opinions "upon any dispute or question referred to it by the Council or the Assembly" (Article 14). No such power had been granted before to an international tribunal. Yet it turned out that a considerable proportion of the Court's work was connected with advisory matters. 28 of the 65 cases which came before the Court were requests for advisory opinions. Originally, there was no express reference to advisory opinions in the Court's Statute, provision for advisory opinions being merely made in Article 1 by reference to Article 14 of the Covenant. Subsequent developments led to the addition of a new chapter dealing with advisory opinions (Chapter IV) at the time the Statute was amended in 1929.

2. The first question which presents itself with regard to the advisory jurisdiction of the Court is whether such jurisdiction should be continued. It is generally recognized that the advisory procedure has proved extremely useful, principally in connection with the settlement of non-justiciable disputes which were referred to the Council and also in dealing with constitutional difficulties arising from the operation of numerous international organizations such as the International Labour Office. It may be noted, however, that the advisory jurisdiction has been highly criticized in the United States and has constituted an important factor in the attitude of that country towards the Permanent Court and the League of Nations.

The main objection on the part of governments which have showed themselves critical of the Permanent Court's advisory jurisdiction has been that the advisory system constituted a means whereby the Court could secure compulsory jurisdiction over all interstate disputes, including non-justiciable ones. This objection could be eliminated, however, if provision were made whereby requests for advisory opinions relating to international disputes would be dependent upon the acquiescence of both parties to a dispute. This is linked with the problem of the voting procedure in connection with advisory opinions which is being examined hereinafter in paragraph 6.

3. The continuance of the advisory jurisdiction of the International Court is provided for in Article 6, Section A of Chapter VIII of the Dumbarton Oaks proposals which reads as follows—

> "Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes."

4. There are two other questions which are usually raised concerning the Permanent Court's advisory jurisdiction. The first one is whether access to the advisory jurisdiction should continue to be limited to the two main organizations of the General International Organization, the Council and the Assembly. A proposal

has frequently been put forward whereby access should be extended to international organizations operating on a world-wide scale, such as the International Labour Organization and, in some cases, to states generally, or at least to members of the International Organization.

5. In this connection, it should be noted that the power to request advisory opinions is granted exclusively to the Security Council under the Dumbarton Oaks Charter in its Article 6, Section A of Chapter VIII, quoted above.

6. The second problem raised is that of the voting procedure in connection with requests for the Court's advisory opinions. The League of Nations Covenant provided that decisions of the Council and Assembly had to be made by unanimous vote (Article 5) except in matters of procedure. The question whether or not the consideration of a request for advisory opinion is a matter of procedure has never been settled. It would appear, however, that the Council was reluctant to ask for an advisory opinion, either by a majority vote, or without the consent of the parties to an interstate dispute.

7. As indicated above, under the Dumbarton Oaks proposals, the Security Council is the only organ empowered to request advisory opinions. Section C of Chapter VI, which deals with the voting procedure within the Council, provides no enlightenment on the subject. Should the power to request advisory opinions be conferred on the Assembly at a later stage, it would appear that the voting problem would be solved in the light of Article 2, Section C of Chapter V which reads as follows—

> "Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council; election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions, should be made by a two-thirds majority of those present and voting. On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote."

N.B.—In the event that the question of the extending of the power to request advisory opinions is under consideration at Washington, it would, from the Canadian point of view, be desirable to support a provision enabling the Assembly, as well as the Security Council, to make requests. It would be desirable that the power of the Court to decline to give opinions in appropriate cases should be recognized. From the Canadian point of view, there could be no objection to giving the power to the Social and Economic Council and even to independent international organizations such as the I.L.O. It would, however, be undesirable to support the extension of advisory jurisdiction to the point that it might be embarrassing to the U.S.A. and even imperil the acceptance of the Court by that country. The whole question of advisory jurisdiction might well be left to be dealt with at San Francisco. Indeed, it is probable that this course will be followed.

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Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

142. The Court's jurisdiction to give Advisory Opinions should be maintained (paragraphs 64-68). **Continuance of advisory jurisdiction.**

143. The right to ask for such an opinion should not be confined to the executive organs of any future General International Organization, but should be extended to all international associations of an inter-State or inter-governmental character possessing the necessary status, and to any two or more States acting in concert (paragraphs 69-71). **Extension of the access to advisory jurisdiction.**

144. References should be confined to matters of law which fall within the jurisdiction of the Court. They should be made on the basis of a definite question and of a fully stated and agreed set of facts (paragraphs 69 and 72). **Procedure.**

145. The Court should be given the necessary competence to reject any application not in conformity with paragraphs 143 or 144, or which, in its opinion, involved any other abuse of the jurisdiction relating to Advisory Opinions (paragraphs 72-74).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

(NONE)

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 65. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

The request shall contain an exact statement of the question upon which an opinion is required, and shall be accompanied by all documents likely to throw light upon the question.

Article 66. 1. The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the Court.

The Registrar shall also, by means of a special and direct communication, notify any Member of the League or State admitted to appear before the Count or international organization considered by the Court (or, should it not be sitting, by the President) as likely to be able to furnish information on the question, that the Court

will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

Should any Member or State referred to in the first paragraph have failed to receive the communication specified above, such Member or State may express a desire to submit a written statement, or to be heard; and the Court will decide.

2. Members, States, and organizations having presented written or oral statements or both shall be admitted to comment on the statements made by other Members, States, or organizations in the form, to the extent and within the time-limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to Members, States, and organizations having submitted similar statements.

Article 67. The Court shall deliver its advisory opinions in open Court, notice having been given to the Secretary-General of the League of Nations, and to the representatives of Members of the League, of States and of international organizations immediately concerned.

Article 68. In the exercice of its advisory functions, the Court shall further be guided by the provisions of the Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

D OTHER TEXTS

Should Advisory Jurisdiction be Maintained?

"The Court should have power to give advisory opinions on legal questions"—(Appendix:—Recommendation of the Canadian Bar Association No. 5, *infra* p. 63).

"Advisory opinions should be continued"—(Consensus of American and Canadian views—p. 15).

"The question should be answered affirmatively, at least for the period of world reconstruction or until such time as it would have become clearly apparent that the system has lost its past usefulness"—(Report of the Committee on the Permanent Court of the Institute on World Organization—Section D. para. 1, A.J.I.L., July/44).

"The problem of the advisory jurisdiction of the International Court may have to be considered in the light of new conditions. The advisory jurisdiction has enlarged the usefulness of the Court and its exercise has proved of value in many connections. The advisory function is in line with powers exercised by a number of intenational organizations (e.g., Universal Postal Union, International Commission for Aerial Navigation) and in most countries professional opinion is clear that it ought to be preserved. It would be a definitely backward step to discontinue this jurisdiction".—(Manley O. Hudson—"International Tribunals", page 151).

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Should Access to the Advisory Jurisdiction be Limited to the Security Council as provided for in Article 6, Section A of Chapter VIII of the Dumbarton Oaks Charter?

"The power to request advisory opinions should be conferred to the Security Council or the General Assembly"—(Appendix: Recommendation of the Canadian Bar Association No. 5, *infra* p. 63).

"Both the General Assembly and the Security Council should be empowered to request advisory opinions. Other agencies or bodies desiring to do so should proceed through one of these two channels"—(Consensus of American and Canadian Views—p. 15).

"The right to request advisory opinions should be confined to the Assembly and the Council of the League of Nations or to similar organs of its successor. In particular, that right should not be granted to individual governments. It should be granted to the International Labour Office and also to other international organizations provided their membership is limited to states and is world-wide in character, e.g., International Transit and Communications Organization."—(Report of the Committee on the Permanent Court of the Institute on World Organization—Section D, para. 3, A.J.I.L., July/44)

"In 1920, the Argentine Republic proposed that any member of the League of Nations should be empowered to request an opinion; this has generally been thought to be a back-door approach to obligatory jurisdiction, however, and the proposal has not been widely favoured. It would seem possible to provide that all parties to a dispute might join in requesting an advisory opinion, but this would require that care be taken to protect the interests of any other state which may be concerned. If the power to make requests for advisory opinions were continued in international bodies, it would doubtless be conferred on the successors to the Assembly and the Council of the League of Nations. It might also be conferred on other international bodies such as the governing body of the International Labour Office."—(Manley O. Hudson—"International Tribunals", page 152)

Voting Procedure re Advisory Opinions

"It would be preferable, in the event of an advisory opinion relating to a dispute, that the consent of the parties to the dispute be secured before request for an advisory opinion is made. If agreement cannot be achieved on this point, it would seem better, in the interest of the Court, to abolish the advisory jurisdiction and create some other body for the purpose of considering the legal aspects of disputes brought before the International Organization."—(Report of the Committee on the Permanent Court of the Institute on World Organization—Section D. para. 3, A.J.I.L., July/44)

"Uncertainty has existed whether the Covenant required unanimity in the Assembly and Council of the League of Nations for voting to request an advisory opinion. The views of governments have been expressed on the point, revealing a diversity of opinion which may render any agreement difficult. Yet a definite rule is needed which will afford some relaxation of the requirement of unanimity, and it might be laid down in the instrument affecting any reassignment of the power to make requests. It seems possible, as a minimum, to say that, where the matter upon which an opinion is desired relates to a dispute, the votes of parties to the dispute should

not be counted for the vote required in the Council or in a similar body."—(Manley O. Hudson—"International Tribunals", page 152).

"With regard to the nature of the vote to be required for adopting a request for an advisory opinion, it is thought that this point should be made dependent upon more general decisions as to voting."—(Consensus of American and Canadian Views—p. 15).

"A special committee set up in 1930 to consider amendments to the League of Nations Covenant 'to bring it into harmony with the Pact of Paris' recommended that the following paragraph be added to Article 15 of the Covenant:—

> At any stage of the examination, the Council may either, at the request of one of the parties or on its own initiative, ask the Permanent Court of International Justice for an advisory opinion on points of law relating to the dispute. Such applications should not require a unanimous vote by the Council.
>
> (Manley O. Hudson—"Permanent Court of International Justice", page 493).

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CHAPTER VIII—PROCEDURE

Comment

1. Up to now the task of formulating rules of procedure for the adjudication of inter-states disputes has been left in the hands of international judicial organizations. Very few arbitration treaties contain provisions concerning procedure and, in general, *compromis* concluded under these treaties authorize the tribunal to take whatever action is necessary. This practice has been followed with regard to the Permanent Court which was expressly authorized under Article 30 of its Statute to "frame rules for regulating its procedure", though a certain number of principles and rules were inserted in the statute itself in Chapter 3 (*see* Annex C). The Court has adopted an elaborate set of rules based on experience and also on the suggestions contained in the Hague Conventions of 1899 and 1907.

2. The rules, on the whole, have been regarded as satisfactory and there seems to be no need at the present time for transferring jurisdiction over procedural matters from the judicial to the legislative organ. One provision, however, has been the object of criticism and is contained in Article 57 which authorizes dissenting judges to deliver a separate opinion. The Inter-Allied Committee on the Permanent Court has paid a great deal of attention to this matter (para. 81/84) and came to the conclusion that this feature should be retained and extended (para. 150, *see* Annex A).

3. One important item coming under this heading is that of the language to be used in the Court proceedings. Article 39 states that "the official languages of the Court shall be French and English" and, in practice, parties have tended to favour French.

N.B.—There is no special Canadian interest in these questions, but the views of the Canadian Bar Association, to the the effect that the delivery of dissenting judgments have a distinct value and should be continued, should be supported.

Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE.

CHAPTER VIII—PROCEDURE

Section 1.—GENERAL

146. The procedure of the Court should, in general be left to be settled by the Court itself by Rules of Court. From this point of view, some of the provisions about procedure in the Statute could be eliminated and dealt with by Rules of Court. Subject to this, the procedure of the Court has worked well in practice and calls for little change (paragraphs 76 and 77).

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147. It is desirable to regulate oral proceedings before the Court in such a way as to avoid a general repetition of matters already adequately covered by the written pleadings, but the matter is one for the discretion of the Court rather than for written rules (paragraph 77).

Section 2.—LANGUAGE

148. The question of the languages of the Court is one of principle and should be dealt with in the Statute, except that the question of translations or interpretations from one language to another in the course of the written pleadings or oral hearing should be left to be settled by the Court. The existing rule that French and English are the official languages of the Court should be retained (paragraph 78).

Section 3.—METHOD OF PRODUCING JUDGMENTS

149. Subject to paragraph 150 below, the present method for producing judgments is satisfactory and should be maintained. The majority rule for decisions should be maintained, despite the fact that it may result in decisions being given by a majority of only one (paragraphs 79 and 80).

150. The right to give dissenting judgments is of great value and should be retained. Further, all Judges, whether of the majority or the minority, should state their views in separate Judgments, though it would remain open to any two or more of them to combine in a common judgment. The actual decision of the Court would then be confined to the "dispositif" or formal order or ruling relative to the matter before the Court. The reasons for or against that decision would, however, be set out in a number of separate judgments (paragraphs 81-84).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR THE BAR ASSOCIATION.

The Statute of the Court provides that "dissenting judges are entitled to deliver a separate opinion", and since 1926 the Rules add that dissenting judges may attach to the judgment "either an exposition of their individual opinion or a statement of their dissent". Opposition to these dispositions was sustained during twenty years. It was urged that the statement of the number constituting the majority was a violation of the secrecy of deliberations, and that the publication of dissenting opinions detracted from the authority of the judgment. In practice, dissenting opinions have not criticized the Court's judgment, though some of the judges *ad hoc* did not observe this rule. In two cases—the *Lotus Case* and the *Austro-German Customs Regime Case*—the Court was narrowly divided; in both of these cases, the Court was severely criticized because of conjectured reasons for the votes of individual judges. If it be thought that the Court would have been saved from much of this criticism if names of dissenters had not been disclosed, it may also be pointed out that dissents usually become known though not officially disclosed. Some of the dissenting opinions—especially those of Judge Anzilotti who was the chief dissenter—have been of great value as expositions of law. In the Court's earlier years, dissenting opinions were sometimes attached to the secret minutes of the deliberations; in later years they were always published.

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The Statute of the Court confers only on dissenting judges the privilege of delivering "a separate opinion". (Fr., opinion individuelle); but the Court's resolution on practice refers to "judges who wish to deliver a separate or dissenting opinion". In practice, separate opinions are written, usually, only by Judges who dissent from the judgment (either the *dispositif* or the reasons given) or from the order or opinion, in whole or in part. In few cases, however, concurring judges have published separate opinions, or "observations".

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT.

See Article 30 and Chapter III (Articles 39 to 64).

D OTHER TEXTS

General

Satisfaction is expressed with the present Statute of the Court in regard to such matters as the Court's name, its seat, the number and qualifications of judges, and the procedure described. (Consensus of American and Canadian views, page 16).

"In each proceeding the Court has sought to comply with desires expressed by the parties with respect to procedure and no disatisfaction has been voiced by any litigant state". (Manley O. Hudson—"International Tribunals", page 141).

Dissenting Opinions

The judgment of the Court should be expressed by the majority of the judges participating. The delivery of dissenting judgments has distinct value and should be continued. (Appendix: Recommendation of Canadian Bar Association No. 6, *infra*).

"A decision to allow the judges to pronounce dissenting opinions, a right of which full use has been made, has been justified by experience in the fear that the Court's authority would be weakened has not been realized. On the other hand, the contribution which the Court can make to the development of international law is certainly increased by the rendering of dissenting opinions. "(Report of the Committee on the Permanent Court on World Organization, Section C, paragraph 3, A.J.I.L. July/44).

Miscellaneous

There is no valid reason why the binding force attached by Article 59 of the Statute to the decisions of the Court should not apply to provisional measures provided for in Article 41, if the Court should find that such measures ought to be taken to reserve the respective rights of either party. It can be safely left to the Court to use such power with discretion.

The principles and rules laid down in the Statute and the powers given to the Court by the Statute concerning the conduct of litigation (Articles 42/54) appear in substance to be satisfactory as they stand. (Report of the Committee on the Permanent Court on World Organization, Section C, paragraphs 1-2, A.J.I.L. July/44).

CHAPTER IX.—APPEALS

Comment

1. As a rule, decisions of arbitral tribunals have been considered as final. In practice, provision for appeal could hardly be made prior to the establishment of a World Court looked upon as a supreme judicial authority. Though the Permanent Court of Arbitration was not a real Court, its prestige led states in two instances to submit to its consideration decisions of other international tribunals. The establishment of the Permanent Court of Justice brought about new developments which revealed the existence of two aspects of this problem.

2. In the first place, the question arises whether appeal to the World Court should be provided from decisions of international courts dealing with international law and which are looked upon as contrary to the recognized provisions of that law. A German-Swiss Treaty (1921) provided for such a procedure which was repeated in the General Act of Geneva (1928). A particular and less important aspect of this problem is that of the appeal to an international judicial organization from decisions of the national Prize Courts. The International Prize Court proposal in 1907 was to have such jurisdiction and it is some time suggested that it be now conferred upon the International Court of Justice.

3. The main question which remains to be answered however, is whether a system should be established whereby decisions from international tribunals set up by states could be submitted for review by the World Court. This scheme was put into practice in the case of Mixed Arbitral Tribunals set up under the Peace Treaties. Four cases were thus brought before the Permanent Court. Two of these were withdrawn while the Court refused to hear a third one. Disputes in these cases, however, may be looked upon as of secondary importance. A more comprehensive scheme was put forward by a League of Nations Committee in 1931 for the purpose of conferring general appellate jurisdiction upon the Court but failed to secure approval.

4. The adoption of the two lines of action contemplated above may have to await the event of a more complete integration of the international community. However, the setting forth of numerous proposals concerning regional Courts throws a new light on the subject. Should regional Courts take the form of branches of the World Court, it may appear preferable to grant the head Court appellate jurisdiction over decisions of smaller Courts, particularly if the jurisdiction of the smaller Courts is not limited to matters of secondary importance. In this connection, consideration should also be given to the question whether appellate jurisdiction should be granted to the World Court over decisions of autonomous regional tribunals such as the proposed Inter-American Court of Justice.

5. With regard to the decisions of the World Court Article 60 of the present Court's Statute (see Annex C) provides that its judgments are final and there is general agreement that this provision

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should be retained. However, revision of judgments in the light of facts unknown at the time the decisions were made is provided for in Article 61.

N.B.—There is one special Canadian interest in this question. In the Convention Respecting the Regulation of the Liquor Traffic, January 23, 1924, there was a provision for appeal from the Commissioners appointed under the Convention to the Pecuniary Claims Commission. In the Boundary Waters Treaty, January 11, 1909, there is a provision for an appeal to an umpire chosen in accordance with the procedure prescribed by the Hague Convention, 1907. It is important that the Statute should be drafted in such a manner that it will be possible to provide for appeals to the International Court by conventions providing for the disposition of justiciable disputes by special tribunals or by permanent tribunals other than the Permanent Court. For example, it should be possible, by an amendment to the Boundary Waters Treaty, to provide for appeals from the International Joint Commission to the Permanent Court if such a course was desired by the interested governments.

Annexed Note

A SUMMARY RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE

Chapter IX—Appeals

151. The existing provisions of the Statute that the decisions of the Court are final and not subject to appeal should be maintained (paragraph 85).

152. It is not desirable that the Court should act as a court of appeal from local or regional tribunals administering international law (paragraph 86).

153. It may be found desirable to confer on the Court some sort of appellate jurisdiction from tribunals which may be set up under the Peace Treaties to deal with certain questions arising thereunder, analogous to the Mixed Arbitral Tribunals set up after the last war, with the object of securing uniformity of jurisprudence in the interpretation and application of the relevant provisions of the Peace Treaties. No direct right of appeal to the Court from the actual decisions, as such, of these tribunals should be established. On the other hand, it would be possible to set up a procedure whereby the opinion of the Court on matters of treaty interpretation or international law could be obtained for the guidance of the tribunals concerned. This might be done by some system of guidance of the tribunals concerned. This might be done by some system of "evocation," which would probably suffice in practice to secure general uniformity of jurisprudence. This would be a matter to be decided by the instruments setting up the tribunals and not by the Statute of the Court (paragraphs 87-90).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATION

1. *Appeal from national tribunals*

Experience hardly warrants any endeavour to provide for the review of judgments of nationals Courts by international tribunals.

2. *Appeal from international tribunals*

In the light of past developments, it may be questioned whether much progress can be made by attempting to enlarge the jurisdiction of the Permanent Court of International Justice with respect to appeals from international tribunals generally.

3. *Appeal from regional tribunals*

If a number of regional international tribunals were created, the protection of the universality of international law would become important and special appellate jurisdiction might be conferred on the Permanent Court of International Justice to this end. If regional needs were made by chambers of the Court itself appeal from a chamber to the Court might be envisaged.

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61. An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive fact, which fact was, when the judgment was given, unkown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

D OTHER TEXTS

Appeal from international tribunals

It would seem to be a timely development, in the spirit of the Hague Conferences of 1899 and 1907, to provide in a revised Statute that, subject to the special provisions contained in treaties in force, whenever an arbitral tribunal is alleged to have assumed jurisdiction without being entitled to do so or to have exceeded its powers, an

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appeal may be brought to the Permanent Court of International Justice within a period of time to be specified. This would do away with the danger of rejection of an arbitral award as null and void and thus strengthen international arbitration without impairing the freedom of states to peacefully settle international disputes in the way which seems to them most appropriate. (Report of the Committee on Permanent Court of the Institute on World Organization, A.J.I.L. July/44).

Appeal from regional Courts

The existence of two Courts would hardly be favourable to a uniformly progressive development of international law. If there is sufficient need for a Court situated in the Western Hemisphere it might be possible to consider some such arrangement as a division of the present Court into two regional chambers and the establishment of a right of appeal, on points of law only, to the whole Court sitting in full strength to hear such appeals. (Report of the Committee on Permanent Court of the Institute on World Organization, A.J.I.L. July 44).

See:—Boundary Waters Treaty, January 11, 1909, Article 10.
Convention Respecting Regulation of the Liquor Traffic, January 23, 1924, Article 4.

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Chapter X—FINANCE

Comment

1. The problem of financing a temporary tribunal set up under a bilateral arbitration treaty can easily be solved. It is customary for States, parties to a dispute, to pay their own expenses plus an equal share of the tribunal's expenses. The financial problem raised by the establishment of a real Court presents more difficulty. It is sometimes suggested that the system adopted for temporary tribunals be extended to permanent international courts and that the expenses of these should be borne by litigant states only. It appears doubtful whether this approach can bring satisfactory results in practice.

2. An alternative solution is the payment of expenses by all States members of the international court. An interim scheme had already been adopted in the case of the Permanent Court of Arbitration whereby expenses incurred in connection with the disposition of particular cases were met by the parties while the expenses of the permanent secretariat of the Court were borne by parties to the Conventions of 1899 and 1907.

3. When the International Court is linked with an International Organization, the financial problem of the Court can be dealt with with that of the Organization itself. This can readily be done when practically all members of the Court are also members of the Organization, it being at the same time provided that, when a State which is not a member of the Organization comes before the Court, the Court may fix the financial contribution to be made by it. This rational approach was taken at the time the Permanent Court was established under Articles 33 and 35 (last paragraph) of its Statute.

4. The problem of apportioning the expenses of the Court between members is also facilitated by the fact that the Court forms part of the International Organization.

5. There appears to be no doubt in the light of the Dumbarton Oaks proposals (Chapters IV and VII) that the future Court will form part of the United Nations Organization in which case the financing of the Court will be facilitated and should be left in the hands of the new Organization. In this connection, Article 5, Section B of Chapter V of the Dumbarton Oaks proposals provides for the apportioning of expenses by the General Assembly.

6. One particular item which has been the object of discussion is the salary of judges and of the Registrar of the Court. This problem is dealt with in Article 32 of the Court Statute and can also be dealt with by the new International Organization.

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Annexed Note

A SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS FROM THE REPORT OF THE INTER-ALLIED COMMITTEE.

CHAPTER X.—FINANCE

154. The finances of the Court, hitherto part of the budget of the League of Nations, should be placed on an independent and self-contained basis, whether or not there is in other respects any organic connexion between the Court and a future General International Organization. Provision for financing the Court, and for fixing the salaries and pensions of the Judges, Registrars, &c., should be made by the Statute or by collateral agreements between the Governments parties thereto. The existing scale of salaries and allowances, &c., should be provisionally continued. Provision should be made for ensuring that these are not affected by fluctuations in the value of the currency in which they are paid (paragraphs 91-95).

155. As part of the general question of regulating the existing financial obligations of the League, it will be neccessary to have regard to the accrued pension rights of past and present Judges and officials of the Court (paragraph 96).

B RELEVANT EXTRACTS FROM NOTES PREPARED FOR STUDY BY THE BAR ASSOCIATIONS

BUDGET OF THE PERMANENT COURT FOR 1922-1940

Procedure

A budget, drawn up by the Registrar and approved by the Court, is presented to the League of Nations Supervisory Commission, and it forms a separate chapter in the annual budget adopted by the Assembly. For alimenting this budget, quotas are allocated to the Members of the League whether or not they are parties to the Statute of the Court; on a few occasions contributions have been made by States not Members of the League, such contributions being paid directly to the Registrar of the Court. As funds are received by the Treasurer of the League of Nations, a fixed percentage is set aside for the Court, corresponding to the relation between the total budget and that of the Court; the Court is also entitled, under the Financial Regulations, to benefit from the Working Capital Fund and the Guarantee Fund maintained by the League.

Actual expenses

From 1922 to 1940, the budget of the Court ranged (roughly) from 1,000,000 to 1,300,000 florins ($500,000 to $650,000), and the actual expenditures were somewhat under these amounts (600,000 to 1,200,000 florins). In twenty years the Court's expenses totalled about $10,000,000. The chief items of expense have been (*a*) the emoluments of the judges (62%), (*b*) the maintenance of the staff of the Registry (20%), (*c*) premises used by the Court (5%), (*d*) administration (3%), and (*e*) pensions (10%).

Salaries of judges and staff of Registrar's offie

(*a*) Two systems have been tried for the remuneration of judges, small salaries supplemented by liberal *per diem* allowances, and larger salaries without allowances. In 1921 the salary of a judge

was fixed at 15,000 florins, with duty allowances up to a maximum of 30,000 florins; in 1930, the salary was made 35,000, and in 1936 it was increased to 45,000 florins; but in 1940, the Supervisory Commission recommended a return to a fixed salary supplemented by allowances. The judges were reimbursed their travelling expenses, also.

(*b*) The Registry usually included some fifteen officials, and a subordinate staff of about twelve persons. Their salaries, being fixed on a scale roughly corresponding to that of the Secretariat of the League of Nations, were increased periodically to fixed maxima, and they were entitled to pensions.

C RELEVANT ARTICLES OF STATUTE OF PERMANENT COURT

Article 32. The members of the Court shall receive an annual salary.

The President shall receive a special allowance for every day on which he acts as President.

The judges appointed under Article 31, other than members of the Court, shall receive an indemnity for each day on which they sit.

These salaries, allowances and indemnities shall be fixed by the Assembly of the League of Nations on the proposal of the Council. They may not be decreased during the term of office.

The salary of the Registrar shall be fixed by the Assembly on the proposal of the Court.

Regulations made by the Assembly shall fix the conditions under which retiring pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court nda the Registrar shall have their travelling expenses refunded.

The above salaries, indemnities and allowances shall be free of all taxation.

Article 33. The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

Article 35. .....

.....

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute toward the expenses of the Court. This provision shall not apply if such State is bearing a share of the expenses of the Court.

D OTHER TEXTS

No change should be made in the Statute's provision for meeting the court's expenses, beyond that they should be borne by the new Organization instead of the League of Nations. (Consensus of American and Canadian views, page 17).

The method of defraying the expenses of the Court should be left to the International Organization. (Appendix: Recommendation of Canadian Bar Association No. 15, *infra* p. 64).

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It would be desirable to impose on such non-Member parties the obligation of paying to the League, or Union, an annual contribution equal to the share of the Court's budget which they would have borne if they had been Members.

In the event of the dissolution of the League without simultaneous creation of a new world organization for general purposes, the Court would have to be maintained by the parties to the Protocol of Signature through some form of special organization such as exists for the Permanent Court of Arbitration or such as is provided for in the unratified League Convention of November 16, 1937, for the creation of an International Criminal Court. (Report of the Committee on the Permanent Court of the Institute on world organization, Section A, paragraph 1, 6, (*c*), A.J.I.L., July 1944).

For the purpose of its financing the status of the Permanent Court was that of an autonomous organization of the League of Nations. The system had many advantages for the Court: it was assured of continuous consideration of its needs, it was relieved of the tedious responsibilities of allocations and collection, it was entitled to benefit from the working capital fund and guarantee fund maintained by the League and it was at all times during the twenty years above to meet obligations as they fell due... The determination of the amounts which various States should contribute to the budget of a Permanent Court presents problems of great delinquency and difficulty and experience have shown that they must be faced recurrently. The system adopted between the two wars may have worked as satisfactorily as any which can be devised; at any rate it seems clear that no hard and fast mathematical solution would be practicable and that any scale adopted must be susceptible of frequent modification... The salaries paid to the judges of the Court were never as high as those paid to judges of certain national courts in some countries, but they were considerably higher than those paid to judges of national courts in many countries. Some comparison of international and national judges in this respect is inevitable; but it seems clear that the emoluments of judges of an international court should not be limited by the scale prevailing in most national courts.

Suggestions have been made from time to time that a permanent court should be made financially independent of the States which may appear before it as litigants. If such independence were desired, the method of achieving it might present considerable difficulty; fees to be paid by litigants would seem to be undesirable as a source of revenue. An endowment has been suggested, or the creation of some sort of guarantee fund. It may be questioned, however, whether such financial independence should be sought for a permanent court. Such a court is useful only if it is used, and it is more likely to be used if States have a continuing responsibility for meeting its financial needs and the fresh interest which a discharge of the responsibility is likely to engender. Assuming the existence of a general international organization, more satisfactory results are to be anticipated if the method of financing a court is made to depend upon the method of financing the general organization. (Manley O. Hudson—"International Tribunals", pages 59-66).

Chapter XI.—GENERAL LEGAL QUESTIONS

In the case of general legal questions, it will be convenient to follow a different procedure. Instead of beginning with a comment, followed by an annexed note, there will be a general discussion of the questions, and the references will be included with the discussion and not in a separate annexed note. For the most part, the general legal questions will not be discussed at Washington. They may arise at San Francisco. The questions which arise directly under the Dumbarton Oaks proposals will not be dealt with in this chapter, as they can more conveniently be dealt with in the general memorandum which is being prepared for San Francisco.

(*a*) *International Law in the Post-war World*

There is no provision in the Dumbarton Oaks proposals for international legislation. It is likely, however, that consideration will be given to making provision whereby the rules of international law can be amended and new rules made within the scope of the Charter of The United Nations. The proposals put forward by the Government of the Republic of China involve provision for international legislation and, while there is no definite commitment on this matter, it is understood that the Canadian Government is inclined to give serious consideration to the Chinese proposal in this respect.

There has been a marked trend towards international legislation, but there have been difficulties resulting from the lack of any continuing legislative authority. There have been special law-making conferences, which have formulated multi-lateral conventions, which, upon general acceptance, have become a part of international law. In some cases, despite the lack of universal acceptance at initial stages, they have received recognition even from countries which have not signed or adhered to their provisions. These conferences have made an important, though intermittent, contribution to the development of international law.

It might be possible to invest the General Assembly with power, by a two-thirds vote and with the concurrence of the Security Council, to modify general rules of international law and to enact new rules of international law.

Such a course of action would add to the responsibilities and prestige of the General Assembly. Furthermore, it would be in conformity with the Canadian Bar Association committee's recommendation No. 12, which recommends the codification of international law, but does not specify the means by which codification would be effected. It would also be in conformity with recommendation No. 9, which is to the effect that the Court should have no legislative function in the sense of enactment of international law, but that its law-making power should be confined to the making of rules of procedure and the development of legal doctrine in the course of the judicial process (See—Appendix, *infra*).

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(b) *Peaceful Change*

Article XIX of the Covenant of the League of Nations provides—

"The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world."

One of the strongest criticisms of the course of international relations in the years between the wars was the failure of the League to make effective use of this Article. The Dumbarton Oaks proposals do not contain specific provisions for dealing with this problem.

The first aspect of this problem arises in the case of treaties between countries where there has been such a fundamental change in conditions, since the conclusion of the obligation, that one or other of the parties feels compelled to disavow its binding character. There has been a great deal of discussion on the *clausula rebus sic stantibus*, which is an implied condition that a treaty is to be regarded as binding the parties only so long as things continue to stand as they were at the time of signature. There has, however, been no clear and definite recognition of a principle of international law to this effect, and there has been no development of a technique whereby the disputes arising out of such a principle can be effectively dealt with. A great many international lawyers are keenly interested in this doctrine and it is possible that, in the course of the discussions of the proposals, there may be a desire to extend their scope so as to include a provision which might be a more workable and practical version of Article XIX.

The second aspect of this problem concerns the need for change arising out of altered conditions which are not the subject of treaty obligations.

Both aspects of this problem are taken into account in the Dumbarton Oaks proposals, in that the Security Council is given powers and functions which would enable it to cope with most of the matters covered by Article XIX of the Convention.

It may well be difficult to work out any improved machinery for dealing with this problem, bearing in mind the complete failure of the League of Nations to cope with it during the period between the wars. If, however, the matter is discussed, reference might be made to consideration of the questions in *International Law of the Future*, Proposal 20 and Comment, Proposal 21 and Comment, Proposal 22 and Comment.

(c) *Amendment of the Statute of the Court*

The present statute of the Permanent Court contains no provision for amendment, and there is substantial authority for the view that amendment can only be made with the consent of all of the countries concerned.

There does not seem to be any dissent from the view that there should be specific provision for amendment. It would be inconvenient to have different procedures for amendment of the Charter and the Statute.

The Canadian Bar Association has recommended that provision should be made for the amendment of the Statute of the Court, in the same manner as may be approved for the Charter of the International Organization (See Recommendation, No. 10—Appendix *infra*).

APPENDIX

Report and Recommendations

THE CANADIAN BAR ASSOCIATION

Committee on
Legal Problems of International Organization for the Maintenance of Peace

Chairman,	Members,
Hon. Chief Justice W. B. Farris	Isaac Pitblado, K.C.
Vice-Chairman,	G. H. Montgomery, K.C.
Hon. Mr. Justice J. C. McRuer	Hon. J. W. deB. Farris, K.C.
L. E. Beaulieu, K. C.	D. L. McCarthy, K.C.
Ex-Officio Members	Jas. McG. Stewart, K.C.
The President,	G. H. Aikins, K.C.
Hon. F. P. Brais, C.B.E., K.C.	Hon. R. L. Maitland, K.C.
Dominion Vice-President,	Hon. Mr. Justice C. C. McLaurin
E. K. Williams, K.C.	
Associate Secretaries,	
A. W. Rogers, K.C., Toronto	
Andre Taschereau, K.C., Quebec	

At a meeting of the Canadian Bar Association held in Toronto in August, 1944, a special Committee was appointed to consider the legal problems of the International Organization for the maintenance of peace.

The members of the Committee consist of:

Chairman—The Hon. Chief Justice W. B. Farris
Vice-Chairman—The Hon. Mr. Justice J. C. McRuer
Members—L. E. Beaulieu, K.C., Montreal
Isaac Pitblado, K.C., Winnipeg
Geo. H. Montgomery, K.C., Montreal
Hon. J. W. deB. Farris, K.C., Vancouver
D. L. McCarthy, K.C., Toronto
James McG. Stewart, K.C., Halifax
G. H. Aikins, K.C., Winnipeg
Hon. R. L. Maitland, K.C., Victoria
Hon. Mr. Justice C. C. McLaurin, Calgary
Hon. F. P. Brais, C.B.E., K.C, Montreal
E. K. Williams, K.C., Winnipeg
Associate Secretaries—A. W. Rogers, K.C., Toronto
Andre Taschereau, K.C., Quebec

A meeting of the Committee was held in Ottawa in February, 1945, which was attended by Judge William L. Ransom, Chairman of the Committee of the American Bar Association to report as to

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proposals for the organization of the nations for peace and law. At this meeting, it was decided to hold regional meetings of interested members of the Canadian Bar Association at metropolitan centres throughout Canada. Meetings were held at Victoria, Vancouver, Edmonton, Winnipeg, Toronto, Montreal and Halifax. These meetings were all attended by representative members of the legal profession in Canada and various aspects of prospective judicial organization were submitted to the meetings for discussion.

The meetings at Winnipeg, Toronto and Montreal were greatly assisted by the presence of Manley O. Hudson, Judge of the Permanent Court of International Justice. The Hon. C. F. Robinson of Portland, Maine, and John E. Read, K.C., of the Department of External Affairs attended and took part in the meeting at Halifax. The Hon. Alfred J. Schweppe of Seattle, Wash., attended the meeting in Vancouver. Mr. John E. Read also attended and made a very useful contribution to an organization meeting at Toronto. We have also had the benefit of Mr. Read's counsel and advice in the deliberations of the National Committee for which we wish to express our profound thanks and appreciation.

A set of preliminary questions was prepared in advance of the regional meetings and made available to members participating in these meetings, together with appropriate documentation in order that those taking part might be previously informed of the matters to come before them for consideration. Following each of the regional meetings a report was made to the main committee in which the weight of the meeting was expressed in respect to the questions discussed. The consolidated opinions of the regional meetings were considered at a meeting of the National Committee held in Ottawa on March 28, 1945. The Committee, having before it the combined opinions of the regional committees, reports and recommends as follows:—

1. *Permanent Court of International Justice*

There should be a Court of International Justice which should constitute the judicial organ of the International Organization as envisaged in the Dumbarton Oaks Proposals. The present Statute should be continued with appropriate modifications but if it becomes necessary to create a new statute the continuity with the past should be maintained and the jurisdiction conferred on the present Court under existing treaties should be preserved. The Statute of the Court should be annexed to and be part of the Charter of the Organization.

All members of the International Organization should *ipso facto* be parties to the Statute of the Court as contemplated by paragraph 4 of Chapter VII of the Dumbarton Oaks Proposals.

2. *Name and Seat of the Court*

The name of the present Court "The Permanent Court of International Justice" should be retained because of its successful functioning and its historical associations. The seat of the Court should continue to be at The Hague where appropriate court rooms, judges' chambers and a library of international law and decisions would presumably be available. Provision should be made to enable the Court to sit elsewhere *en banc* or by consent of the parties to establish a Special or Regional Chamber so constituted as to exercise the authority of the Court anywhere.

3. *Composition of the Court*

(*a*) *Judges of the Court:* The present number of fifteen judges of the Court should not be reduced in view of the fact that it is hoped that in the future the nations of the world will become more accustomed to judicial disposition of disputes that may arise between them.

(*b*) *Qualifications:* As the present methods of nominating and electing judges of the Court should ensure the selection of men of proper ages and qualifications there is no necessity to fix an age limit for election or retirement, or to stipulate particular qualifications of judges.

(*c*) *Ad Hoc Judges:* The present provision of Article 31 of the existing Statute in respect to the appointment of *ad hoc* national judges should be continued. Consideration might, however, be given to the extension of this principle so that, where the parties agree, additional *ad hoc* judges might be appointed to sit on any Special or Regional Chamber.

(*d*) *Nomination of Judges:* The provisions in the present Statute for the nomination of candidates for election as judges should be continued, including the practice of appointing special *ad hoc* committees for the purpose of nominating candidates where a member of the Organization is not represented in the Permanent Court of Arbitration.

(*e*) *Election of Judges:* The Judges should be elected bi-camerally by the General Assembly and the Security Council.

4. *The Jurisdiction of the Court*

The attainment of compulsory jurisdiction should be a primary objective, ultimately to reach the point of universality. Subject to this the Court should exercise jurisdiction in conformity with the provisions of the Dumbarton Oaks Proposals and Article 36 of the Statute of the present Court. The Court should have power to interpret the provisions of the Charter of the International Organization. The Security Council should be entitled to deal with a dispute endangering international peace even though the dispute is pending before the Court.

5. *Advisory Opinions*

The Court should have power to give advisory opinions on legal questions referred to it by the General Assembly or the Security Council, reserving to the Court the right to decline to give an opinion in appropriate cases.

6. *The Judgments of the Court*

The judgment of the Court should be expressed by the majority of the judges participating. The delivery of dissenting judgments has distinct value and should be continued.

7. *Enforcement of Judgments*

The judgments of an International Court of Justice are such that the experience has been that they have been given effect to by the good-will of the parties to the dispute. Should it occur that there be a refusal or failure to comply with a judgment of the Court on the part of any party involved, adequate action should be taken to maintain the integrity and influence of the Court, such action to be determined by the Security Council.

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8. *Disputes That May be Within Domestic Jurisdiction*

Insofar as it affects the jurisdiction of the Court, the Court should determine whether or not a dispute is by international law solely within the domestic jurisdiction of the state concerned.

9. *Law-Making Power of the Court*

The Court should have no legislative function in the sense of the enactment of international law, but its law-making power should be confined to the making of rules of procedure. It is, however, recognized that, through the process of adjudication, the Court will find threads of reason and weave them into cognate principles of jurisprudence, thus developing recognized international law.

10. *Amendment of the Court Statute*

Provision should be made for the amendment of the Statute of the Court in the same manner as may be approved for the Charter of the International Organization.

11. *Expelled or Suspended States*

The International Organization, upon suspending or expelling a member from the Organization should define the rights and obligations that the suspended or expelled member should have with respect to the Court.

12. *Codification of International Law*

There should be undertaken a codification of the general rules of international law by such body as may be agreed upon.

13. *Permanent Court of Arbitration*

The Permanent Court of Arbitration should be continued with freedom to all states to accede to The Hague Convention.

14. *Conditions under which Non-Members May become Parties to the Statute*

As provided in paragraph 5 of Chapter VII of the Dumbarton Oaks Proposals, the General Assembly, on the recommendation of the Security Council, should determine the conditions on which states not members of the International Organization may become parties to the Statute of the Court.

15. *Financing of the Court*

The method of defraying the expenses of the Court should be left to the International Organization.

WENDELL B. FARRIS,
Chairman.

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MEMORANDUM FOR THE PRIME MINISTER

Mr. Graydon asked me last night if it would be possible for him to take his wife with him to San Francisco. I told him that, in view of the great shortage of accommodation, the State Department had been discouraging the attendance of wives and families of delegates, though they had not expressly requested them not to come.

I mentioned the matter to Mr. St. Laurent this morning. He said he had told his wife he could not take her, and felt that the question would be bound to be reopened if the wives of any of the other delegates accompanied them.

I did not feel I could tell Graydon categorically that Mrs. Graydon could not come with him. He may mention the question to you today.

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SFC/A

Memorandum for Mr. Robertson:

I had a talk with Mr. Smellie today concerning the provision of funds for incidental entertaining in San Francisco.

Mr. Smellie said he was satisfied that Treasury Board would approve of the provision either of a per diem or a round sum for entertainment which could be expended with your specific approval without being accounted for. He pointed out, however, that any Order-in-Council approving the expenditure of funds without accounting would almost certainly be referred to in the Auditor General's Report and would very likely be more apt to give rise to questions than a per diem paid to you, which would probably never be brought to anyone's notice.

Under the circumstances, he strongly recommended that the present provision remain but asked us to let him know if we definitely wanted a change.

The present provision reads as follows:

> "A per diem allowance of $40 U.S. to Mr. N. A. Robertson, Under-Secretary of State for External Affairs, while he is in San Francisco, to cover incidental expenses for entertainment and hospitality, which may be incurred either by Mr. Robertson or other Canadian delegates and their advisers."

If we do amend it, it will probably have to be something along the following lines:-

> "An amount not exceeding the equivalent of $40 U.S. per day for the duration of the Conference (or "An amount not exceeding $1,500 U.S") may be expended for incidental entertaining on the part of the delegates and their advisers with the approval of Mr. N. A. Robertson, Under-Secretary of State for External Affairs, and it shall not be necessary for any funds so expended to be accounted for."

Ottawa, 14th April, 1945.

WDM/JEB

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C234043

MEMORANDUM FOR THE PRIME MINISTER

Attached are the first copies of two of the documents that have been prepared for the use of the Canadian Delegation at the San Francisco Conference. The printed volume is a commentary on questions relating to the establishment of an International Court of Justice, to be integrated with the General International Organization. This is being used as the basis for the work of the Canadian Delegation at the Conference in Washington this week, but it will also be of interest and value for the delegates at San Francisco.

The mimeographed volume is a commentary on the Dumbarton Oaks proposals for the establishment of a General International Organization. Due to the fact that the whole question of the Dumbarton Oaks proposals is such a live issue, it was found impossible to have a document prepared that could be put in the final form necessary for printing in time to have printed volumes available for the departure of the Delegation. Accordingly, mimeographed copies have been prepared, which can be used by the Delegation on the train and during the first few days at San Francisco. During this time it is hoped to make further revision, after which printed documents will be prepared and sent to San Francisco by air. The volume is the work, primarily, of Mr. Ritchie and Mr. Ignatieff of the First Political Division.

In addition to these documents, a number of memoranda have been prepared on special subjects and on particular aspects of international organization. These memoranda will be available on the train and at San Francisco in a number of copies, in order that they may be distributed at the request of the delegates and advisers.

In addition to the above, there will, of course, be a wide selection of general reference material.

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
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SFC/A

RGR/SR
17.4.45

C234044

MEMORANDUM FOR THE PRIME MINISTER

Arrangements have now been completed for the establishment of an airplane service between San Francisco and Ottawa for the duration of the Conference. There will be two flights per week each way. The time of travel one way, including a stop of an hour and a half at Cheyenne, Wyoming, is approximately 18 hours.

The 'plane will have room for a number of passengers, and there will be a bag service established as was done at the Quebec Conference.

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1

C234045

RGR/LF
18.4.45.

file SFC/C

MEMORANDUM TO THE PRIME MINISTER:

Attached hereto is a letter from Rev. J.R. Mutchmor of the Board of Evangelism and Social Service of the United Church, together with a memorandum of recommendations by the Board on matters pertaining to the San Francisco Conference.

The Board expresses hope for the favourable outcome of the San Francisco Conference and asks that the Government of Canada issue a proclamation that Sunday, April 22, be set aside as a day of prayer for the success of the Conference. They also asked that the Canadian Broadcasting Corporation be requested to take appropriate action in connection with radio programs on that day.

I have sent a reply to Mr. Mutchmor acknowledging his letter and stating that the recommendations of the Board will be brought to your attention.

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CHAIRMAN
REV. W. J. GALLAGHER, M.A., D.D.
3 WILLCOCKS STREET, TORONTO, ONT.

SECRETARY
REV. J. R. MUTCHMOR, M.A., D.D.

Board of Evangelism and Social Service
OF
The United Church of Canada

ASSOCIATE SECRETARIES
REV. HUGH DOBSON, B.A., D.D.
813 DOMINION BANK BUILDING,
VANCOUVER, B.C.

REV. JOHN COBURN, D.D.

C234046

299 QUEEN STREET WEST
TORONTO 2 B, ONTARIO

April 10th, 1945.

Right Honourable W.L. Mackenzie King,
Prime Minister of Canada,
Parliament Buildings,
O T T A W A.

Right Honourable and Dear Sir:

It is realized that in the midst of the preparations which you are making for the United Nations Conference in San Francisco, it is hardly fair to interject, even from a Church source, a statement re one Communion's views on some of the important matters which you and your colleagues will have in hand at the forthcoming Conference. In view of the fact that I am instructed, however, to communicate to you the views of this Board, on the Church and International Affairs, I attach herewith a memorandum of the recommendations considered at our annual meeting last month. In due course, this material will form part of our annual report of some 150 pages which will be sent to all ministers of the United Church in Canada and Newfoundland.

Please note that our Moderator's call to prayer on Sunday, April 22nd, appears in the April 15th issue of the United Church Observer which will be in the mail to-morrow. Also please note that this Board requests that a proclamation calling the people of Canada to prayer be issued from Ottawa, and further that the C.B.C. be asked to take similar and appropriate action in connection with radio programs on Sunday, April 22nd.

Without making this letter unduly long, permit me, personally, and on behalf of this Board, to wish you and your colleagues well in the serious and important matters to which you are giving your minds and hearts. May God's blessing attend your efforts.

Yours sincerely,

J R Mutchmor

JRM-O'K

Secretary.

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C234047

THE CHURCH AND INTERNATIONAL AFFAIRS
(The action of the Board of Evangelism and Social Service in the Annual Meeting of March 14-16, 1945, Toronto,)

1. INTERNATIONAL AFFAIRS.

IT IS RECOMMENDED THAT:

1. The Moderator call the Church to prayer on Sunday, April 22nd, on behalf of the San Francisco Conference.

2. This Board approach the Governments of Canada and Newfoundland, through the proper channels, with a view to issuing a proclamation calling their people to a Day of Prayer for the San Francisco Conference.

3. This Board request the C.B.C. through the National Religious Advisory Council to arrange (a) a national religious broadcast on the Day of Prayer, (b) for educational programmes designed to inform the people of the purpose and progress of the Conference.

2. INTERNATIONAL ORGANIZATION

(1) The Board express its appreciation of the services of the staff of the Department of External Affairs.

(2) The Board affirm section 20 of the Church, Nation and World Order Report, "Canada, in her own name and as a member of the British Commonwealth of Nations, should accept her full responsibility to join with other nations in taking the necessary steps, to ensure the establishment of an international organization."

(3) The Board express its gratification that Canada is actively participating in the programmes of international functional agencies, such as UNRRA and FAO (Food and Agriculture Organization).

(4) The Board, in view of the recognized importance of the forthcoming San Francisco Conference on April 25, 1945, commend the Prime Minister of Canada (a) for his expressed intention of placing the Dumbarton Oaks Proposals as item one on the agenda of Parliament which will open next week and (b) for his plan to include in the Canadian delegation representatives of the major political parties.

(5) The Board endorse the Dumbarton Oaks Proposals believing that they constitute an important step towards world organization. In this connection the Board quotes, with approval, the following excerpt of the Cleveland Conference, 1945, findings:

"We commend these Proposals to the consideration of the churches.

The Proposals are the only plan which governments have thus far evolved and therefore are the only available index to the extent of agreement which is now possible.

They set forth certain purposes and principles essential to world order and peace.

They provide for continuing collaboration of the United Nations, and in due course of other nations.

They provide through an Assembly for the periodic consultation of all member nations and for promoting cooperation in the interest of the general welfare.

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They provide an Economic and Social Council for facilitating solutions of international economic, social and other humanitarian problems and for coordinating international policies and agencies in this field.

They provide, through a Security Council, for continuing consultation of representatives of the greater powers and of selected lesser powers with a view to a peaceful settlement of disputes and the restraint of aggression.

The Proposals now stand at a formative stage and the way has been opened for recommendations for improvement which will make them more acceptable to the Christian conscience."

And further that the following measures for improvement of the agreement be communicated to the Canadian and Newfoundland Governments:

(a) That the purposes of justice and human welfare which are set forth in the Atlantic Charter should be reaffirmed in the charter of the international organization;
(b) That the anticipated Charter should provide for the operation of the international organization under international law and also for its development and codification;
(c) That a special Commission on Human Rights and Fundamental Freedoms should be established;
(d) That the progressive advancement of dependent peoples to self-government, and a general oversight of this development, should be achieved under international supervision;
(e) That all nations willing to accept the duties of membership in the proposed international organization should be eligible for membership;
(f) That the smaller nations should be protected against possible subjection to the arbitrary power of the great;

(6) That we urge the Prime Minister and the government of Canada to have our nation represented at all Commonwealth Conferences by at least one member of parliament with cabinet rank.

(7) That, while our Prime Minister's experience and ability in regard to International Affairs are considerable, yet the policy of the Prime Minister being also the Secretary of State for External Affairs, results in a double burden for one man, which in peace-time is onerous and in wartime beyond the physical capacity of one man, therefore the Board's earlier requests that there be a Minister of External Affairs, who is not the Prime Minister, are re-affirmed.

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S SAN FRANCISCO CONFERENCE (april 19, 1945)

Condensed Time Table for Rail Journey

C234049

Lv Toronto		10:00	pm	Thursday
Ar Chicago	CWT	8:00	am	Friday
Lv Chicago	"	8:15	pm	Friday
Lv Omaha,Neb		8:30	am	Saturday
Ar Cheyenne,Wyo		6:45	pm	"
Lv Cheyenne		7:15	pm	"
Ar Ogden,Utah	MWT	7:30	am	Sunday
Lv Ogden	PWT	9:00	am	"
Ar Reno, Nev		10:10	pm	"
Lv Reno		10:20	pm	"
Lv Sacramento,Cal		5:20	am	Monday
Ar San Francisco		9:20	am	Monday

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SAN FRANCISCO CONFERENCE (April 19, 1945)

C234050

List of delegates, advisors, secretaries, aboard this train

a) DELEGATES

	Rt. Hon. W.L. Mackenzie King, P.C.,M.P.	Head of Delegation
	Hon. L.S. St.Laurent,K.C.,M.P.	Minister of Justice
z	Senator Lucien Moraud, K.C.	
z	Mr. Gordon Graydon, M.P.,	Leader of the Opposition, H of C
	Mr. M.J. Coldwell, M.P.	Parliamentary Leader, C C F
	Mrs. Cora T. Casselman, M.P.	

b) SENIOR ADVISERS TO THE DELEGATION

Mr. N.A. Robertson, Under-Secretary of State for External Affairs
Mr. H.H. Wrong, Associate Under-Secretary of State for Ext:Affairs
Mr. L.D. Wilgress, Canadian Ambassador to the U.S.S.R.
Major-General M.A. Pope, C.B.,M.C., Military Staff Officer, &c

c) SPECIAL ADVISERS TO THE DELEGATION

Mr. L. Rasminsky, Assistant to the Governor of the Bank of Canada
Mr. P.E. Renaud, Department of External Affairs (Legal Division)
Mr. C.S.A. Ritchie, Department of External Affairs (1st Political)
Miss Elizabeth MacCallum, Department of External Affairs

d) Members of PRIME MINISTER'S SECRETARIAT

Mr. W. J. Turnbull, Principal Secretary
Mr. J. W. Pickersgill
Mr. J. A. Gibson
Lt. Col. C.S. Wallace
Mr. E. Handy

e) SECRETARIAT OF CANADIAN DELEGATION

Mr. J. L. Delisle (Assistant Secretary)

f) SECRETARIES TO DELEGATES

Mr. M. Bernier (Secretary to Mr. St.Laurent)
Mr. M. Jack (Secretary to Mr. Graydon)
Mr. A.B. Macdonald (Secretary to Mr. Coldwell)

g) PRIME MINISTER'S STAFF

Mr. J.S. Nicol (Confidential Messenger)

z joining the train at Toronto

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~~New Jersey~~

SAN FRANCISCO CONFERENCE (April 19, 1945)

Condensed Time Table for Rail Journey C234051

Lv Toronto		10:00 pm	Thursday	
Ar Chicago	CWT	8:00 am	Friday	
Lv Chicago	CWT	8:15 pm	Friday	San Francisco Overland Limited
Lv Omaha,Neb.		8:30 am	Saturday	
Ar Cheyenne Wyo		6:45 pm	Saturday	
Lv Cheyenne	"	7:15 pm	Saturday	
Ar Ogden,Utah	MWT	7:30 am	Sunday	
Lv Ogden	PWT	9:00 am	Sunday	
Ar Reno, Nev		10:10 pm	Sunday	
Lv Reno		10:20 pm	Sunday	
Lv Sacramento	Cal	5:20 am	Monday	
Ar San Francisco		9:20 am	Monday	

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C234052

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11-39

CANADIAN NATIONAL RAILWAYS

CANADIAN NATIONAL TELEGRAPHS

NEWS BULLETIN

BY COURTESY OF THE CANADIAN PRESS

1945 APR 19 PM 8 17

NIGHT TRAIN NEWS APRIL 19

MOSCOW.---Moscow today officially confirmed a Russian offensive towards Berlin is under way and has been in progress for three days. Bridgeheads across the Oder and Neisse have been won and enlarged. Several towns in the Dresden area were occupied. German radio said tonight Russian tanks are fighting down the road to Strasbourg, only 10 miles from Berlin.

PARIS.---American First and Ninth Army forces have captured almost 317,000 prisoners in the Ruhr.

General Omar Bradley said there will be a temporary pause in the Allied offensive while supply lines are consolidated. But today had its share of victories just the same. Leipzig and Halle fell and half of Neurnberg is into American hands. The enemy says Third Army doughboys cut across the Western tip of Czechoslovakia.

PARIS.---The Germans blew up dykes to halt the Canadian drive. Twenty to thirty miles of countryside is flooded on the Peninsula running North from Amsterdam. Canadian armored columns reached the Southeastern shore of the Zuider Zee at captured Harderwick and at Nuld, six miles Southwest.

LONDON.---A delegation made up of members of parliament will leave London tomorrow to examine what General Eisenhower described as evidence that German atrocities just discovered are far worse than anything seen before.

LONDON.---More than two thousand Allied planes from Britain and Italy today pounded the narrow strip of Germany between the Allies and the Russians. Traffic was blasted moving into Hitler's hide-outs in the Bavarian Alps.

CANBERRA.---Australian Air Minister A.S.Drakeford announced today Australian airmen have destroyed 44 Japanese ships and damaged 78 in the first three months of 1945.

GUAM.---American forces control most of Okinawa but there is hard fighting along the enemy pillbox line at the Southern end of the Island.

WASHINGTON.---Officials are worried over the deadlock between Russia and the United States over the Polish question. The U.S. State Department again rejected the Soviet demand that the existing provisional government of Poland be invited to the San Francisco conference.

OTTAWA.---Prime Minister King today named three Maritimers to the Senate, Captain Brewer Robinson of Summerside, Prince Edward Island, New Brunswick Lands and Mines Minister F.W.Pirie and George Percival Burchill of South Nelson, New Brunswick.

AVOID DISAPPOINTMENT — WIRE FOR RESERVATIONS

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C234053

SAN FRANCISCO CONFERENCE

ITINERARY

April 19, 1945 - 3.oo p.m. - Left Ottawa aboard Car 100

" 20 - 8.oo p.m. - Arrived Chicago

p.m. - Visit to Hull House
" " University of Chicago
" " Art Gallery

8.15 p.m. - Left Chicago

" 21 - On board Car 100 en route to San Francisco

" 22 - " " " " "

" 23 - 10.oo a.m. - Arrived at San Francisco after crossing by ferry from Oakland.

- Proceeded to St. Francis Hotel.

(See next page for details re April 23, 1945)

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San Francisco

Monday - April 23, 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10.00 a.m.	Arrived at San Francisco		Inspected Guard of Honour
	proceeded to St. Francis Hotel.		
AFTERNOON:			
1.00 p.m.	Interview with Mr. Désy		
EVENING:			
	Drive in the City.		

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C234055

San Francisco

Tuesday - April 24, 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
11.oo a.m.	Meeting with the Press, St.Francis Hotel		
11.30 - 12.oo noon	Call on Mr. Clement Attlee	Mark Hopkins Hotel	
AFTERNOON:			
12.30 p.m. -	Luncheon with Mr. Clement Attlee, Mr. G.A. Fisher, Consul General of Britain, 310 Sansome St., San Francisco (at Pacific Union Club)	with Mr. Attlee and Mr. Dugale.	
4.00 p.m. -	Call on Mr. Bideaux of the French Delegation		
5.oo p.m.	Meeting with Delegates and Advisers of Canadian Delegation, Room 621.		
EVENING:			
6.oo p.m. -	Call on General Smuts		
7. to 8.oo p.m. -	International Broadcast, Theatre No. 33,	Treasure Island	DECLINED

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C234055

San Francisco

Tuesday - April 24, 1945

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MORNING:			
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[illegible]	Call on General Smuts		
5.oo p.m.	Meeting with Delegates and Advisers of Canadian Delegation, Room 621.		
EVENING:			
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7. to 8.oo p.m. -	International Broadcast, Theatre No. 33,	Treasuream Island	DECLINED

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C234056

UNITED NATIONS CONFERENCE
ON WORLD SECURITY
San Francisco, California

Wednesday - April 25 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
11.00 a.m. -	Interview with Baron Silvercruys		
11.45 a.m. -	" " Lord Cranborne.		
AFTERNOON:			
1:00 p.m. -	Interview with Mr. St. Laurent and Mr. Robertson		
4.30 p.m. -	Official opening of the United Nations World Security Conference, Opera House.		
EVENING: 5.15 p.m. -	Cocktail party (Mr. Stettinius)	Red, Room Fairmont Hotel	Accepted
6.00 p.m. -	Meeting of British Commonwealth Delegates	Mr. Eden's sitting room Mark Hopkins Hotel	Accepted
-	Congressman Eaton	Fairmont Hotel	Saw P.M.

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San Francisco

Thursday - April 26 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10:30 a.m. -	Meeting of Chairmen of Delegations	Veterans Building	
AFTERNOON:			
3:30 p.m. -	Plenary Session (Opera House)		
EVENING:			

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San Francisco C234058

Friday - April 27 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10:30 a.m.	- Meeting of Chairmen of Delegations	Veterans Building	
AFTERNOON:			
3:30 p.m.	- Plenary Session	Opera House	
EVENING:			

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San Francisco

C234059

Saturday - April 28 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10:30 a.m. -	Plenary Session	Opera House	Did not attend
AFTERNOON:			
1:30 p.m. -	Luncheon with Rt.Hon. Anthony Eden	Mark Hopkins Hotel	accepted
3:30 p.m. -	Plenary Session,	Opera House	Did not attend
-	Mrs. Stoddard	Fairmont Hotel	Called to thank for flowers
-	Mr. Eric Estorick		Interviewed
EVENING:			

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San Francisco

Sunday - April 29 - 1945

C234060

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
12:00 noon	- Mr. A. A. Gromyko Soviet Ambassador at Washington to call with Mr. Pearson		
	- Drive to San Raphael and Berkley		Dr. R.G.Sproul President (R.A.Clayton -Student
EVENING:			

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C234061

San Francisco

Monday - April 30 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
9:00 a.m. -	Executive Committee	Room 223 Veterans Building	Attended
10:30 a.m. -	Chairmen of Delegations	Room 223 Veterans Building	Attended
AFTERNOON:			
3:30 p.m. -	Fifth Plenary Session	Opera House	
6:30 p.m. -	Cocktail party by Mrs.Evatt	Sir Francis Drake Hotel 17th Floor	Dr.Evatt's birthday
EVENING:			

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C234062

San Francisco

Tuesday - May 1 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10.30 a.m. -	Executive Committee		
11.00 a.m. -	Steering Committee		
AFTERNOON:			
3.30 p.m. -	Plenary Session		
EVENING:			
7:30 p.m. -	Dinner by Lord and Lady Halifax	Mark Hopkins Hotel Room 802	
7:00 p.m. -	R.H. Wells - Dinner to meet chairmen of delegations to United Nations Conference	Rotary Club of S.F.	Declined (See letter)
8.30 p.m. -	Plenary Session		

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C234063

San Francisco

Wednesday - May 2 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10.30 a.m.	- Presidents of Commissions		
12.oo noon	- Interview with Mr. Armstrong and Mr. Blackburn		(Press)
AFTERNOON:	Press Conference		
3.30 p.m.	- Plenary Session		
EVENING:			

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C234064

San Francisco

Thursday - May 3 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
12:00 noon -	recording broadcast to Canada		
AFTERNOON:			
1:00 p.m. -	Luncheon by Chairman of Delegation of United States of America	Pacific Union Club	Accepted
4.30 ~~6:00~~ p.m. -	Meeting of Commonwealth Delegates re TRUSTEESHIP		Mr.St.Laurent and NAR informed in event PM unable attend
6.00 p.m. -	Meeting Canadian Delegates and Advisers, P.M.'s sitting room		
EVENING:			
8:00 p.m.	Dinner by Baron Silvercruys	St.Francis Hotel Room 220-221	

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C234005

San Francisco

Friday - May 4 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
-	Senator Jose MAZA (meal) for P.M. Mr.St.Laurent Mr.Chipman		(see memo)
3.30 p.m.	Meeting of Committee 3, Commission III		
5.00 p.m. -	Press Conference, Borgia Room		
EVENING:			
7.00 p.m. -	Taking of newsreel, Room 207, Veterans War Memorial Bldg.		
9.30 p.m. -	Call on Mr. Chipman		

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C234066

San Francisco

Saturday - May 5 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
EVENING:			
8.00 p.m. ~~7.30 p.m.~~	Dinner	Dr. T.V. Soong 2030 Gough St.	~~Mark Hopkins Hotel~~ Accepted by P.M. over 'phone

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C234067

San Francisco

Sunday - May 6 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10.30 a.m.	Solemn Mass	St. Mary's Cathedral	For the Cause of Poland
11.00 a.m.	Church Service	First Presbyterian Church, Corner Van Ness & Sacramento (Minister: Dr. J.H. Creighton)	Senior Elder Mr. F.I. Turner will conduct P.M. & pew
AFTERNOON:			
?	Tea or Dinner	Mrs. M. Walker	
6.30 p.m.	Cocktail Party	Mr. Wilgress (Room 629)	Sir A.C. Kerr, British Ambassador at Moscow, will attend. DECLINED
EVENING:			

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San Francisco

Sunday - May 6 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
10.30 a.m.	Solemn Mass	St. Mary's Cathedral	For the Cause of Poland
11.oo a.m.	Church Service	First Presbyterian Church, Corner Van Ness & Sacramento (Minister: Dr. J.H. Creighton)	Senior Elder Mr. F.I. Turner will conduct P.M. & pew
AFTERNOON:			
?	Tea or Dinner	Mrs. M. Walker	
6.30 p.m.	Cocktail Party	Mr. Wilgress (Room 629)	Sir A.C. Kerr, British Ambassador at Moscow, will attend. DECLINED
EVENING:			

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San Francisco

Monday - May 7 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
1.15 p.m.	Luncheon	Lord and Lady Cranborne, Mark Hopkins	Room 1101 Accepted.
	Noon meeting	Address Commonwealth Club (Mr. L.A. Ireland)	
3.00 p.m.	Meeting	Committee 3 of Commission III	Room 223, Veterans Bldg.
EVENING:			
(?)9.00 p.m.	Reception -	French Delegation	

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San Francisco

Tuesday - May 8 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
9.30 a.m.	Meeting of Canadian Delegates and Advisers,	Room 217, Hotel St. Francis	
10.30 a.m.	Meeting of Executive Committee,	Executive Room, Opera House.	
AFTERNOON:			
12.20 p.m.	V-E broadcast to Canada		
3.30 p.m. -	Meeting of Steering Committee	223 Veterans Bldg.	
5.30 - 6.30 p.m. -	Reception, Canadian Delegation	Room 217, St.Francis	
5.00 to 6.00 p.m.	Cocktail Party - Mr. V.M. Molotov	Mezzanine Floor, St. Francis Hotel.	
6.00 to 7.30 p.m.	" " - Mr. Attlee	Room C, Mark Hopkins Hotel.	
EVENING:			
	Dinner - Mr. Bidault		Declined

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San Francisco

Tuesday - May 8 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
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10.30 a.m.	Meeting of Executive Committee,	Executive Room, Opera House.	
AFTERNOON:			
12.20 p.m.	V-E broadcast to Canada		
3.30 p.m. -	Meeting of Steering Committee	223 Veterans Bldg.	
5.30 - 6.30 p.m. -	Reception, Canadian Delegation	Room 217, St.Francis	
5.00 to 6.00 p.m.	Cocktail Party - Mr. V.M. Molotov	Mezzanine Floor, St. Francis Hotel.	
6.00 to 7.30 p.m.	" " - Mr. Attlee	Room C, Mark Hopkins Hotel.	
EVENING:			
	Dinner - Mr. Bidault		Declined

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San Francisco

Wednesday - May 9 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
4:00 -	Interview with Mr. Fernandez Joaquin Fernandez Minister Foreign Affairs, Chairman Delegation of Chile		
5.oo p.m.	Meeting of Committee III - Commission 3	Room 223, Veterans Bldg.	
EVENING:			
7.30 p.m.	Drama "The Forgotten Factor"	No. 3 Theatre, U.S. Naval Training Treasure Island.	DECLINED
	Dinner - Brazilian Minister		

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San Francisco C234071

Thursday - May 10 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
9.15 a.m.	Meeting of Canadian Delegation, Room 217	St. Francis Hotel	Newsreels and stills will be taken.
10.30 a.m.	Meeting of Steering Committee	Room 223, Veterans Bldg.	
AFTERNOON:			
2.45 p.m.	Meeting of Commission 3, Committee III	Room 223, Veterans Bldg.	
EVENING:			
8.oo p.m.	Dinner - Mr. Bidault		DECLINED

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C234072

San Francisco

Friday - May 11 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
9.30 a.m.	Meeting	Canadian Delegation	
10.30 a.m.	Meeting	Commission III, Committee 3 Room 223, Veterans Bldg.	
AFTERNOON:			
1.15 p.m.	Luncheon - Dr. E.N. van Kleffens,	Room 218, St. Francis Hotel	ACCEPTED
2.00 p.m.	Meeting with Field Marshal Smuts,	Room 622, Fairmont Hotel	
EVENING:			
	PRESS CLUB - (Guest: Sir Thomas Beecham)	San Francisco Press Club	DECLINED
11.00 p.m.	Meeting with Mr. Anthony Eden	Room 1101 Mark Hopkins	ACCEPTED

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San Francisco

Saturday - May 12 - 1945

C234073

TIME	EVENT	PLACE	REMARKS
MORNING:			
9.30 a.m.	Meeting with Canadian Delegation, Room 217		
AFTERNOON:			
EVENING:			

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San Francisco

Sunday - May 13 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
AFTERNOON:			
EVENING:			

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C234075

San Francisco

Monday - May 14 - 1945

TIME	EVENT	PLACE	REMARKS
MORNING:			
9.30 a.m.	Meeting with members of Canadian Delegation		
11.00 a.m.	Interview with Mr. Stettinius		
AFTERNOON:			
4.35 p.m.	Leave Oakland for Vancouver		
EVENING:			

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C234087

May 15, 1945 - On board Car 100

11.15 p.m. - Arrive Vancouver
(12,15 midnight - train late)

PM called on H.E. the G.G. and then proceeded to Vancouver Hotel

May 16, 1945 - (Wednesday)

Spent till 4,00 p,m. working on broadcast

5.00 p.m. - Proceeded to Ballroom

5.30 p.m. - Nationwide broadcast

7.00 p.m. - Meeting with H.E. the G.G. and then drove with Mr. McGeer to Belmont Ave.

7.15 p.m. - Left Vancouver for Edmonton

May 17 - Thursday

- On board Car 100

10,10 p.m. - Arrived at Edmonton, Alta. and proceeded to The Macdonald Hotel

May 18 - Friday - At Edmonton

1.00 p.m. - Interview with Mr. Heeney

5.45 p,m. - Meeting with Liberal candidates of the Province of Alta in Mr. MacKinnon's room at the Macdonald

6.30 p.m. - Dinner, Ball-room.

7.30 - 8.00 p.m. - Provincial wide broadcast, followed by reception.

10.30 p.m. - Leave for Prince Albert, Sask.

May 19 - Saturday - at Prince Albert.

12.15 p.m. - Arrive Prince Albert -
Reception at Station.
Then proceed to Avenue Hotel

3.00 p.m. - Reception, Arcade Hall.
8.00 p.m. - Meeting at Armouries
8.45 p.m. - Broadcast by Prime Minister

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May 20, 1945 - Sunday

11.a.m. - Service at St. Paul's Presbyterian Church,
Minister: Rev. J.S. Clarke

7.3o p.m. -Dinner, Dr. and Mrs, M.I. Humphries

May 21, - Monday

11.oo a.m. - Meeting with City Council and
Board of Trade in City Hall.

12.15 p.m. - Look in at Luncheon with
Young Liberals Association in
Service Men's Building

3.15 p.m. - Leave for Shellbrook

6.oo p.m. - Dinner at Shellbrook

9. - 9.30 p.m. - On radio at meeting
Address continued till 10.15 p.m.

12. midnight - Return to Avenue Hotel

May 22 - Tuesday

10.oo a.m. - Drive through neighbouring
communities

5.oo p.m.--Broadcast to Prince Albert

5.55 p.m. - Leave Prince Albert

May 23 - Wednesday -

En route to Winnipeg

6.45 p.m. - Arrive Winnipeg (CNR station)
Proceed to Fort Garry Hotel

May 24 - Thursday

3.40 p.m. - Mr. Mark Shinbane and Mr. J.C. Davis
will call for Prime Minister

4.oo p.m. - Meeting st Civic Auditorium
(Harry Veals, President, Man. Lib.
Association)
(Mr. Glen in 10 min. speech, will
introduce P.M.)

8.30 p.m. - leave Winnipeg (CNR)

25 - Friday - On board car 100 en route to Ottawa
26 - Saturday - 8.30 a.m. - ARRIVE OTTAWA

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C234073

JAG/
20:IV:45

Precis of remarks made to a group of students at HULL HOUSE, Chicago, on April 20, 1945, by the Rt. Hon. W. L. Mackenzie King, Prime Minister of Canada.

.....I have done a lot of speaking over the last fifty years, but coming here today, after nearly fifth years, I should like to say just a word or two. I cannot think of any influence anywhere which equals what this place represents, or what it has now grown to be. Coming back today, one hardly recognizes it at all as the place which Jane Addams and those who were associated with her lives on. As I think of traditional things today, in the midst of a terrible and world-wide war, I think of life here - where every life is precious - as contrasted with life in those countries where human life is hardly valued at all. I think too how real and eternal the spirit of this place is. I cannot think of any influence on this continent more beneficient than that radiated by those associated with Hull House over the past 50 years nor of any influence that has meant more for good or for the benefit of humanity.....

My good wishes to you all.....

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C2340'79

The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the United Nations and, with reference to previous correspondence concerning the United Nations Conference on International Organization scheduled to convene at San Francisco, California, on April 25, 1945 encloses for their information memoranda on

(1) the tentative schedule for Conference meetings on April 25, 26 and 27;
(2) the proposed composition and functions of the Steering and Executive Committees; and
(3) miscellaneous procedural matters.

The information contained in the enclosed memoranda will be distributed to the delegations at San Francisco.

Enclosures:

As stated.

Department of State,

Washington, April 21, 1945.

500.CC

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C234080

RESTRICTED

(Information
Memorandum
Number 21)

Department of State
Washington

TENTATIVE SCHEDULE FOR MEETINGS ON
APRIL 25, 26, AND 27, OF THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

The following is a tentative schedule, as of this date, for meetings of the San Francisco Conference during the remainder of the week in which it convenes on April 25, 1945.

April 25 -- Wednesday

4:30 p.m. -- Opening Session

(1) Mr. Stettinius, as President pro tempore of the Conference, will call the Conference to order at the San Francisco Opera House.

(2) Mr. Stettinius will introduce Governor Warren of California who will make a brief welcoming address to the delegates.

(3) Mr. Stettinius will introduce Mayor Lapham of San Francisco who will similarly make a brief address of welcome to the delegates.

(4) President Truman, speaking from Washington in a radio address which will be rebroadcast inside the Opera House, will make a five minute address.

(5) Mr. Stettinius in a brief statement will adjourn the meeting.

April 26 -- Thursday

10:30 a.m. -- Meeting of Heads of Delegations

(1) Meeting under chairmanship of the temporary President of the Conference, to consititute Steering Committee of the Conference.

(2) Steering Committee selects Committee on Credentials.

(3) Steering

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(3) Steering Committee designates proposed Committees with jurisdiction thereof defined, and proposed officers of the Conference, including membership of the Executive Committee.

(4) Steering Committee draws up proposed procedure of the Conference.

3:30 p.m. -- First Plenary Session

(1) Mr. Stettinius as temporary President calls session to order.

(2) Rapporteur of the Steering Committee presents Committee report on the organization and procedure of the Conference. The Conference acts upon the report.

(3) After the Conference has completed its organization, the Rapporteur of the Credentials Committee presents the report of that Committee on the Credentials of the delegates. The Conference acts upon that report. The President of the Conference announces the number of delegations seated at the Conference.

(4) General address by the President of the Conference, followed by statements by the chairmen of those delegations who may desire at this point to state the position of their respective governments concerning the business of the Conference.

The order of these statements will be, by nations represented, as follows: China, the Union of Soviet Socialist Republics, the United Kingdom (sponsoring Powers); and the remaining nations represented, in English alphabetical order.

April 27 -- Friday

10:30 a.m. -- Second Plenary Session

(1) Continuance of statements by chairmen of the delegations.

3:30 p.m.-- Third Plenary Session

(1) Continuance of statements by chairmen of the delegations

(2) Conference resolves itself into its component commissions to begin substantive work.

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April 28-29 -- Saturday and Sunday

No scheduled meetings.

April 21, 1945.

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(Information
Memorandum
Number 22)

Department of State
Washington

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION
MEMORANDUM ON PROPOSED COMPOSITION AND FUNCTIONS OF
THE STEERING AND EXECUTIVE COMMITTEES

It is proposed that the chairmen of all delegations of all countries participating in the San Francisco United Nations Conference on International Organization constitute themselves a general committee entitled the Steering Committee under the temporary chairmanship of the President pro tempore of the Conference; that the Steering Committee draw up for submission to the Conference the proposed structure and procedure of the Conference; and that it select for proposal to the Conference a list of officers of the Conference and members of the Executive Committee.

It is contemplated that after the organization of the Conference the Steering Committee will meet from time to time to consider such major questions of policy and procedure as may warrant its attention.

It is contemplated that the Executive Committee will serve the Steering Committee by preparing recommendations for its consideration and will be composed of the chairmen of the delegations of the four sponsoring governments and of seven other participating countries.

April 21, 1945.

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Department of State
Washington

(Information
Memorandum
Number 23)

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION
MEMORANDUM ON MISCELLANEOUS PROCEDURAL MATTERS

It is envisaged that the initial meetings of the Conference will be held in plenary session and that after the organizing of the Conference has been completed the Conference will resolve itself into meetings of the commissions. The commissions in turn, after such general discussions as they may desire, would resolve themselves into committees and subcommittees. It is anticipated that most of the discussion and drafting would take place in these committees and subcommittees. Coordination and joint periodic review by heads of delegation would be achieved by a committee comprising all delegation chairmen (Steering Committee).

It is envisaged that plenary sessions and sessions of the full commissions should be open to accredited press representatives, except such closed sessions as the individual commissions may find necessary.

It is considered desirable that the presiding officer of the Conference, assisted by other higher officers of the Conference, hold regular scheduled daily brief meetings with the press, and that there also be a press officer for the Conference.

It is anticipated that the following governmental international organizations will be represented at the Conference by a limited number of unofficial observers: the International Labor Organization; the League of Nations; the Permanent Court of International Justice; the United Nations Interim Commission on Food and Agriculture; the United Nations Relief and Rehabilitation Administration.

It is suggested that the Conference may decide to adopt the following procedures as to minutes and records: that no stenographic transcript of proceedings be kept except at plenary sessions of the Conference and at public meetings of the commissions; that for all other meetings the Secretariat prepare a brief summary of the discussion and of the decisions reached; that both stenographic transcripts and summaries of proceedings be prepared first in provisional form for clearance, prior to general distribution, with the appropriate members of the bodies concerned; and that after corrections have been made the transcript or summary be issued in final form.

April 21, 1945.

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Department of State
Washington

(Information
Memorandum
Number 23)

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April 21, 1945.

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C234085

Time Table from Saturday, April 21 onwards

Lv. Omaha, Neb		8:30 am	Saturday	
Ar North Platte	CWT	2:25 pm	"	set watches back 1 hr
Lv North Platte	MWT	1:35 pm	"	
Ar Cheyenne, Wyo	"	6:45 pm	"	
Lv Cheyenne, Wyo	"	7:15 pm	"	
Ar Ogden, Utah	"	7:30 am	Sunday	set watches back 1 hr
Lv Ogden,	PWT	9:00 am	Sunday	
Lv Alazon "	"	1:35 pm	"	
Lv Wesc "	"	5:29 pm	"	
Ar Reno, Nev	"	10:10 pm	"	
Lv Reno	"	10:20 pm	"	
Lv Sacramento, Cal	"	5:20 am	"	
Ar San Francisco "	"	9:20 am	"	

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C234086 file

TO:

The Right Honourable W. L. Mackenzie King, Prime Minister of Canada,

Honourable Louis S. St. Laurent, Minister of Justice,

Honourable Dr. J. H. King, Senator,

Honourable Lucien Moraud, Senator,

Mrs. Cora T. Casselman, M. P.,

M. J. Coldwell, M. P.,

Gordon Graydon, M. P.,

Delegates for the Dominion of Canada to the Conference of the United States at San Francisco, California, U. S. A. convened for April 25, 1945.

FROM:

The Joint Executives of Councils of the Knights of Columbus at Blind River, Ontario, Sault Ste. Marie, Ontario and Sudbury, Ontario.

SUBJECT:

Joint Representations on behalf three Councils of the Knights of Columbus made in pursuit of identical resolutions adopted by each Council as follows:

by Blind River Council on Wednesday March 14, 1945.

by Sudbury Council on Sunday March 18, 1945.

by Superior Council, Sault Ste. Marie on Monday March 19, 1945.

Copies of these resolutions were submitt ed to all honourable members of the Senate and all members of the Commons of Canada with covering letter dated March 21, 1945 signed by the District Deputy. Printed copies of said resolution and said covering letter being attached hereto marked "A".

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C234087

Madam and Sirs:

Your presence at the San Francisco Conference will bring more and more keenly to your realization the impact of the loss suffered in the death of Franklin Delano Roosevelt. We associate ourselves at once with the sentiments expressed on behalf of the Government and the people of Canada by members of the Delegation who were in Parliament on the evening of Thursday April 12, 1945 when the House of Commons adjourned as a mark of respect.

Among the mass of material to which we have given study and consideration in order to do justice to the task assigned us with reference to these "representations" there have been many contributions from the late President Roosevelt. From these, as a tribute to his memory and as an apt reflection of the convictions which have seized us as we pursued our efforts, we quote the following paragraphs from a letter written by Franklin D. Roosevelt to Pope Puis XII for Christmas 1939. The first Christmas of the war, while his country was still neutral:

> "I believe that while statesmen are considering a new order of things, the new order may well be at hand. I believe that it is even now being built, silently but inevitably, in the hearts of masses whose voices are not heard, but whose common faith will write the final history of our time. They know that unless there is belief in some guiding principle and some trust in a divine plan, nations are without light, and peoples perish. They know that the civilization handed down to us by our fathers was built by men and

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women who knew in their hearts that all were brothers because they were children of God. They believe that by His will enmities can be healed; that in His mercy the weak can find delivrance, and the strong can find grace in helping the weak". . . . .

"Because the people of this nation have come to a realization that time and distance no longer exist in the older sense, they understand that that which harms one segment of humanity harms all the rest. They know that only by friendly association between the seekers of light and the seekers of peace everywhere can the forces of evil be overcome". . . .

"When the time shall come for the reestablishment of world peace on a surer foundation, it is of the utmost importance to humanity and to religion that common ideals shall have united expression". .

"I trust, therefore, that all of the churches of the world which believe in a common God will throw the great weight of their influence into this great cause". . . .

We consider it significant that in his sixth war time Christmas message Pope Puis XII laid stress on the role of the "masses" to which Franklin D. Roosevelt referred so strikingly in his letter of the first war time Christmas. That role, according to His Holiness, does not find its fulfilment from a passive mob manipulated by a dictator but rather frompeople who are alive intellectually and morally, are truly free and independent and rule themselves through a government they remain free to guide and criticize.

It is in this latter role that we presume to proceed with our "representations". You will recognize that membership in the Knights of Columbus as on the Executives, includes citizens from all walks of life. Their diversity might well

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"Because the people of this nation have come to a realization that time and distance no longer exist in the older sense, they understand that that which harms one segment of humanity harms all the rest. They know that only by friendly association between the seekers of light and the seekers of peace everywhere can the forces of evil be overcome". . . .

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suggest to you that our "representations" will most likely reflect the convictions and urgings of similar groups throughout the land.

The resolutions of the three Councils were prompted by a desire to give support to the statement on Peace issued by the Canadian Catholic Hierarchy on January 18, 1945 which in turn gave complete support to the Declaration on International Order made by the Catholic Hierarchy of the United States on November 19, 1944.

The Resolutions directed us "with special reference" to:

1. The desirability of Canada insisting that the decisions of the Three Great Powers at Yalta be reviewed at the San Francisco Conference.

2. To protest the treatment meted out to the loyal, valiant people of Poland and to the legal government of Poland.

3. To direct attention to the unreasonable arrangement which proposes that any nation, large or small, would be in a position to veto International decisions affecting its own conduct or the application of such sanctions as its conduct would involve.

Having before us the statements of the respective Hierarchies of Canada and the United States as above described we decided, at the outset, to review the speeches made in the House Of Commons as contributions to the debate on the San Francisco Resolution as reported in unrevised Hansard. We felt that here we could sense the extent to which members of Parliament reflected what was likely to be Canada's approach to the problems presented at San Francisco.

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That debate reveals that what we have at heart nearly all the contributors to the debate have also at heart and we do not exclude those who voted against the Prime Minister's resolution.

We want to urge here that Canada's delegates use all their resourcefulness to have set up an organization which reflects the highest hopes expressed in that debate and that they do not fail to make formal reservations where vital provisions are omitted or vicious provisions included. We are in accord with the universal proclamation that the San Francisco Conference must succeed but we insist that agreement, for the sake of agreement, with connivance at the violation of sacred principles, can never constitute success whereas disagreement in defense of sacred principles could well be interpreted as the finest possible contribution to ultimate success.

From the many striking statements made during the debate we put special emphasis on the following and we realize that many are being omitted which are equally important for the support of our "representations:"

> "It is one of the proposed functions of the assembly "to promote respect for human rights and fundamental freedoms".
>
> "We are members one of another and the freedom both of men and of nations is one and indivisible".
>
> "It is also most desirable that the organization, as finally established, should command the assent of the people of Canada so that, over the years, its underlying principles will secure steady public support".
>
> "NO CHARTER CAN GIVE THE WORLD SECURITY IF, AMONG THE POWERFUL, THERE BE NOT THE WILL FOR SECURITY".

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"In view of the difficulty of planning a world security organization, especially while the world itself is still at war, it might be desirable to include in the charter some provision for its general review after a term of years".

"It is important that our representations should speak with a clear, strong and united voice."

"In any charter to establish a general international organization for the maintenance of international peace and security, the spirit in which the approach is made, and in which effect is given to its provisions will be vastly more important than the letter".

"We must not forget that at San Francisco the nations will be judged not by what they say but by what they do".

"For the peaceful settlement of disputes, in my opinion, machinery must be more easily provided and with much greater speed".

"If the great powers have the responsibility for underwriting the peace of the world they must see to is also that it is maintained on a just basis, that the cultural integrity of the people is supported, that interference in domestic affairs is limited to the minimum consonant with the rights of the majority."

"I am struck by the advantages we have reaped by profiting by the mistakes which were made in the last war and in the period which followed the war. In the setting up of an organization to preserve international peace and security I believe we would be wise, as most of the speakers have indicated, to study the experiences of the past and observe why the efforts which were made after the last war were not as successful as it was hoped they would be".

"The strong must succour the weak rather than dominate them if world peace is to be more than a fanciful objective in the world of to-morrow".

"I think it was the Prime Minister who said yesterday that we should not expect perfection, and I suppose that is true. But there is no reason, I suggest, why we should not strive for it, and I hope our delegates to the San Francisco conference will put forward every effort, because they have a sacred trust to do everything in their power to make the charter as perfect as possible".

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"The proposals were drawn without the presence of the great body of the allied nations. I think it is fair, therefore, to assume that the proposals be modified, perhaps materially modified, when the smaller nations are heard."

Of course the well founded protest on behalf of Poland made by the Honourable Dr. J. J. McCann now Minister of War Services supports completely the second item of our reference and we shall refer to it later.

Having before us the statement of the Hierarchy of Canada and the United States we are struck with the absence from the debate of formal insistence along the lines that the Charter of the United Nations must be founded on:

"a sane realism which has a clear vision of the moral law, a reverent acknowledgment of God its author, and a recognition of the oneness of the human race underlying all national distinctions".

In spite of this comment we realize that this basis prompts many of the Dumbarton Oaks proposals, we recognize the references to "prayer" and "Christian ideals" included in the debate, we admit that had there been contributions to the debate by one or more from our group there is no guarantee that any one of us would have been more insistent on the part which the Triune God must play if the San Francisco Conference must succeed. But the earnestness with which we approach our present task brings forcefully home to us how rampant is secularism even in the midst of the rank and file of those who seek to give religion its place in their lives. We are convinced that men of good will everywhere must triumph over secularism if all our planning is to have true meaning, and is to

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bring lasting effects for the common good.

One must be deeply impressed with the lofty provisions of the Covenant of the League of Nations. The Dumbarton Oaks proposals incorporate many of them but again there is no mention of God, religion, morality, the natural law nor even of justice. Our most earnest "representation" in support of the proposals of the Hierarchy is that Canada's delegates seek to remedy this awful omission. We here insert a comment from His Holiness the late Puis XI with reference to another international conference not nearly so momentous as the one being held at San Francisco:

> "In all of this going, coming, meeting, discussing and research on the part of so many eminent personages, so many learned men, there is no mention of God; and it increases the fear of what we see in part already: the fear that God, after having made us feel the weight of His justice, perhaps after making us feel it yet more heavily, will have nothing else to do save to leave us to act by ourselves, leave us poor men to ourselves, leave us to act without Him".

We now deal with references numbers 1 and 3:

1. The desirability of Canada insisting that the decisions of the Three Great Powers at Yalta be reviewed at the San Francisco Conference.

3. To direct attention to the unreasonable arrangement which proposes that any nation, large or small, would be in a position to veto International decisions affecting its own conduct or the application of such sanctions as its conduct would involve.

We express our resentment of a gratuitous propaganda which, in the press and over the radio, followed the Yalta conference directed to creating an impression that it would be fatal to undertake to review the Yalta decisions at San Francisco. We believe that the debate in parliament has disposed of that preposterous attitude.

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As our work in preparing these "representations" progressed we realize the extent to which negative propaganda has succeeded in lulling the protest of public opinion in defense of sound principles. Our own past listlessness may, to some extent, be traced to the insidious effect of consistent propaganda. There are times when the sponsors of the propaganda lose their sense of proportion and fail in their usual subtlety as is evidenced by the following Canadian press dispatch which appeared in many daily newspapers in Canada:

"By C. R. Blackburn"

"Washington, March 16, - (C.P.) -

> "Canada holds a particularly favorable place in the esteem of Russians and probably will be the first country to receive the privilege of flying over and landing in the home of the Soviets, says an observer recently back from Russia."
>
> "This informant made the observation to support his argument that the Canadian delegation at the United Nations security conference in San Francisco would be in a delicate spot because of the diverse sentimental and practical interest of Canada in the world family of nations".
>
> "He suggested that the Canadian delegation would not want to support any amendments to the Dumbarton Oaks post-war security agreement - which is to be the basis of discussion at San Francisco - if such changes would displease the Soviet delegation".

This quotation affords an opportunity to assure our delegates that, whatever misgivings we may entertain concerning the outcome at San Francisco, we are entirely confident that such rubbish will make no impression on them and will only serve to warn them against more subtle efforts directed to the same end.

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The San Francisco conference is not the first instance in this war where the United Nations have conferred following a conference of Great Powers:

The meeting of Prime Minister Churchill and the late President Roosevelt on the Atlantic in August 1941 was followed by a meeting of the United Nations on January 2, 1942. The eight points of the Atlantic Charter were reviewed and "subscribed to" but in so doing they did not fail to add "religious freedom" the formal declaration of which had been omitted from the Atlantic Charter.

We commend to your consideration the spontaneous response which "The Declaration of the United Nations" found in the hearts of peoples everywhere. That response provides the key to meeting the test described by the Prime Minister:

> "The spirit in which the approach is made and in which effect is given to its provisions will be vastly more important than the letter".

The provisions of the "Declaration" have been so soon violated by the Great Powers in whom the Dumbarton Oaks proposals repose so much authority that there is forced upon us a stubborn realism which insists that "no charter can give the world security if, among the powerful, there be not the will to security".

Even as novices we are qualified to be positive that the violation of the "Declaration of the United Nations" makes it clear that that "will" is wanting somewhere! Let the Canadian Delegates not hesitate to so declare! Without the necessary conversion of that perverse "will" the San Francisco Conference can never be a success. We ask you to work patiently and tolerantly

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for that conversion but if it be not effected, we beg you never to subscribe to offering the peoples of the world a charter for peace the administration of whose provisions will include a dominant role by any power whose conduct in the immediate past and whose present attitude would make of such a charter nothing but a sham, a mockery and a ruse. This fate seems already to have beset the "Declaration of the United Nations".

The "friendly association" to overcome the forces of evil referred to in our opening quotation from the late Franklin D. Roosevelt must be, according to his words, between "the seekers of light and the seekers of peace". Nations which do not qualify can hardly expect to be included even if they happened to contribute to victory.

We have considered many contributions by competent authorities to discussion of the Dumbarton Oaks proposals and we are happy to find that our conclusions are fittingly summed up and the directives of our Councils regarding references numbers 1 and 3 are more than adequately met by the statement of "Goals for San Francisco" - a joint study of Catholic, Jewish and Protestant pronouncements on world organization, We "represent" that the will to peace compels that the Dumbarton Oaks proposals be brought in line with these clear cut guiding directives:

Issued on April 5, 1945 and signed by:

Reverend Richard M. Fagley, Secretary, Commission on a Just and Durable Peace. Federal Council of the Churches of Christ in America.

Rabbi Ahron Opher, Secretary, Committe on Peace, Synagogue Council of America.

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Reverend Edward A. Conway, S. J., Social Action Department National Catholic Welfare Conference.

The Statement reads as follows:

Catholic, Jewish and Protestant pronouncements have made clear the moral principles of a just world order. Our joint study of these authoritive statements convinces us that the agencies which issued them are agreed on ten constructive recommendations for the United Nations Charter to be drafted at San Francisco Conference. These agreements offer practical guidance to all men of good will. The pronouncements upon which they are based include the "Pattern of Peace" issued by leaders of the three religious bodies in October 1943; the statement of the Catholic Bishops in November 1944; the statement of the Federal Council of Churches in December 1944; and the statement of the Cleveland Church Conference in January 1945; and the statement of the Synagogue Council in January 1945. Our formulation of these recommendations to support and improve the Dumbarton Oaks proposals for a world organization is as follows:

1. Need for Organization. The sacrifices and hardships of this war and the need of mankind for an organized peace make it imperative that the San Francisco Conference succeed and the general security organization be established.

2. Preamble. The Charter of the United Nations Organization should acknowledge in its preamble that the actions of States are subject to the same moral principles as govern the conduct of individuals.

3. Membership. The Charter should specify that membership will be open to all States willing and able to fulfill the obligations of the Charter, so that membership may become universal.

4. International Law. The Charter should provide for the codification and development of international law and for its impartial enforcement.

5. Peaceful Change. The Charter should provide more explicitly for the revision of treaties and other agreements when such action is required by justice and the good of the world community.

6. Small Nations. The Charter should safeguard the economic and political rights of small nations and assure them an adequate share in shaping the policies of the organization.

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7. Disarmament. The Charter should provide a clear purpose and procedure for the limitation and control of national armaments, as collective security is established.

8. Voting Power. The Charter should provide that no one nation be allowed to veto judgment in any dispute covered by international law.

9. Human Rights. The Charter should include an international bill of rights, and provide for a commission or commissions to protect and further the rights and liberties of the individual and of racial, religious and cultural groups, especially those uprooted by war or oppression.

10. Dependent Peoples. The Charter should provide for a commission to supervise the administration of mandated territories and to promote the advancement of non-self-governing peoples toward economic well-being, cultural development and political responsibility.

Now we come to reference No. 2: "To protest the treatment meted out to the loyal, valiant people of Poland and to the legal government of Poland!

Without any claim to competence as authorities as to what might be the just boundaries of Poland we refer you to the speech of the Honourable Dr. J. J. McCann made in the debate above referred to as one of many, many exposures of how justice was betrayed at Yalta in dealing with the Polish boundaries.

We are not impressed with the repeated insistence that the San Francisco meeting is <u>not</u> a peace conference. We reply that neither was Yalta a Peace conference. Even the division of the territory of the Nazi enemy was given the deference of that consideration. On our own responsibility, as intelligent observers, we declare that the partition of Poland at Yalta was undertaken in circumstances that have no claim to ordinary decency, not to mention Justice and Christian Charity. This without reference to what may be the merits of Russian claims to any part of Polish

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territory. For the Powers to partition Poland, not acting in a judicial role but for the benefit of one of themselves and in the absence of representation from the constitutional and legal Government of Poland, cannot be justified and all the eloquent attempts to that end only leave us convinced that the United Nations must remedy that injustice if they wish to demonstrate their will to peace. We are aware that beloved representatives of the United States and the United Kingdom were at Yalta. We feel they were faced with a desperate alternative. "Compromise" was the word used to describe the decisions. Demands for co-ordinated decisive blows to finally lay low the Nazi might were most urgent. Though not a valid motive for justification it must be recognized that considerations for the prosecution of the war could very easily have influenced the decisions rather than considerations directed to fundamental principles which must be the basis of a just and lasting peace.

Adequate protest of the treatment meted out to the legal Government of Poland is beyond expression.

We refer you to item three of the Atlantic Charter and its repetition in the "non-interference" clause of the treaty between the Soviet Union and the United Kingdom signed on May 26, 1942. Still, even as we prepare these "representations", there is a hectic scramble of the Great Powers to find some semblance of a solution to amend recent outrages. This scramble seems to be prompted, not so much for the sake of justice, but rather to appease the long overdue protest of public opinion. These conclusions are indeed cynical but the will to peace must cope with

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realities. Even the shreds of safeguards set up at Yalta to preserve for the Polish people some little vestige of their sovereign rights have been promptly violated. With impious haste and outrageous calousness a hated regime is being imposed on the Poles at home and demands are being pressed that at San Francisco their spokesmen be foreign imposed representatives.

All these preposterous activities are taking place while there exists a constitutional, legal government enjoying the allegiance of the Polish people at home and abroad and more particularly of the Polish armed forces and this in spite of every conceivable conspiracy to break down that allegiance .

When you take your places as the representatives of Canada you may well ask yourselves in what respect you have any more title to be present than would representatives appointed by the legal, constitutional Government of Poland. Once more the will to peace demands that the Conference must not long proceed without remedy to such a fatal situation.

The Prime Minister when questioned in Parliament on April 11, 1945 stated:

> "On March 19 the Canadian Government received from the Polish minister for its information the text of a note which the Polish government had sent to the powers that issued the invitations to the Conference to be held at San Francisco".

We have had communication of that protest and we ask you to carefully consider its dignity and consistency made by a sovereign government in the name of a sovereign people. Among the United Nations how many are there whose governments, in the absence of an invitation, could have framed a more valid protest? We urge our delegates to be governed accordingly.

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In conclusion we ask you to consider that the effort we have put forth, the careful consideration we have brought to bear and the "representations" which have resulted are but a tribute to the complete confidence we have in each and all of you. We are proud of Canada's Delegation. Your public pronouncements make us realize, as we hope you will realize, that these "representations" are directed to support your efforts rather than to influence them. At San Francisco we indicate for Canada and here delegates not necessarily a leading role but a role which, in the midst of confusing trends, will give Christian leadership to the world.

Finally in order to exemplify what we have proclaimed in protest of secularist tendencies we pledge our repreated prayers throughout the conference for its success and for God's guidance in your contributions to that success. We invoke the blessing of God the Father, Son and Holy Ghost on each and all of you.

We have the honour to be, Madam and Sirs,

Devotedly yours in Christ,

M. V. J. Keenan,
District Deputy.

John J. Fitzgerald, Convenor,
Joint Executive, for purposes herein.

John O'Grady, Grand Knight,
Blind River Council 2796

George P. Malone, Grand Knight,
Superior Council 932, Sault Ste Marie, Ont.

J. C. Gravelle, Grand Knight,
Sudbury Council 1387.

Final draft approved:

By Executive Council Blind River Council 2796 April 21, 1945.
By Executive Superior Council 932, Sault Ste. Marie, April 21, 1945.
By Executive Sudbury Council 1387, April 22, 1945.

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A.

C233387

Congratulations Knights of Columbus

Citizens of Sudbury, Sault Ste Marie and Blind River should be impressed with the splendid initiative taken by the Knights of Columbus in this corner of Northern Ontario with reference to the San Francisco Conference. The resolution adopted indicates an intelligent interest in lasting results from all the sacrifices of the war. The resolution was very well drafted and Dr. Keenan's covering letter did honour to the position which he holds as District Deputy. Although it has been mentioned in the press, we feel our readers will welcome the full text of the resolution and Dr. Keenan's letter. There will be expectant interest in the "representations" that are to come from the Joint Executives of the three Councils of the Knights:

The Resolution

WHEREAS, on the eighteenth day of January this year a statement was issued at Quebec on behalf of the Catholic Hierarchy of Canada signed by His Eminence Rodigue Cardinal Villeneuve, by eight Archbishops, by a representative of the Archbishop of Halifax and by the Most Reverend Bishops of London and Sherbrooke, Joint Chairmen of the Episcopal Commission of Canada.

WHEREAS, under clause "14" of said statement is asserted: "We are happy to give our complete support to the declaration on international order made by our venerated brethren of the Hierarchy of the United States on November 19th, 1944."

WHEREAS, under clause "15" of said statement of the Canadian Hierarchy a special plea is made for Poland.

WHEREAS, since the eighteenth of January momentous events have so rapidly taken shape that members of this Council feel they must immediately bring their expressions affecting "fundamental principles" and "the problems of the day" issued by the Canadian Catholic Hierarchy directly to the attention of their representatives in the House of Commons and the Senate of Canada.

WHEREAS, the urgency of the situation is made all the more pressing in view of the near approach of the San Francisco conference and as a result of the confusion in the public mind arising

Dr. Keenan's Letter

Sudbury, Ontario,
March 21st, 1945.

To: The Right Honourable Prime Minister of Canada, His Majesty's Honourable Ministers, Honourable Members of the Senate, Members of the Commons of Canada.

Sirs:

Attached hereto is copy of a resolution unanimously adopted at a Special meeting of the members of Sudbury Council Knights of Columbus held on the afternoon of Passion Sunday, March 18th, 1945.

Identical resolutions have also been adopted by the Councils at Sault Ste. Marie and Blind River, Ont. These three Councils are within my jurisdiction as District Deputy.

It will be noted that in each instance the Grand Knight and Executive are authorized to "outline representations and take every resourceful action" in accordance with the considerations outlined in the preamble.

The Grand Knight and members of the Executives of the three Councils referred to intend to submit such representations. It now seems obvious that these will be completed too late to be submitted the present debate on the resolution with reference the San Francisco Conference now before Parliament.

Accordingly I have been request-

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Memorandum for : Mr. N.A. Robertson

Air bags sent from Ottawa tonight. Expected arrival San Francisco 1:45 p.m. tomorrow (Tuesday). Tomorrow's flight from Ottawa has been cancelled. Next flight from Ottawa will be on Friday April 27th, following which the regular schedule will be maintained.

A.L. Hall.
Chief - Cypher Division

Copies to:

Mr.Turnbull -
Mr.R.G.Robertson
Maj.Gen. Pope
Mr.Dunton

San Francisco
23rd April,1945

Recd 1 Jan
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The Russian National League of America

Dear Gentlemen,

As free Russians, living in a free democratic country, we hereby declare in the name of all Russians, living under the Soviets, that:

1. None of the pacts arrived at during the San Francisco conference will ever have any weight in the eyes of the Russian people.
2. None of the obligations assumed by the Soviet government will ever be honored and recognized by the Russian people of the future, liberated, non-Bolshevic, national Russia.
3. The Russian people do not recognize the Soviet government as their national government, but regard it as a pitiful group of former convicts representing strictly international, non-Russian interests, and who were never elected, but assumed power by force, and therefore cannot represent the will of the Russian people.

Respectfully yours,

THE PRESIDENT OF LEAGUE N. A. Melnikoff

Secretary

RUSSIAN NATIONAL LEAGUE OF AMERICA

New York, April ...23., 1945.

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C234105

RESTRICTED

UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

The attached papers relating to organization and procedure of the Conference are submitted on a tentative and informal basis by the Temporary Secretariat of the Conference for consideration by the Secretaries General of the Delegations.

April 23, 1945

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RESTRICTED

UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

MEETING OF THE HEADS OF DELEGATIONS TO ORGANIZE THE CONFERENCE

Proposed Agenda

It is suggested that the Chairmen of all Delegations meet on April 26, 1945, at 10:30 a.m., under the chairmanship of the Temporary President of the Conference, to consider the following matters:

1. Appointment of the Credentials Committee, and designation of its Chairman, by the Temporary President of the Conference with the approval of the Heads of the other Delegations. (It is contemplated that the Credentials Committee will meet at once and that it would have its report ready for presentation at the First Plenary Session, 3:30 p.m., that same day.)

2. Appointment of a Rapporteur of the Meeting by the Temporary President of the Conference with the approval of the Heads of the other Delegations.

3. Recommendation that the Conference approve a memorandum on the Proposed Organization of the Conference.

4. Nomination of the presiding officer of officers of the Conference.

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5. Nomination of an Executive Committee.

6. Nomination of the officers (or the countries from whose delegations the officers would be named) of the four Commissions and the twelve Technical Committees of the Conference.

7. Recommendation that the Conference approve as its Agenda the Dumbarton Oaks Proposals as supplemented at the Crimea Conference, and the comments thereon submitted by the participating countries.

8. Recommendation that the Conference approve a memorandum on the Proposed Rules of Procedure.

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UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

INFORMAL MEMORANDUM ON POSSIBLE
ORGANIZATION OF THE CONFERENCE

I GENERAL COMMITTEES

The following general committees might be created:

1. A Steering Committee, composed of Chairmen of all the Delegations with the Presiding Officer of the Conference as its Chairman. This Committee would presumably choose a Rapporteur. It would consider any major policy or procedure question submitted to it during the Conference by the Presiding Officer or the Chairman of any Delegation.

2. An Executive Committee, composed of the Chairman of the Delegations of the Sponsoring Governments, and the Chairmen of the Delegations perhaps of seven additional Governments nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Chairman of the Steering Committee would presumably also be the Chairman of the Executive Committee. The Executive Committee would make recommendations to the Steering Committee for its consideration and would otherwise assist the Steering Committee as the latter might authorize. When considering matters

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affecting the work of Commissions the Executive Committee would invite the appropriate Presidents to sit with it.

3. A Coordination Committee, composed of one representative of each member of the Executive Committee might assist the Executive Committee in the performance of the latter's functions.

4. A Credentials Committee, composed of seven members, including its Chairman, nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Credentials Committee after verifying the delegates' credentials would report to the First Plenary Session.

II. COMMISSIONS AND TECHNICAL COMMITTEES

1. Four Commissions might be created with perhaps twelve Technical Committees. Each Commission would have a President and a Rapporteur to be nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. An Assistant Secretary General of the Conference to be chosen in a similar manner would act in the capacity of Secretary General of each Commission. Each Commission would develop general principles to guide its Technical Committees and Subcommittees; would consider the recommendations of its Technical Committees and the relationships of

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such recommendations to those made by Technical Committees of other Commissions; and would recommend to the Conference in Plenary Session proposed texts for adoption as parts of the Charter.

2. Each Commission would presumably have Technical Committees which would formulate recommendations on the various parts of the Agenda assigned to it. The Chairmen and Rapporteurs of the Technical Committees would be nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Technical Committees would establish such drafting and other subcommittees as they find desirable. Each Technical Committee would provide opportunity for the discussion and technical consideration necessary to develop draft provisions for submission to the Commission to which it reports.

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3. All delegations would be entitled to be represented on the Commissions and their Technical Committees, and to participate in their deliberations.

4. The four Commissions and their Technical Committees, if established along the lines of the foregoing tentative suggestions, and the scope of their activities, might be as described below. The Steering Committee might from time to time assign duties to the Commissions in addition to those mentioned.

COMMISSION I - General Provisions

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Preamble, Purposes and Principles

Functions: To prepare and recommend to Commission I draft provisions for the Charter of the United Nations relating to matters dealt with in Chapters I and II of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Membership, Amendment and Secretariat

Functions: To prepare and recommend to Commission I draft provisions for the Charter of the United Nations

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relating to matters dealt with in Chapters III, IV, X and XI of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

COMMISSION II - General Assembly

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Structure and Procedures

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on structure and procedures, (Sections A, C, D and the pertinent paragraphs of Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Political and Security Functions

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference,

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Technical Committee 3 - Economic and Social Cooperation

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in the pertinent paragraphs of Chapter V and in Chapter IX of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Trusteeship System

Functions: To prepare and recommend to Commission II, and to Commission III as necessary, draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder.

COMMISSION III - Security Council

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field

Technical Committee 1 - Structures and Procedures

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VI of the Dumbarton Oaks Proposals on structure and procedures, (Sections A, C, D and the pertinent paragraphs of Section B),

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and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Peaceful Settlement

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section A, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 3 - Enforcement Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section B, and Chapter XII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Regional Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section C, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

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COMMISSION IV - Judicial Organization

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - International Court of Justice

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Legal Problems

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of the United Nations relating to matters dealt with in connection with the functioning of the United Nations Organization, such as registration of treaties, treaty obligations inconsistent with the Charter, the juridical status of the Organization, and privileges and immunities of officials of the Organization.

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III. SECRETARIAT AND OTHER OFFICIALS

1. A Secretariat, under the general direction of a Secretary General, would provide general administration of the Conference.

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

INFORMAL MEMORANDUM ON POSSIBLE RULES OF PROCEDURE

I. ESTABLISHMENT OF COMMISSIONS, TECHNICAL COMMITTEES AND SUBCOMMITTEES

1. It is suggested that upon adoption by the Conference in plenary session of an organizational plan for the Conference, the President of the Conference would request the presidents of the commissions, in consultation with the Secretary General of the Conference, to call the first meetings of their respective commissions as soon as possible. The Secretary General of each delegation would as soon as possible inform the Secretary General of the Conference as to the commissions and technical committees on which his delegation desires to be represented and the name of the member or members designated in each case.

2. At the appropriate time the presidents of the respective commissions would request the chairmen of the technical committees to call the first meetings of their respective committees.

3. Subcommittees would begin meetings when requested to do so by the respective technical committees.

II. SUBMISSION OF FORMAL PROPOSALS

Formal proposals which a delegation desires to submit to the Conference would be transmitted through the Secretary General to the Steering Committee or, upon authorization of

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the Steering Committee, to the Executive Committee. The committee to which such a formal proposal is transmitted should determine the procedure to be followed with respect to it, including its reference to a commission or technical committee. No such proposal should be discussed in the commission or technical committee to which it is referred unless the text has been distributed to all delegations not less than 24 hours preceding the meeting.

III. RIGHT TO ADDRESS THE CONFERENCE

Speakers should be recognized by the presiding officer in the order in which they have signified their desire to speak. The president, chairman, or rapporteur of a commission or committee might be accorded precedence for the purpose of explaining or clarifying the conclusions arrived at by a commission or committee.

IV. VOTING

1. Each delegation would have one vote in each body of the Conference on which it is represented.

2. Voting in Public Sessions and Meetings

In all public sessions and meetings of the Conference (in plenary sessions and public meetings of the commissions) voting on questions of procedure, it is suggested, would be by majority vote of the delegations present, and voting on a text or other substantive questions would be by two-thirds vote of the delegations present.

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3. Voting in Closed Meetings

The voting procedure and rules in closed meetings of the Conference (in closed meetings of the Commissions and in meetings of the technical committees), it is suggested, would be decided, on an ad hoc basis, by the body concerned.

4. The Conference should normally vote by a show of hands except that any delegation in any body of the Conference might request a roll call which would be taken by countries in English alphabetical order.

V: LANGUAGES

1. English, Russian, Chinese, French and Spanish should be the official languages of the Conference.

2. The final text of the Charter will be prepared and opened for signature in each of the five official languages. If time does not permit the completion of the texts in each of these languages before the closing of the Conference, the texts which have not been completed by that time should be opened for signature at a later date.

3. The Dumbarton Oaks Proposals, supplemented by the Crimea Proposal on voting procedure in the Security Council, would be issued in all five official languages as the first document of the Conference.

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4. As a practical matter it would be helpful if English were to be used as the working language of the Conference. All Conference documents, records, and the official Journal would be issued in English. Upon request by the chairman of a delegation to the Secretary General, the Secretariat would endeavor so far as possible, to issue important documents of the Conference (in addition to those mentioned in paragraphs 2 and 3 above) in other official languages as well as in English. For mechanical reasons, however, it is suggested that, apart from the documents mentioned in paragraphs 2 and 3, no printing would be done in any language other than English and that requests for reproduction in typewritten form of important documents in languages other than English be held to a minimum. The Secretariat would be prepared to assist delegations in translating Russian, Chinese, French, or Spanish documents into English. In addition, the Secretariat would comply, as far as possible, with requests for assistance in translating draft texts or proposals into Russian, French, or Spanish.

5. Deliberations of the plenary sessions of the Conference and of the commissions should normally be conducted in English. Delegates speaking in other languages should, if possible, furnish an English interpretation or an English translation of their remarks. The Secretariat would provide assistance in interpreting from Russian, French, and Spanish into English at plenary sessions, and at other meetings so far as possible.

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English should also generally be used in the meetings of the technical committees and subcommittees. Delegates should provide their own interpreters to enable them to follow discussions in English.

VI: RECORDS

1. No stenographic transcript of proceedings would be kept except at plenary sessions of the Conference and at public meetings of the Commissions.

2. For all other meetings the Secretariat would prepare a brief summary of the discussion and of the decisions reached.

3. Both stenographic transcripts and summaries of proceedings would be prepared first in provisional form for clearance, prior to general distribution, with the appropriate members of the bodies concerned. After corrections have been made the transcript or summary would be issued in final form.

VII. DOCUMENT CLASSIFICATION

The classification and distribution of each document would be determined by the body of the Conference which originates it.

There would be two classifications of documents:

1. Unrestricted, for distribution to all delegations, to accredited press, radio, and newsreel representatives, and to the public so far as the supply permits.

2. Restricted, for distribution only to delegations.

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VIII. PUBLIC INFORMATION POLICY

Plenary sessions of the Conference and meetings of the commissions would be held in public, subject to the reservation that the commissions in their discretion might hold closed meetings. In addition, principal officers of the Conference would hold regular meetings with the accredited press, radio, and newsreel representatives. The meetings of the technical committees and subcommittees would be closed.

IX. HOURS OF ASSEMBLY

1. Plenary sessions of the Conference would normally convene at 10:30 a.m., or 3:30 p.m. Meetings of the commissions and technical committees would normally be from 10:30 a.m. to 1:00 p.m., or from 3:00 p.m. to 6:00 p.m. Meetings could of course be arranged for other hours by decision of the bodies concerned.

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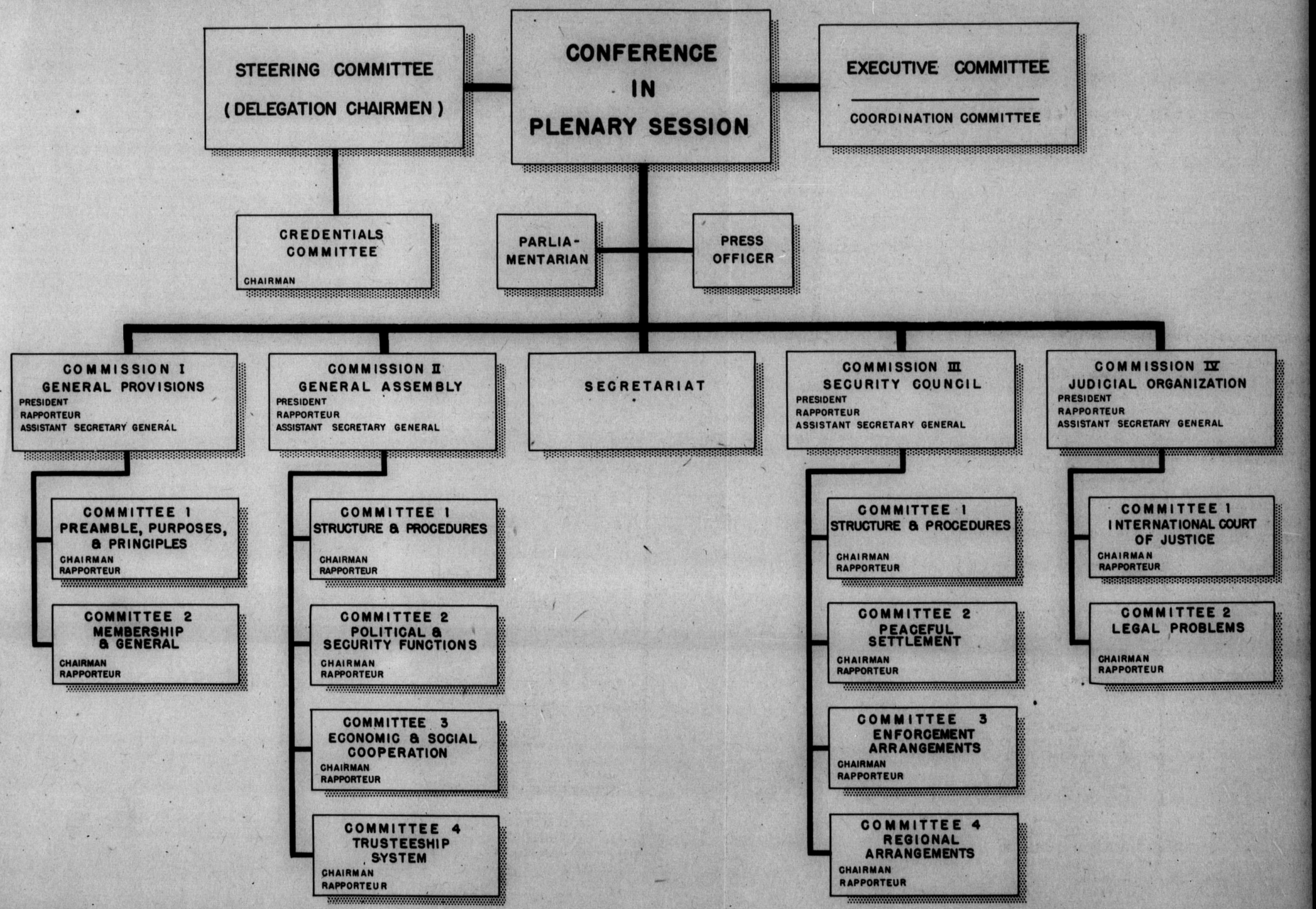
PROPOSED ORGANIZATION: UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION



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PROPOSED ORGANIZATION & FUNCTIONS: UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

STEERING COMMITTEE

Considers major questions of policy and procedure.
Membership: Chairmen all delegations.
Officers: Chairman and Rapporteur.

CONFERENCE IN PLENARY SESSION

Exercises final authority over all acts of the Conference.

EXECUTIVE COMMITTEE

Serves the Steering Committee by preparing recommendations for its consideration.
Membership: Chairmen of sponsoring Government delegations. Chairmen of delegations of seven additional Governments.
Presidents of Commissions invited to sit when appropriate.
Officer: Chairman.

COORDINATION COMMITTEE

Assists Executive Committee
Membership: Eleven members, one appointed by each member of Executive Committee.
Officers: Chairman and Rapporteur

CREDENTIALS COMMITTEE

Verifies credentials of delegates.
Membership: Seven members selected by the Heads of Delegations.
Officer: Chairman

PARLIAMENTARIAN

Advises officers of the Conference on procedure.

PRESS OFFICER

Furnishes information for the public to accredited press, radio and newsreel representatives.

COMMISSION I
GENERAL PROVISIONS

Considers and recommends draft provisions for parts of United Nations Charter assigned to Committees 1 and 2 below.

COMMISSION II
GENERAL ASSEMBLY

Considers and recommends draft provisions for parts of United Nations Charter assigned to Committees 1, 2, 3, 4 below.

SECRETARIAT

Provides general administration of the Conference.

COMMISSION III
SECURITY COUNCIL

Considers and recommends draft provisions for parts of United Nations Charter assigned to Committees 1, 2, 3, and 4 below.

COMMISSION IV
JUDICIAL ORGANIZATION

Considers and recommends draft provisions for parts of United Nations Charter assigned to Committees 1 and 2 below.

TECHNICAL COMMITTEE 1
PREAMBLE, PURPOSES, & PRINCIPLES

Prepares draft provisions on preamble, purposes, and principles (see Chapters I and II of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 2
MEMBERSHIP, AMENDMENT, AND SECRETARIAT

Prepares draft provisions on membership, principal organs, methods of amendment, and the Secretariat of the United Nations Organization (see Chapters III, IV, X and XI of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 1
STRUCTURE AND PROCEDURES

Prepares draft provisions on structure and procedures of the General Assembly of the United Nations Organization (see Chapter V, especially Sections A,C,D, and relevant paragraphs of Section B of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 2
POLITICAL & SECURITY FUNCTIONS

Prepares draft provisions on political and security functions of the United Nations Organization (see Chapter V, especially Section B, of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 3
ECONOMIC & SOCIAL COOPERATION

Prepares draft provisions on arrangements for international economic and social cooperation (see relevant paragraphs of Chapter V, and Chapter IX of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 4
TRUSTEESHIP SYSTEM

Prepares draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder.

TECHNICAL COMMITTEE 1
STRUCTURE AND PROCEDURES

Prepares draft provisions on structure and procedures of Security Council of United Nations Organization (See Chapter VI, especially Sections A, C, D and relevant paragraphs of Section B of Dumbarton Oaks Proposals.)

TECHNICAL COMMITTEE 2
PEACEFUL SETTLEMENT

Prepares draft provisions on methods for pacific settlement of disputes (see Chapter VIII, Section A, of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 3
ENFORCEMENT ARRANGEMENTS

Prepares draft provisions on prevention and suppression of aggression (see Chapter VIII, Section B, and Chapter XII of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 4
REGIONAL ARRANGEMENTS

Prepares draft provisions on regional arrangements (see Chapter VIII, Section C, of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 1
INTERNATIONAL COURT OF JUSTICE

Prepares draft provisions on international court of justice (see Chapter VII of Dumbarton Oaks Proposals).

TECHNICAL COMMITTEE 2
LEGAL PROBLEMS

Prepares draft provisions on legal questions connected with functioning of the United Nations Organization.

COMMISSIONS

Coordinate the work of their respective Technical Committees and present draft texts of Charter proposals to Conference.

Membership: Each delegation entitled to representation.

Officers: President, Rapporteur, Assistant Secretary General

TECHNICAL COMMITTEES

Provide technical consideration and prepare draft provisions for submission to Commissions; may designate subcommittees.

Membership: Each delegation entitled to representation.

Officers: Chairman, Rapporteur.

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The P.M. Trace

C234124 file

MEMORANDUM

Submitted to the Dominion Government by the Canadian Congress of Labour, April 24, 1945

Mr. Prime Minister and Honourable Members of the Government of Canada:

The Canadian Congress of Labour again welcomes the opportunity to discuss with the Government questions of special interest to the workers it represents. As the Government is aware, the Congress has made notable progress during the past year, and now includes within its ranks a large proportion of the organized workers of the Dominion. The range of interests of Canadian workers is shown by the number and variety of the matters which are brought forward for discussion at the annual conventions of their central Labour bodies. When the Canadian Congress of Labour met in Quebec City in October last, over five hundred resolutions were proposed for consideration, and this memorandum is based upon the views expressed and the decisions reached at that time.

2. Among the subjects dealt with at the Congress Convention was the foreign policy of Canada, and the desirability of co-operation for the establishment and maintenance of peace. In view of the United Nations Conference on International Organization which will open at San Francisco on April 25th, it may be desirable to point out that the Congress in Convention expressed the opinion that when the war is won Canada must play her full part in promoting international co-operation among the peace-loving nations of the world, including co-operation in the economic sphere. The Convention further recommended that Canada join the Pan-American Union, and enter into an agreement with the Union of Soviet Socialist Republics, similar to that now in effect between Great Britain and the Soviet Union.

3. The Congress therefore trusts that the Government will co-operate with the other nations represented at the San Francisco Conference in the endeavour to obtain a basis of world-security which will not only accomplish its purpose, but will obtain widespread support from the masses of the people. Such an organization must obviously be based upon the principles of justice and democracy; its procedures must be clear and readily understood, and it must provide adequate means for checking and punishing any aggressor nation, large or small. The importance of the San Francisco Conference to the future of the world cannot be overestimated, and while the proposals for world-security laid down at the Dumbarton Oaks Conference are of great value, it is evident that they require further consideration and amendment if they are to meet with the universal demand for the prevention of aggression and the maintenance of world-peace. The Congress recognizes fully the difficult problems involved in the creation of an effective instrument for this purpose. It considers, however, that since all other human undertakings are rendered futile by war, especially considering the potentialities for destruction of new weapons, such as robot bombs, the Government should give primary consideration to the effort to make the San Francisco Conference as successful as possible in every respect.

4. It is scarcely necessary in this connection to refer to Canada's historic rôle as a keystone in the arch of Anglo-American understanding, and the necessity of Canada's continuing to act in that capacity for many years to come. In addition, however, Canada has become, through her magnificent war-effort, the leader of the small nations of the world, and must accept the responsibilities as well as the opportunities for service which her position entails. The Congress warmly commends the attitude adopted and the opinions expressed by the Prime Minister in this connection during recent debates in the House of Commons.

Post-War Planning

5. As hostilities in Europe may be terminated in the near future, the Congress urges that plans for the post-war period be given special attention at the present time. The Congress recognizes that, in the report on "Employment and Income" presented to Parliament by the Minister of Reconstruction at the recent session, various aspects of the post-war problem were dealt with, and, while this report represents a certain measure of progress, the programme outlined, in the opinion of the Congress, is far from adequate to meet the situation which will arise after the war is won. The following resolution on this subject was adopted at the Congress Convention in October last, and, in view of its comprehensive nature, we recommend that it be given careful consideration by the Government:

> WHEREAS this Convention of the Canadian Congress of Labour realizes that, with the victorious end of the war coming closer, it is necessary to enunciate those principles which we believe essential to the winning of the peace after we have won the war: the Convention therefore adopts the following proposals, designed to facilitate an orderly transition from war to peace, and to provide thereafter an adequate and proper basis of living for the workers of this country:
>
> (1) We consider it a fundamental right of every Canadian worker to have a job at wages adequate to provide food, clothing, shelter and recreation; the right of every family to a decent home; the right to adequate medical care and an opportunity to enjoy good health; the right of every citizen to protection from the economic evils of sickness, old age, accident and unemployment, and the right to a full and complete education for himself and his family;
>
> (2) Further, we contend that no post-war plans can be successful unless Labour shares in their formation, and we therefore urge that Labour be given full representation on all planning commissions or committees, and also that the Government establish in all industries in this country, industry councils composed of representatives of Labour, industry and Government

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to plan and administer the reconversion programme; one of the responsibilities of such industrial councils would be to take the necessary surveys to ascertain (a) what markets are available for manufactured products, raw materials and farm produce; (b) how many Crown companies could be maintained in their present type of production, and how many could be converted to other types; and (c) how many employees may expect gainful employment in new and peace-time industries, in the production of raw materials, and in agriculture.

(3) Workers must be given concrete protection during and after reconversion in the form of dismissal pay if employed in war-plants no longer required, and plans must be made to absorb war-workers and service men and women in peace-time employment. If necessary, provision should be made for a drastic reduction in hours of work, with no reduction in total earnings.

(4) As an immediate measure to deal with possible lay-offs in war-industry, the Government should release materials for peace-time production, as war-conditions permit, and also begin reconverting plants no longer needed for war-purposes.

(5) Adequate provision must also be made to ensure that returning service men and women and disabled veterans will receive education and vocational training, as well as assistance in dealing with any special problems they will face.

(6) In carrying out this programme, and as an essential part of it, we urge that the Government encourage and expand the principles of social ownership; retain whatever economic controls are essential during the transition period; give preference to companies that operate under trade union agreements, when awarding Government contracts; and, finally, take steps to amend the B.N.A. Act, where necessary, to implement this programme on a national basis.

Provision for Ex-Members of the Forces

6. Reference is made in the above resolution to the necessity for education and vocational training for ex-members of the armed forces. The Congress wishes the Government to know that it has adopted a policy with respect to seniority for veterans who return to their previous employment, as well as for those who will enter industry for the first time, the general principle being that service in the armed forces will be regarded as equivalent for seniority purposes to service in the plant or industry in which the veteran is or becomes employed.

7. In this connection, however, the Congress is strongly of the opinion that the displacement of civilian workers by veterans will not solve either the individual or the national problems involved, and that the solution must be found in the provision of full employment for every citizen who is able and willing to work. In other words, the problem is not merely the placement of veterans in industry, but the operation of the industrial system of the nation on a basis which will provide employment with adequate incomes for every available worker. Having enjoyed employment on a wider scale during the war than ever before in the history of Canada, the workers and the people generally will strenuously object to any marked diminution of employment, and the Government must recognize that its primary obligation in the post-war period is to ensure employment, no matter what obstacles may stand in the way.

8. The Congress will co-operate with the Government and with industry in the endeavour to ensure employment and incomes sufficient to maintain the highest possible standard of living, but the task of co-ordinating industry, and directing and controlling its operation in the interests of the people as a whole, falls directly upon the Government, and the Congress believes that the people of Canada will not be satisfied unless they are afforded the fullest measure of economic security and well-being.

The Wartime Labour Relations Regulations

9. Turning now more especially to Labour matters, we desire to inform the Government that the Congress has recently given detailed study to Order-in-Council P.C. 1003, the Wartime Labour Relations Regulations, and Order-in-Council P.C. 9384, the Wartime Wage-Control Order. While the adoption of Order-in-Council P.C. 1003 in February, 1944, and the establishment of the National and Regional Labour Relations Boards, represented a considerable forward step in Labour relations in Canada, experience has brought out a number of defects in the Order, and we hope that the Government will make the necessary amendments as soon as possible.

10. The Congress is urging, among other amendments, procedure under which unions may be certified as bargaining agencies, and the taking of votes of employees where this is necessary to ascertain their wishes. The Congress urges particularly, however, that company unions be outlawed, and that provision be made for union security, including the union shop or maintenance of membership, and the deduction of union dues. There has been an increasing recognition by employers and governments that, if Labour unions are to perform their utmost service in the interests of the workers, the industry concerned, and the public, they must be afforded such measures of security and stability as will enable them to function effectively.

11. It is noted that, when a worker obtains employment in an organized industry, he accepts the wages and working conditions which have been established by agreement between the employer and the representatives of the employees. If such conditions include a requirement that employees eligible for membership in the union must become members of the union as a condition of employment, this requirement is in no way different from any other condition, and there is complete justification for its application to every employee. The same principle applies equally to employment in an industrial undertaking which is operated by a Crown Company or other government body.

12. Proposed amendments to Order-in-Council P.C. 1003 have been submitted to the Minister of Labour, and a copy of these amendments is attached as a supplement to this memorandum. While it is recognized that the Department of Labour is primarily concerned with the terms of the Order-in-Council and its administration, some of the proposed amendments may involve government policies, and the Congress would therefore request that, when an amended Order-in-Council governing Labour relations is placed before the Cabinet, it will be given favourable consideration.

13. The Congress believes that, on the whole, the National Labour Relations Board has administered and interpreted the Wartime Labour Relations Regulations in a commendable manner. Certain decisions of the Board have not been acceptable, but it is felt that if the Order-in-Council is amended in accordance with the lines proposed by the Congress, there will be no further difficulty in this respect.

14. May we suggest further that the Order-in-Council as amended should be made the basis for a permanent Labour Code, and that the provincial governments should be asked to pass legislation under which the present set-up of Regional Boards, along with the National Labour Relations Board, would be continued, in order that, so far as possible, Labour relations may be uniform throughout the Dominion. If necessary for this purpose, the Government should take steps to have the British North America Act amended accordingly.

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The Wartime Wages-Control Order

15. With regard to Order-in-Council P.C. 9384, the Wartime Wages-Control Order, the Congress desires to impress as strongly as possible upon the Government the necessity of amending the Order in such a way as to lessen the virtual prohibition against wage-increases, which results not only from the drastic restrictions of the Order itself, but also from its interpretation and administration by the National War Labour Board.

16. At the present time, Labour unions are required to prove that "a gross injustice or gross inequality" exists as a justification for a wage-increase, and this is further conditioned by the requirement that any increase granted will not bring about an increase in prices to the consumer. As if this were not an adequate barrier against wage-increases, the National War Labour Board interprets "a gross injustice or inequality" as meaning "a flagrant or glaring injustice or inequality," and also requires that the condition to be remedied be a "serious condition."

17. The result is not only that applications for wage-increases which come directly before the National War Labour Board are almost invariably dismissed, but that employers as a routine procedure now appeal against any decision rendered by a Regional War Labour Board in favour of their employees, with the almost certain assurance that the decision of the Regional Board will be reversed. In other decisions rendered by the National War Labour Board, there has been not only an inadequate consideration of the facts presented, but also a failure to recognize both general and specific conditions affecting the desirability of granting wage-increases.

18. The Congress therefore strongly recommends that Order-in-Council P.C. 9384 be amended in such a way as to permit the raising of sub-standard wage-levels, and the approval of wage-increases where it can be shown that, either on an absolute or a comparative basis, the present wage-levels are too low.

19. The Congress deeply regrets that it has no alternative but to inform the Government that the personnel of the National War Labour Board is unsatisfactory and should be changed if widespread unrest and discontent are to be avoided. There is no objection to the principle of wage-control to the extent that this is required to prevent inflation, and the Congress has no hesitation in congratulating the Government on the success which has been attained in this respect by the Wartime Prices and Trade Board. Actually, however, the present Wages-Control Order, and its administration by the National War Labour Board, constitute one of the chief grounds for criticism and resentment, so far as the attitude of the Labour movement towards the Government is concerned.

Representation on Government Bodies

20. The Congress would again urge that adequate representation be given to Labour on all government bodies dealing with matters with which Labour is primarily concerned. Representations have been made to the Government on previous occasions in this connection, and it was pointed out that Labour was not properly represented on the Wartime Prices and Trade Board or on Crown Companies and other bodies associated with the Department of Munitions and Supply. The Government has within the past year endeavoured to promote the establishment of Labour-Management Production Committees, and it is hoped that these will be continued into the post-war period. It is evident, however, that, while the principle of Labour representation is thus recognized by the Government, this principle has not been applied by the Government to an adequate extent.

Education and Technical Training

21. At the Congress Convention in October last, deep interest was shown by the delegates in the subject of education. It was felt that the Federal Government, by agreement with the provinces, should play a far larger part in the field of education than it does at the present time. The wide diversity in educational standards, in text books, and curricula in Canada was regarded as a source of disunity, and it was urged that education be considered a matter of national as well as provincial concern. The school is one of the foundation-stones of civilized society, and to leave this institution in the hands of local bodies of very limited scope and with inadequate revenues is to weaken the national structure itself. The Congress recognizes that the Government is now assisting the provinces in the provision of vocational training, and that it will have an opportunity to engage in educational activities on a wide scale through the necessity of providing for the education of ex-members of the forces. It is of the utmost importance, however, that the Federal Government should make available to the provinces financial assistance which will enable them to raise educational standards to the highest possible level.

22. The status and training of teachers are also of great importance in this connection, as it is essential that professional standards be raised, that salaries be provided commensurate with the training and ability required, and that teachers be given security of tenure, freedom of association and similar rights.

The International Labour Organization

23. The following resolution with regard to the recommendations and conventions adopted by the International Labour Organization was unanimously approved at the Congress Convention:

> WHEREAS the Canadian Government is unable to deal with recommendations and conventions adopted by the International Labour Organization in matters which come within the jurisdiction of provincial governments; and
>
> WHEREAS at the Twenty-sixth Session of the International Labour Conference held in Philadelphia in April and May of last year a resolution was referred to the Governing Body of the I.L.O., asking that arrangements be made to ensure consideration of recommendations and conventions by the provincial governments and the reporting of subsequent action through the Federal Government to the I.L.O.:
>
> BE IT THEREFORE RESOLVED that the Canadian Congress of Labour in Convention assembled endorses this resolution, and urges upon all parties concerned that action be taken without delay to put it into effect.

24. While the Government has given a great deal of co-operation to the International Labour Organization the fact that Canada is constitutionally unable to adopt I.L.O. conventions, except in certain restricted fields, has apparently prevented the submission of such conventions or recommendations to the provincial authorities, and having them followed up with a view to ascertaining the action taken. The Congress therefore wishes to stress the desirability of action along the lines suggested in the resolution.

National Health Services

25. The question of national health has aroused great interest among the workers, and a number of resolutions on this subject have been submitted to Congress Conventions. Among other provisions which it was felt should

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be embodied in National Health legislation were the following: (1) Cash benefits to maintain income during interruption of earning power on account of illness. (2) The integration of curative and preventive work, with the emphasis on prevention, by providing the necessary personnel to guarantee to everyone the maximum medical and dental benefits. (3) Large capital expenditures that will be required for new medical schools, urban and rural hospitals, sanatoriums and homes for incurables, and (4) Suitable representation of the general public on the administration boards. In addition, it was felt that special attention should be given to the health of Canadian children through the provision of free medical, dental, and nutritional services.

Immigration

26. The Congress in Convention urged that the Government adopt a definite immigration policy for the post-war period, having in mind the desirability of developing new sections of Canada, and the establishment of new industries for which immigrants might be especially adapted or in which they had training and experience. It was emphasized, however, that the immigration policy would have to be co-ordinated with an adequate employment policy, in order that there might be no danger of displacing from employment, workers who are residents of Canada.

Old Age Pensions

27. The Congress in Convention urged that the old age pensions be increased; that the age of eligibility be reduced to 60 for all workers, and to 55 for workers engaged in heavy industries; that the means test be abolished, and that pensions be paid as of right.

Family Allowances

28. The Congress in Convention approved in principle the payment of family allowances, but it strongly affirmed that such allowances must not take the place of adequate wage-levels, and that the Labour movement must continue its efforts to obtain such wage-levels, not only for the sake of the workers and their families, but as a basic condition of national well-being.

A National Fuel Policy

29. The Congress desires to commend the Government for having acted upon the recommendations previously made with respect to an investigation of the fuel situation in Canada, and the establishment of a National Fuel Policy. The appointment of a Royal Commission to study the coal industry is a forward step in that direction, and it is hoped that this will be followed by the establishment of a National Fuel Council, by which a broad and comprehensive national policy may be administered.

Housing

30. The authoritative Report of the Curtis Committee on Housing showed that a large part of the Canadian people are in dire need of decent housing; that only effective action by the Federal Government can provide it for them, and that a large-scale housing programme would not only promote the health and welfare of the people but also make an important contribution to full employment in the post-war period. The Congress must express its deep regret that the National Housing Act failed to implement the Curtis Report, and, indeed, only touched the fringe of the real housing problem, which is the provision of low-rent housing for wage-earners. Such housing can be provided only by public enterprise, through Municipal Housing Authorities subsidized by the Federal Government. Private enterprise simply cannot do the job at all.

31. In spite of the recommendations of the Curtis Report, assistance to low-rent housing under the Act is confined to loans to private limited-dividend corporations. This simply means that the lower third income group will not get decent housing. The Congress therefore urges the Government to take the first opportunity to implement the Curtis Report in this respect, and to provide adequate sums both by loan and subsidy for slum clearance and low-rent housing through Municipal Housing Authorities.

Co-operatives

32. The Congress is disturbed by the concerted attacks now being made on the co-operative movement in Canada, in which the workers it represents have always been deeply interested. It sees in these attacks an attempt to undermine and destroy the co-operative enterprises built up by workers and farmers at considerable sacrifice for their mutual welfare. Co-operatives protect consumers against exploitation by monopolies and cartels; they render services which private enterprises are often not disposed to give; they help to maintain higher standards of living by means of rebates, commonly known as patronage dividends, and by making available credit for small loans at low rates of interest. They represent, furthermore, the very essence of democratic organization. The Congress is therefore strongly opposed to the principle of taxation of co-operative surpluses, and urges that co-operatives be protected against discrimination and encouraged in every possible way.

Miscellaneous

33. Among other matters which were dealt with at the Congress Convention, and with regard to which action was recommended, were: the control of all forms of transport by the Board of Transport Commissioners of Canada; maintenance of shipbuilding and repairing facilities: government ownership and operation of the Merchant Marine; the adoption of the Hare system of proportional representation in Federal and provincial elections, with a single transferable vote in multi-member constituencies; the reduction of the voting age to 18; the revision of the Unemployment Insurance Act to provide insurance for all workers, regardless of income; payment from the first day and for the full period of unemployment, and an increase of benefits sufficient to maintain standards of health and decency; government ownership and control of all radio broadcasting; the establishment of port facilities at Sydney and a bridge or causeway at the Strait of Canso, and the enactment of legislation which would penalize racial discrimination.

Conclusion

34. May we, in conclusion, again express appreciation of the opportunity to bring these matters to the attention of the Government, and trust that they will be given the serious consideration that they deserve. Canada is entering upon a new era with unparalleled opportunities for social progress, and the responsibilities of governments are becoming correspondingly greater. The Canadian Congress of Labour again extends to the Government its offer of whole-hearted co-operation in any efforts that are made to establish a social order which will provide economic security for the workers and the people of Canada.

Respectfully submitted,

THE CANADIAN CONGRESS OF LABOUR

A. R. MOSHER,
President.

PAT CONROY,
Secretary-Treasurer.

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PROPOSED AMENDMENTS
to
WARTIME LABOUR RELATIONS REGULATIONS
(Order-in-Council P.C. 1003)

Adopted by the Executive Council, Canadian Congress of Labour,
Ottawa, March 23, 1945

THE CANADIAN CONGRESS OF LABOUR
Ottawa, Canada

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PROPOSED AMENDMENTS TO WARTIME LABOUR RELATIONS REGULATIONS

PART 1

1. The following definitions in Interpretation Section 2 (1) should be *amended* as follows:

   (a) *Rescind* clauses (c) and (i), and reletter as necessary.

   (b) *Amend* sub-clause (d) to read as follows:

   (d) "Collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union on the other hand containing provisions relating to wages, hours or conditions of work or any other terms or conditions of employment;

   (c) *Amend* clause (n) by adding the word "local" before the word "provincial."

2. The following definitions should be added to Section 2 (1):

   (a) *Substitute* as clause (a) the following:
   (a) An "agent of the employer" or "an agent of an employer" means an officer, official or other representative of an employer having authority with respect to the terms and conditions of employment of any employees of the employer, or who is otherwise related to or identified with the policy, management or administration of the employer's business or undertaking;

   (b) *Change* present clause (a) to read clause (b).

   (c) *Insert* as new clause (c) the following:

   (c) "Bargain collectively" shall mean to negotiate in good faith with a view to the conclusion of a collective agreement, or with respect to the termination, renewal or amendment of a collective agreement, or any dispute or grievance which may arise after the date of certification of a trade union pursuant to these regulations and before a collective agreement is entered into, and so to negotiate from time to time, including the disposition of grievances, during the term and in accordance with the provisions of any collective agreement, and "bargaining collectively" or "collective bargaining" shall have a corresponding meaning;

3. *Delete* sub-section 3 of Section 4.

4. *Rescind* Sections 5 to 9, inclusive, and substitute the following:

   5 (1) A trade union may make an application to the Board stating that a majority of the employees of an employer, or a majority of a unit, classification or classifications of such employees, desire the trade union to bargain collectively on their behalf with their employer, and requesting the Board to certify the applicant as the collective bargaining agency of such employees.

   5 (2) Any association, committee or group of employees or any other entity purporting to bargain collectively on behalf of any employees, the formation or organization of which association, committee, group or other entity, has been or is being aided or abetted by an employer, or an agent of an employer, or the administration, management or policy of which has been or is being influenced, coerced, or controlled by the employer or an agent of an employer, is not a trade union within the meaning of, or entitled to make any application under, any of the provisions of these regulations;

   (3) Pending any application made hereunder, no employer shall make any change relating to the wages or hours of work of any employee affected by such application.

   6 (3) Upon such application, the Board shall make such investigation or enquiries as it may deem necessary, including such hearings as it may decide upon, for the purpose of determining, and the Board shall determine,

   (a) whether the applicant is a trade union; and

   (b) the appropriate unit, classification, or classifications, for the purpose of bargaining collectively, of any of the employees of the employer with respect to whom an application for certification has been made, and the unit, classification or classifications of such employees so determined by the Board shall be the bargaining unit hereunder later referred to; and

   (c) whether a majority of the employees who constitute the bargaining unit desire the applicant to bargain collectively on their behalf with their employer; and

   (d) such other questions of fact as may relate to such application.

   7 (1) With respect to any application made pursuant to Section 5 the Board may order or conduct a secret vote of the employees who constitute the bargaining unit to ascertain whether or not a majority of such employees desire the applicant to bargain collectively on their behalf with their employer.

   (2) In any event, except as later provided, when with respect to any application the applicant establishes that over twenty-five per cent of the employees who constitute the bargaining unit are either members of the applicant trade union or, within six months prior to the filing of the application, have requested or authorized the applicant to bargain collectively on their behalf with their employer, the Board shall conduct a secret vote of the employees who constitute the bargaining unit; Provided, however, that, if a collective agreement is then in force between the employer and a trade union, other than the applicant, relating to the bargaining unit or any portion or section thereof, a vote shall be ordered or conducted by the Board if the applicant establishes that over fifty per cent of the employees who constitute the bargaining unit are either members of the applicant, or, within six months prior to the filing of such application, have requested or authorized the applicant to bargain collectively on their behalf with their employer.

   (3) If, in accordance with established trade union practice, the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole are separately organized into a trade union pertaining to the craft, such trade union may apply to the Board to certify it as the collective bargaining agency of such employees. If such group claims and is entitled to the rights conferred by this sub-section the employees comprising the craft shall not be entitled to vote for any of the purposes of any application or collective bargaining with such employer except when the application or collective bargaining relates solely to such craft; nor shall such employees be taken into account in any manner in the computation of a majority in respect to any proceeding in which they are not entitled to vote.

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(4) Two or more trade unions may join in an application made pursuant to Section 5 and may be jointly certified as to the bargaining unit or respectively certified as to such portion of the bargaining unit as the Board may determine.

(5) If, on any vote ordered or conducted by the Board pursuant to these regulations, a majority of the employees who constitute the bargaining unit with respect to which such vote has been ordered or conducted participate in the vote, the decision or vote of a majority of the employees so participating shall constitute the decision, for all purposes of these regulations, of a majority of the employees who constitute the bargaining unit.

8 If the Board is satisfied, whether by a vote or otherwise by investigation or enquiry, that a majority, as provided by these regulations, of the employees who constitute the bargaining unit desire the applicant to bargain collectively on their behalf with their employer, the Board shall certify the applicant as the collective bargaining agency of the employees who constitute the bargaining unit, specifying the bargaining unit and the employer.

9 (1) No application shall be made pursuant to Section 5 before ten months have expired of the period of a collective agreement, if any, whether entered into before or after the effective date of these regulations.

(2) At any time after the expiration of the ten months referred to in sub-section 1 hereof, an application may be made pursuant to Section 5, which shall then be dealt with in accordance with Sections 5 to 8 inclusive and if the Board certifies the applicant as the collective bargaining agency of any of the employees covered by such collective agreement, the trade union so certified shall be substituted as a party to the agreement and may give notice of termination, renewal or proposed amendment of the collective agreement as later provided.

(3) A trade union certified pursuant to sub-section (2) of this Section may give the employer of the employees for which the trade union has been certified thirty days' notice of its desire to terminate, renew, or amend any existing collective agreement covering any of such employees, or to negotiate a new collective agreement covering any of such employees, and Section 10 (1) shall apply and be operative thirty days after such notice.

5. *Amend* Section 10 (1) to read as follows:

10 (1) The officers or other accredited representatives of a trade union may give the employer concerned, or the employer concerned may give the trade union, ten clear days' notice requiring that collective bargaining be entered into, and the parties shall then bargain collectively in good faith, each with the accredited representatives of the other, and make every reasonable effort to agree.

6. *Rescind* sub-sections 2 and 3 of Section 10.

7. *Amend* Section 22 (2) to read as follows:

22 (2) The Board may require any employers' organization or trade union affected by any application for certification of a trade union or by an existing collective agreement to file with the Board:

(a) A statutory declaration stating the names and addresses of its officers; and

(b) A copy of its constitution and by-laws.

8. *Amend* Section 25 (1) (e) to read as follows:

25 (1) (e) an employer or a trade union is or has been bargaining cellectively.

PART 2

Conciliation Service

1. *Amend* Sections 11, 12 and 13 (1) to read as follows:

11 If bargaining collectively has continued for thirty days between an employer or an employers' organization on the one hand and a trade union on the other hand and either party believes that an agreement will not be completed in a reasonable time it may so advise the Minister.

12 (1) Upon receipt of advice under Section 11, the Minister, within three days, shall instruct a conciliation officer to confer with the parties and attempt to bring about an agreement between them.

12 (2) A conciliation officer who has been instructed to confer with the parties under sub-section one of this section, shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

(a) the matters, if any, on which the parties have not agreed and his recommendations to the Minister with regard thereto; and

(b) the terms, if any, upon which the parties have agreed.

13 (1) If a conciliation officer who has been instructed to confer with the parties fails to bring about an agreement between them, or if in any other matter affecting an employer or an employers' organization on the one hand and a trade union on the other hand, the Minister so decides, he shall forthwith appoint a Conciliation Board consisting of three members after consultation with the parties as required by Section 30.

2. *Amend* Section 30 by deleting the words "to the negotiations" on line two, and substituting the word "affected."

Note. If the above amendments are effected there is no need for sub-section 2 of section 16 which was added to P.C. 1003 by Order-in-Council 6893 on the 1st of September, 1944. In that event, Section 16 (2) should be rescinded, retaining Section (1) as Section 16).

PART 3

Union Security

1. *Amend* Section 18 by adding the following as sub-section (3):

18 (3) Upon application by a trade union, the Board may order or establish that a collective agreement made or being negotiated or proposed to be entered into, renewed or amended shall include or be deemed to include such provisions of union security, whether for a closed shop or for a union shop or for maintenance of membership, or any of them, as the Board shall decide to be appropriate; Provided that no provision shall be ordered or established by the Board which, in the opinion of the applicant, is less satisfactory than any provision on the same or related subject contained in any collective agreement relating to any of the employees in the

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bargaining unit, or purported collective agreement, in force or which expired within six months prior to such collective bargaining.

PART 4

Deduction for Union Dues

Add as Section 18 (4) the following:

18 (4) (a) Upon the request of a trade union which represents a majority of the employees who constitute a bargaining unit of his employees, and upon receiving from any employee in such unit a request in writing to do so, an employer shall deduct and pay in regular periodic payments out of the wages due each such employee, to the person designated by the trade union to receive the same, the union dues of each such employee until any collective agreement then in force is terminated, or the employee has withdrawn such request in writing, whichever shall last occur, and the employer shall furnish to such trade union before the 10th day of each month the names of any employees who have furnished or withdrawn such authority.

(b) In the event of any dispute as to whether such bargaining unit is appropriate or as to whether the trade union represents a majority of the employees who constitute such bargaining unit, the Board shall determine the same upon the application either of the employer or of the trade union.

Grievance Procedure

1. *Amend* Section 17 by constituting present Section 17 as Sub-section (1) and by *adding* the following:

17 (2) Every collective agreement shall include, or shall be deemed to include, the following, namely:

If it is alleged by the trade union (party to this agreement), or its representatives, that any employee or group of employees covered by this agreement has been unjustly dealt with by any act or neglect of the employer, or by any representative of the employer, in relation to the employment or working conditions of such employee or employees, such allegation shall constitute a grievance with respect to which a claim may be filed against the employer alleging the matter complained of and the remedy alleged to be appropriate and such claim will be dealt with, in accordance with the procedure set out in this agreement, on the merits and justice of such claim with due regard to the specific provisions, if any, of this agreement, which relate thereto, and otherwise on the merits and justice of such claim.

PART 6

Closed Shop and Union Shop Provisions

1. *Amend* Section 20 (1) to read as follows:

20(1) No person shall use coercion or intimidation with a view to compelling or influencing a person to join a trade union, but nothing in these regulations shall be construed to prohibit the inclusion, or prohibit bargaining collectively for the inclusion, of any provision in a collective agreement requiring all or any specified employees covered thereby to be members of the trade union which is party to the collective agreement, or so bargaining collectively.

PART 7

Equal Status for Strike or Lockout

1. *Amend* Section 21 (1) to read as follows:

21(1) No employee shall go on strike and no employer shall declare or cause a lockout unless and until
(a) the parties have failed to bargain collectively, or to conclude a collective agreement, and
(b) Sections 11 and 12 have been complied with and fourteen days have elapsed since the Conciliation Board reported to the Minister.

2. *Rescind* Section 21 (2).

PART 8

Provision as to Wages

1. *Amend* Section 10 (4) by substituting for the word "executed" on lines one and four the word "effective."

PART 9

Enforcement Provisions

1. *Amend* Section 25 (1) to read as follows:
(f) any provision of these regulations has been contravened, and, if so, when, by whom, and in what manner.

1. *Amend* Section 43 as follows:
(a) *Delete* the word "corruptly" in the fourth line;
(b) *Insert* the word "corruptly" before the word "makes" at the beginning of subclause (a);
(c) *Add* as subclause (c):
(c) fails or refuses to bargain collectively.

3. *Amend* Section 45 by numbering it as 45 (1) and by adding the following as subsection (2):

45 (2) Any contravention of any provision of these regulations shall constitute a separate offence as to each day upon which any such provision is contravened.

PART 10

Miscellaneous

Amend Section 47 to constitute it as Section 47 (1) and add the following as Section 47 (2):

47(2) (a) A trade union and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are deemed by common law to be in restraint of trade.

(b) Any act done by two or more members of a trade union, if done in contemplation or furtherance of a trade dispute, shall not be actionable, unless the act would be actionable if done without any agreement or combination.

(c) A trade union shall not be made a party to any action in any court unless such trade union may be made a party irrespective of any of the provisions of these regulations.

(d) A collective agreement shall not be the subject of any action in any court unless such collective agreement might be the subject of such action irrespective of the provisions of these regulations.

PART 11

Delete the words "employees' organization" or the words "or employees' organization" wherever they now appear in the regulations, and amend accordingly, having regard to the amendment above recommended to the definition of the words "trade union."

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C234122

Mr. W. L. Mackenzie King regrets to be unable to be present at the meeting for Mrs. Vijaya Lakshmi Pandit at the Scottish Rite Auditorium on Friday, April 27 at 8:00 p.m.

San Francisco, Cal.
April 25, 1945

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RESERVE

C234183

YOU ARE CORDIALLY INVITED TO A MEETING

FOR

MRS. VIJAYA LAKSHMI PANDIT

INDIA LEADER, SISTER OF JAWAHARLAL NEHRU

AT

SCOTTISH RITE AUDITORIUM

SUTTER AND VAN NESS

FRIDAY EVENING, APRIL 27, 1945 AT 8:00 P. M.

R. S. V. P.

NATIONAL COMMITTEE FOR INDIA'S FREEDOM

268 MARKET ST., SAN FRANCISCO 11

DOUGLAS 6936

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FREE INDIA

C234124

A PUBLIC MEETING

MRS. VIJAYA LAKSHMI PANDIT



INDIA LEADER: SISTER OF NEHRU,
First Woman Cabinet Minister

SCOTTISH RITE AUDITORIUM
SUTTER AND VAN NESS

FRIDAY EVENING, APRIL 27, 1945
8 O'CLOCK

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FREE INDIA

A PUBLIC MEETING

MRS. VIJAYA LAKSHMI PANDIT



INDIA LEADER: SISTER OF NEHRU,
First Woman Cabinet Minister

SCOTTISH RITE AUDITORIUM
SUTTER AND VAN NESS

FRIDAY EVENING, APRIL 27, 1945
8 O'CLOCK

W.L.M. King Papers, Memoranda and Notes, 1940-1950,
MG 26 J 4, Volume 339, pages C233387-C234381

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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CANADA

C234135

VIJAYA LAKSHMI PANDIT

Mrs. Pandit is one of the foremost national leaders of India. For over twenty years now she has been actively associated with the Indian National Congress in its fight for India's freedom.

Mrs. Pandit is the first Indian woman to have held a cabinet post as a Minister of Local Self-Government and Health in the United Provinces.

She was twice the President of the All-India Women's Conference, was Chairman of the Board of Education in Allahabad, and has been prominent in several humanitarian and social activities.

She is a sister of Jawaharlal Nehru, the great Indian leader. Like her brother and other members of the illustrious Nehru family, she has often been a political prisoner in the British jails in India. Last year she was released, for reasons of health.

Mrs. Pandit is the most authentic and representative leader of India now present in the United States. Her compatriots in this country have recognized her as the sole spokesman for the cause of India during the United Nations Security Conference in San Francisco.

C234136

PROGRAM

CHAIRMAN

DR. SYUD HOSSAIN
Chairman, National Committee for India's Freedom

SPEAKERS

DR. FREDERICK W. ROMAN
Regent of University of California

DR. KRISHNALAL SHRIDHARANI
Author, "My India, My America"

MR. J. FRANK BURKE
Radio Commentator

"Editor of the Air"
DR. ANUP SINGH
Secretary, National Committee for India's Freedom
Editor, "Voice of India"

VIJAYA LAKSHMI PANDIT

C234124

"The Committee is of the opinion that the future peace, security and ordered progress of the world demand a world federation of free nations and on no other basis can the problem of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples and the pooling of the world's resources for the common good of all. . . . An Independent India would gladly join such a world federation and operate on an equal basis with other countries in the solution of international problems."

Resolution of Indian National Congress
August, 1942

"An indispensable Preliminary to Peace is the complete freedom of India from all foreign control.

"The present delegation appointed to represent India at the San Francisco Conference was but a camouflage."

MAHATMA GANDHI

Auspices

NATIONAL COMMITTEE FOR INDIA'S FREEDOM
1129 Vermont Avenue, Washington 5, D. C.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C234138

For the Prime Minister:

A Mr. McLennan, BAyview 0947, telephoned to extend a welcome to San Francisco and wish good luck. He says he was an old friend. He lives at the beach near the Cliff House. He does not expect to see you, but simply sent this message.

W. J. T.

San Francisco
April 25, 1945

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

C234139

April 25, 1945

Rec'd by Gordon Robertson April 27th

URGENT

Mr. Gordon Robertson
St. Francis Hotel
San Francisco, California

Dear Gordon:

May I extend, through you, on behalf of Secretary Stettinius, an invitation to Prime Minister Mackenzie King to attend a cocktail party, ~~6:00~~ # to 8:00 at the Red Room of the Fairmont Hotel. It is for chiefs of delegations and their wives only.

P.m. accepted (tel).

Robert English

RE/df

changed to 5.15

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The United Nations Conference on International Organization

Doc. 5
G/4
April 25, 1945

C234140

ORDER OF THE DAY

OPENING SESSION

Auditorium of the Opera House, April 25, 1945

TIME	REMARKS
3:00 p.m.	Doors of the Opera House will be open.
4:00 p.m.	It is requested that all persons be seated by 4 p.m. since the program will be broadcast by radio to all parts of the world.
4:30 p.m.	Mr. Stettinius, temporary President of the Conference, will open the session and announce the President of the United States, who will speak from Washington. (It is requested that there be no applause until the President's address is concluded.)
	Addresses of welcome will be given by the Governor of the State of California, the Honorable Earl Warren, and by the Mayor of the City of San Francisco, the Honorable Roger D. Lapham.
	The temporary President will give a brief address.
	The Secretary General of the Conference, Mr. Alger Hiss, will announce the meetings to be held Thursday, April 26.
	The temporary President will adjourn the session.

For admission to the Opera House it will be necessary for each person to have both a pass and a ticket.

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C234141

The United Nations Conference on International Organization

JOURNAL

NUMBER 1 SAN FRANCISCO, CALIFORNIA APRIL 25, 1945

Opening Session of the Conference
April 25, 1945

PROGRAM

Opening of the Conference by the Temporary President,
The Honorable Edward R. Stettinius, Jr.

Address by the President of the United States,
Speaking from Washington

Address of Welcome by the Governor of California,
The Honorable Earl Warren

Address of Welcome by the Mayor of the City of San Francisco,
The Honorable Roger D. Lapham

Address by the Temporary President of the Conference

Announcements
By the Secretary General of the Conference
Mr. Alger Hiss

Adjournment

Doc. 6

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C234142

Opening Session

Opera House, April 25, 1945

PROGRAM

The doors of the Opera House will be open at 3 p.m. It is requested that all persons be seated by 4 p.m. since the program will be broadcast by radio to all parts of the world.

At 4:30 p.m. Mr. Stettinius, temporary President of the Conference, will open the session and announce the President of the United States, who will speak from Washington. (It is requested that there be no applause until the President's address is concluded.)

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The temporary President of the Conference will give a brief address and the Secretary General of the Conference, Mr. Alger Hiss, will announce the meetings to be held on Thursday, April 26.

The temporary President will adjourn the session.

TICKET INFORMATION

Admission to the Opera House on the afternoon of Wednesday, April 25, 1945, will be granted to holders of season tickets or to holders of tickets to the Opening Session but a pass must also be presented along with the ticket. The tickets are for individually numbered seats except as noted below.

Delegates, advisers, and other officials accredited to the Conference will receive season tickets. The permanent conference pass (blue), signed by the Secretary General, should be presented together with the ticket at the entrance.

Owing to the fact that some delegates, advisers and other officials may not succeed in obtaining a permanent conference pass in time for the first and second plenary sessions, temporary passes (white) dated April 25 and April 26 have been distributed with the season tickets. If a holder of a season ticket has received his permanent conference pass (blue), the temporary pass (white) will not be required and should be destroyed. Both the season tickets and white passes should be signed by the holder.

The press representatives accredited to the Conference who have been given press season tickets should present the ticket and their pass for admission to the Opera House. Some of these press season tickets permit admission to boxes in which working units have been established. The other press season tickets permit admission to sections in the grand tier, dress circle, balcony circle, and balcony, which have been set aside and designated "Press Gallery". The holders of session tickets have been given temporary passes (white), good for the one session only.

IT SHOULD BE EMPHASIZED THAT NO ADMISSION TO PLENARY SESSIONS IN THE OPERA HOUSE WILL BE GRANTED EXCEPT TO HOLDERS OF BOTH TICKETS AND CONFERENCE PASSES.

Temporary President of the Conference and Secretary General

In accordance with established international practice, the President of the United States of America, as Chief of State of the country serving as host to the Conference, has designated the Honorable Edward R. Stettinius, Jr., as temporary President of the Conference, to serve until the election of a permanent President. Mr. Stettinius will preside until the permanent President is elected by the Conference.

Mr. Alger Hiss will serve as Secretary General and Mr. John Ross as Deputy Secretary General.

"Journal" and "Record"

The JOURNAL of the Conference will contain the order of the day, summaries of the verbatim minutes of the plenary sessions and commission meetings, lists of documents issued, and general announcements. It will be printed and issued daily.

The RECORD will be a daily compilation of the summaries of proceedings of all committees and subcommittees which have been issued as separate documents in mimeographed form. These documents will be assembled in proper order with a cover-page containing a "contents-précis". The RECORD will be available in restricted number to officers of delegations only.

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C234143

Invitation of the United States of America to the Conference

(Text)

The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of [name of Government invited was inserted here] to send representatives to a conference of the United Nations to be held on April 25, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security.

The above named Governments suggest that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference, and which have now been supplemented by the following provisions for Section C of Chapter VI:

"C. Voting.

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."

Further information as to arrangements will be transmitted subsequently. In the event that the Government of [name of Government invited was inserted here] desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments.

Information Desks

For the convenience of the delegates, information desks will be maintained in the lobby of the Veterans Building and of each of the residence hotels. Telephone inquiries may be made by dialing IN 3300.

Nations Participating in the Conference

Sponsoring nations and nations which have accepted the invitation to participate in the Conference are as follows:

Australia	Lebanon
Belgium	Liberia
Bolivia	Luxembourg
Brazil	Mexico
Canada	Netherlands
Chile	New Zealand
China	Nicaragua
Colombia	Norway
Costa Rica	Panama
Cuba	Paraguay
Czechoslovakia	Peru
Dominican Republic	Philippine Commonwealth
Ecuador	Saudi Arabia
Egypt	Syria
El Salvador	Turkey
Ethiopia	Union of South Africa
France	Union of Soviet Socialist Republics
Greece	United Kingdom
Guatemala	United States of America
Haiti	Uruguay
Honduras	Venezuela
India	Yugoslavia
Iran	
Iraq	

Credentials

It will be appreciated if members of the delegations who have not previously deposited their credentials will present them to the Office of the Secretary General, Room 327, Veterans Building, before 12 o'clock noon, Wednesday, April 25, 1945. It is anticipated that, as is customary, the credentials will be in the form of a certificate, a communication from an appropriate official of the accrediting government, or a certification by the Chief of Mission at Washington.

PERIOD OF MOURNING

The official period of mourning for the late President of the United States will continue until May 13, 1945.

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List of Delegates

Copies of the PROVISIONAL LIST OF DELEGATES (Doc. 4) will be available at noon today, April 25, 1945, at the documents distribution counter in the Veterans Building. Corrections in or additions to the list may be submitted to the Conference Editor, Room 449, Veterans Building. It will be appreciated if such changes can be submitted at an early date so that work on the revised LIST OF DELEGATES can proceed.

The Conference Library

Location and Hours of Opening

The Conference library is located in Room 226, Veterans Building. It is open from 9 a.m. to 10 p.m. every day, including Sunday, for special reference service to members of the delegations and the Secretariat. The library telephone is INternational 3300, extension 309.

The Collection

The collection includes some 4,000 volumes, principally reference works and documentary series on international organization, plus a selection of dictionaries, encyclopedias, *Who's Who's*, and other reference tools. Arrangements have been made to borrow other books as needed from cooperating libraries in San Francisco and its vicinity or, if necessary, from Washington. Because of the highly specialized nature of the collection, lending of books to individual members of the Conference will not be possible. Special arrangements, however, will be made for short-term loans in case books are required in the course of commission and other official meetings of the Conference.

Reference Service

A technical staff is on duty to provide general reference service, and special officers will be available to assist members of the Conference on advanced reference questions and documentation. In addition, the entire resources of the library of the United States Department of State and of the Library of Congress may be utilized by means of the ticker system or by telephone. The executive officers of the commissions are expected to keep the Conference library informed of the direction of discussion in their groups so that the needs of the delegations may be anticipated.

The Reading Room

In addition to serving as the center for reference inquiries of the Conference, the reading room of the library is available to the delegates and their staffs for the preparation of their own material. For general reference and reading purposes, the Conference library will be open to all persons admitted to the second floor of the Veterans Building.

Administration and Staff

The Conference library is administered by the Library of Congress, under the direction of the Executive Secretary, with the following staff:

Librarian	Mr. Verner W. Clapp
Associate Librarian	Mr. Lewis Hanke
Executive Officers	Mr. Paul R. Kruse
	Mr. Jerrold Orne
Consultants	Mr. Denys Myers
	Miss Ruth Savord
Reference Librarians	Miss Nona L. Doherty
	Mrs. Mary L. Hurt
Receptionist	Miss Cecelia Miller

Distribution of Documents

All conference documents will be distributed from the counter located in the hallway on the fourth floor of the Veterans Building, between the main elevators. Delivery will be made only to delegation representatives specifically authorized in writing, and receipts will be required in each instance. All requests for documents and inquiries with regard to distribution should be directed to George Layman, Documents Distribution Officer, Room 445, Veterans Building, extension 156.

Delegation secretaries general are asked to execute forms, available at the distribution counter, specifying representatives authorized to receive documents and indicating the quantity of documents required by their respective delegations.

The United Nations Theater

The United Nations Theater, located at 260 O'Farrell Street, has been provided, with the compliments of the American motion-picture industry, exclusively for members of the delegations to the Conference and their staffs and members of the Secretariat.

The programs have been selected from the best available motion pictures produced by studios of many nations. They will consist of feature productions, short subjects, and a specially edited newsreel.

Presentations will be twice daily, from 5:30 p.m. to 8:30 p.m. and from 8:30 p.m. to 11 p.m. The opening date will be Saturday, April 28, and admission will be by credentials only.

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C234145

TIME TABLE

San Francisco Conference - April 25 (Wednesday)

Leave for San Francisco Conference - April 19 (Thursday)

(Parliament expires midnight - April 16).

Parliament should end on Thursday, the 12th, at latest which would leave then one week before delegation leaves for San Francisco.

Arrangements made for delegation to leave then - I may leave later.

Date of elections will be announced before expiration of term of Parliament.

Victory Loan begins April 23rd - ends May 12th (Saturday).

Preparation for its organization already under way.

Nominations should be at least one month before day of polling.

San Francisco Conference may last 4 weeks.
That would equal May the 23rd,

or 6 weeks,
which would be June 6th.

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Copy to the Chancellor

Memorandum re Car 100

After servicing Car 100 will be parked at Oakland on siding to right of arrival track.

For information or assistance telephone Southern Pacific Railroad:

a) Mr. Hagerman
DOuglas 1212, Ext. 4655

b) Mr. Chess
DOuglas 1212

or Mr. Tuxford - C.N.R. Travelling Passenger Agent
SUtter 1321

W. J. T.

April 25, 1945

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CANADA

OFFICE OF THE PRIME MINISTER C234147

MEMORANDUM for the Prime Minister

You wished to be reminded about arranging a dinner to enable members of the Canadian delegation to meet

Mr. Eden
Lord Cranborne,
Mr. Attlee

and other members of the United Kingdom delegation.

In addition to yourself and six other Canadian delegates, there are, of the United Kingdom party

Mr. Eden
Mr. Attlee
Lord Cranborne
Mr. Tomlinson
Mr. Mabane
Mr. Dingle Foot
Miss Horsbrugh
Miss Wilkinson
Viscount Halifax

The most convenient arrangement would probably be for one of the larger rooms on the second floor if you wished the perty to be 16 or 18.

J.A.C.

April 25, 1945

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CANADA

OFFICE OF THE PRIME MINISTER

C234148

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Mr. Mabane
Mr. Dingle Foot
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April 25, 1945

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CANADA

April 24, 1945

DRAFT

C234149

Confidential

HOSPITALITY

1) Dinner to Delegates - April 24

2) Luncheon to rest of delegation - April 26

(hold) - 3) Tea for local press - April 25

4) Tea for women (including man and wife) of Canadian press - April 26

5) Reception for Canadian press - April 27

6) Dinner for British - 25th

7) Dinner for United States - 26th

8) Dinner for South Africa - 28th

9) Dinner for New Zealand - 29th

10) Dinner for Australia - 27th

11) Dinner for Russia - 30th

12) Dinner for China - 31st

- - - - - - - - - - - -

13) Dinner for Mexico - May 1

14) Dinner for Brazil - May 2

15) Dinner for Belgium) Luncheons
) April 30
16) Dinner for Netherlands) April 31
)
17) Dinner for France) May 1

18) Dinner for Labour people

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(1) always 1 member of Delegation - Cdn rep.

24 June

C234150



HOTEL ST. FRANCIS

DAN E. LONDON, GENERAL MANAGER — UNION SQUARE · SAN FRANCISCO, 19 — CABLE ADDRESS SICNARF

(1) Dinner to Delegates - 24 apr.
(2) luncheon to rest of delegation - 26 apr
sold (3) Tea for local press - 25 apr
(4) Tea for women (incl man & wife) of Cdn press - 26 apr
(5) Reception for Cdn press - 27 apr
(6) Dinner for Br. - 25
(7) Dinner for U.S. - 26
(8) Dinner for S. A. - 28
(9) Dinner for N.Z. - 29
(10) Dinner for Aust - 27
(11) Dinner for Russia - 30
(12) Dinner for China - 31
(13) Dinner for Mexico - May 1
(14) Dinner for Brazil - 2
(15) Dinner for Belgium — luncheons
(16) Dinner for Netherlands — 30
(17) Dinner for France — 31
(18) Dinner for Labour people — 1 — 25
(19)

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The United Nations Conference on International Organization

Doc. 5
G/4
April 25, 1945

C234151

ORDER OF THE DAY

OPENING SESSION

Auditorium of the Opera House, April 25, 1945

TIME	REMARKS
3:00 p.m.	Doors of the Opera House will be open.
4:00 p.m.	It is requested that all persons be seated by 4 p.m. since the program will be broadcast by radio to all parts of the world.
4:30 p.m.	Mr. Stettinius, temporary President of the Conference, will open the session and announce the President of the United States, who will speak from Washington. (It is requested that there be no applause until the President's address is concluded.)
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	The temporary President will give a brief address.
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C234152

The United Nations Conference on International Organization

JOURNAL

NUMBER 1 SAN FRANCISCO, CALIFORNIA APRIL 25, 1945

Opening Session of the Conference
April 25, 1945

PROGRAM

Opening of the Conference by the Temporary President,
The Honorable Edward R. Stettinius, Jr.

Address by the President of the United States,
Speaking from Washington

Address of Welcome by the Governor of California,
The Honorable Earl Warren

Address of Welcome by the Mayor of the City of San Francisco,
The Honorable Roger D. Lapham

Address by the Temporary President of the Conference

Announcements
By the Secretary General of the Conference
Mr. Alger Hiss

Adjournment

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C234153

Opening Session

Opera House, April 25, 1945

PROGRAM

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C234154

Invitation of the United States of America to the Conference

(Text)

The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of [name of Government invited was inserted here] to send representatives to a conference of the United Nations to be held on April 25, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security.

The above named Governments suggest that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference, and which have now been supplemented by the following provisions for Section C of Chapter VI:

"C. Voting.

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."

Further information as to arrangements will be transmitted subsequently. In the event that the Government of [name of Government invited was inserted here] desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments.

Information Desks

For the convenience of the delegates, information desks will be maintained in the lobby of the Veterans Building and of each of the residence hotels. Telephone inquiries may be made by dialing IN 3300.

Nations Participating in the Conference

Sponsoring nations and nations which have accepted the invitation to participate in the Conference are as follows:

Australia	Lebanon
Belgium	Liberia
Bolivia	Luxembourg
Brazil	Mexico
Canada	Netherlands
Chile	New Zealand
China	Nicaragua
Colombia	Norway
Costa Rica	Panama
Cuba	Paraguay
Czechoslovakia	Peru
Dominican Republic	Philippine Commonwealth
Ecuador	Saudi Arabia
Egypt	Syria
El Salvador	Turkey
Ethiopia	Union of South Africa
France	Union of Soviet Socialist Republics
Greece	United Kingdom
Guatemala	United States of America
Haiti	Uruguay
Honduras	Venezuela
India	Yugoslavia
Iran	
Iraq	

Credentials

It will be appreciated if members of the delegations who have not previously deposited their credentials will present them to the Office of the Secretary General, Room 327, Veterans Building, before 12 o'clock noon, Wednesday, April 25, 1945. It is anticipated that, as is customary, the credentials will be in the form of a certificate, a communication from an appropriate official of the accrediting government, or a certification by the Chief of Mission at Washington.

PERIOD OF MOURNING

The official period of mourning for the late President of the United States will continue until May 13, 1945.

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List of Delegates

Copies of the PROVISIONAL LIST OF DELEGATES (Doc. 4) will be available at noon today, April 25, 1945, at the documents distribution counter in the Veterans Building. Corrections in or additions to the list may be submitted to the Conference Editor, Room 449, Veterans Building. It will be appreciated if such changes can be submitted at an early date so that work on the revised LIST OF DELEGATES can proceed.

The Conference Library

Location and Hours of Opening

The Conference library is located in Room 226, Veterans Building. It is open from 9 a.m. to 10 p.m. every day, including Sunday, for special reference service to members of the delegations and the Secretariat. The library telephone is INternational 3300, extension 309.

The Collection

The collection includes some 4,000 volumes, principally reference works and documentary series on international organization, plus a selection of dictionaries, encyclopedias, *Who's Who's*, and other reference tools. Arrangements have been made to borrow other books as needed from cooperating libraries in San Francisco and its vicinity or, if necessary, from Washington. Because of the highly specialized nature of the collection, lending of books to individual members of the Conference will not be possible. Special arrangements, however, will be made for short-term loans in case books are required in the course of commission and other official meetings of the Conference.

Reference Service

A technical staff is on duty to provide general reference service, and special officers will be available to assist members of the Conference on advanced reference questions and documentation. In addition, the entire resources of the library of the United States Department of State and of the Library of Congress may be utilized by means of the ticker system or by telephone. The executive officers of the commissions are expected to keep the Conference library informed of the direction of discussion in their groups so that the needs of the delegations may be anticipated.

The Reading Room

In addition to serving as the center for reference inquiries of the Conference, the reading room of the library is available to the delegates and their staffs for the preparation of their own material. For general reference and reading purposes, the Conference library will be open to all persons admitted to the second floor of the Veterans Building.

Administration and Staff

The Conference library is administered by the Library of Congress, under the direction of the Executive Secretary, with the following staff:

Librarian	Mr. Verner W. Clapp
Associate Librarian	Mr. Lewis Hanke
Executive Officers	Mr. Paul R. Kruse
	Mr. Jerrold Orne
Consultants	Mr. Denys Myers
	Miss Ruth Savord
Reference Librarians	Miss Nona L. Doherty
	Mrs. Mary L. Hurt
Receptionist	Miss Cecelia Miller

Distribution of Documents

All conference documents will be distributed from the counter located in the hallway on the fourth floor of the Veterans Building, between the main elevators. Delivery will be made only to delegation representatives specifically authorized in writing, and receipts will be required in each instance. All requests for documents and inquiries with regard to distribution should be directed to George Layman, Documents Distribution Officer, Room 445, Veterans Building, extension 156.

Delegation secretaries general are asked to execute forms, available at the distribution counter, specifying representatives authorized to receive documents and indicating the quantity of documents required by their respective delegations.

The United Nations Theater

The United Nations Theater, located at 260 O'Farrell Street, has been provided, with the compliments of the American motion-picture industry, exclusively for members of the delegations to the Conference and their staffs and members of the Secretariat.

The programs have been selected from the best available motion pictures produced by studios of many nations. They will consist of feature productions, short subjects, and a specially edited newsreel.

Presentations will be twice daily, from 5:30 p.m. to 8:30 p.m. and from 8:30 p.m. to 11 p.m. The opening date will be Saturday, April 28, and admission will be by credentials only.

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OFFICE OF THE PRIME MINISTER

Files

MEMORANDUM

C234156

The Prime Minister:

Mr. Eden's Secretary telephoned to ask if it would be convenient for you to attend a meeting of British Commonwealth Delegates of ministerial rank at 6:00 p.m. today (Wednesday).

I am informed that Mr. Eden would like to talk frankly about the recent discussions in Washington.

11:50 am
April 25/45

Mr. Clark & Mr. St Laurent would also be present

Mr. Eden's Sitting Room
Room 1102, Mark Hopkins Hotel,
EXbrook 3434, Ext. 1102

Call them back

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The United Nations Conference on International Organization

SAN FRANCISCO, CALIFORNIA

OPENING SESSION
OPERA HOUSE
APRIL 25, 1945

C234157

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10.30
Johnson
Jackson
3.30 Reeves

C234158

Program

OPENING OF CONFERENCE BY THE TEMPORARY PRESIDENT
OF THE CONFERENCE
The Honorable Edward R. Stettinius, Jr.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES
Speaking from Washington
It is requested that there be no applause
until the President's address is concluded

ADDRESS OF WELCOME BY THE GOVERNOR
OF THE STATE OF CALIFORNIA
The Honorable Earl Warren

ADDRESS OF WELCOME BY THE MAYOR
OF THE CITY OF SAN FRANCISCO
The Honorable Roger D. Lapham

ADDRESS BY THE TEMPORARY PRESIDENT
OF THE CONFERENCE

ANNOUNCEMENTS BY THE SECRETARY GENERAL
OF THE CONFERENCE
Mr. Alger Hiss

ADJOURNMENT

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C2341 59

THE JOINT CONFERENCE COMMITTEE ON PUBLIC RELATIONS

715 8th STREET, N. W. · WASHINGTON 1, D. C.

Representing
THE SOUTHERN BAPTIST CONVENTION
THE NORTHERN BAPTIST CONVENTION
THE NATIONAL BAPTIST CONVENTION
THE NATIONAL BAPTIST CONVENTION, INC.

E. HILTON JACKSON, *Chairman*
Suite 626, Woodward Bldg., Washington

E. H. DeGROOT, *Secretary*
923 Colorado Bldg., Washington

W. W. EVERETT, *Treasurer*
Woodward & Lothrop
Washington, D. C.

WILLIAM B. LIPPHARD
Recording Secretary
152 Madison Avenue, New York

COMMITTEE MEMBERSHIP

Southern Baptist Convention

E. F. Campbell — C. E. Maddry
W. O. Carver — Pat Neff
E. H. DeGroot, Jr. — L. D. Newton
N. I. Gressitt — R. M. Rankin
L. L. Gwaltney — J. T. Watts
E. H. Jackson — T. J. Watts
J. B. Lawrence — R. W. Weaver
W. R. White

Northern Baptist Convention

E. F. Adams — W. B. Lipphard
W. S. Abernethy — G. Palmer
C. W. Cranford — G. Poteat
C. S. Detweiler — E. H. Pruden
W. W. Everett — I. M. Rose
C. M. Gallup — L. W. Smith
J. C. Hazen — M. C. Stith
Jesse R. Wilson

National Baptist Convention, Inc.

J. B. Adams — O. C. Maxwell
H. H. Butler — J. M. Nabritt
D. V. Jemison — E. A. Wilson

National Baptist Convention

To be appointed.

STANDING COMMITTEES

World Situations

E. F. CAMPBELL, *Chairman*
J. R. Wilson — G. Poteat
C. W. Cranford — I. M. Rose
R. M. Rankin — J. M. Nabritt

Religious Liberty

R. W. WEAVER, *Chairman*
E. F. Adams — L. L. Gwaltney
W. O. Carver — C. S. Detweiler
C. M. Gallup — L. D. Newton

Domestic Issues

E. H. PRUDEN, *Chairman*
T. T. Watts — W. L. White
J. B. Adams — E. H. DeGroot, Jr.
J. C. Hazen — G. Palmer

Finance

W. W. EVERETT, *Chairman*
E. H. Jackson — R. W. Weaver
J. C. Hazen — E. H. DeGroot, Jr.
C. M. Gallup — L. L. Gwaltney

Executive

E. H. JACKSON, *Chairman*
E. H. DeGroot, Jr. — E. H. Pruden
R. W. Weaver — W. B. Lipphard
C. W. Cranford — E. F. Campbell

To the Delegates of the United Nations
meeting in San Francisco, April 25, 1945

Gentlemen:

The report made by President Roosevelt to the Congress of the United States on the Yalta Conference declares that the peace must be "based on the sound and just principles of the Atlantic Charter— on the conception of the dignity of the human being— on the guarantee of toleration and freedom of religious worship."

As the chosen representatives of all the major Baptist bodies, having more than eleven million members, who by personal choice and voluntary application have become members of the more than 65,000 local churches within the United States, we endorse strongly the words of our great President, and we humbly petition you to appoint a Commission on an International Bill of Rights, in which shall be formulated the universal and inalienable human rights that ought never to be invaded by any government.

We look to you to forge a world in which religious persecution shall be forever proscribed. In this connection we respectfully call your attention to the effort toward this end made by President Wilson at the Paris Peace Conference in 1919. There he sought the approval of a covenant for the League of Nations which he had prepared. Article VII of this document is as follows:

> "Recognizing religious persecution and intolerance as fertile sources of war, the powers signatory hereby agree, and the League of Nations shall exact from all states seeking admission to it, the promise that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or

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in fact, against those who practice any particular creed, religion, or belief, whose practices are not inconsistent with public order or public peace."

Knowing that you are committed to a World Organization founded upon the eternal principles of right, we pray that you give the most serious consideration to the principle illustrated in our national life which has promoted peace, good-will and fraternity among all religious groups, namely, the freedom of religion. We hold that religious liberty is the ultimate ground of all human liberties, and it preconditions the stability of democratic processes and institutions.

The political experiment, inaugurated by the adoption of the American Bill of Rights in 1791, as an essential feature of our Federal Constitution, has been so amply proved to be the wise course for a democratic people to adopt we are convinced that, in founding a World Organization, a like course should be followed by the United Nations. We believe that such a reaffirmation of these immemorial rights of free men, sacred against all government, whether local or general, will safeguard as no other act the perpetuity of world peace.

With profound respect we subscribe our names as members of the Joint Conference Committee on Public Relations, representing the largest group of free churches in the United States.

E. Hilton Jackson
Chairman

E. H. DeGroot, Jr.
Corresponding Secretary

William B. Lipphard
Recording Secretary

Rufus W. Weaver
Chairman, Committee on
Religious Liberty

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C234161 ✓

SAN FRANCISCO, CALIFORNIA

April 25th, 1945

To all our friendly Nations gathered here with one
objective: The Betterment of Mankind,
"GREETINGS"

Friends of all Nations with due respect
San Fransico with pen in hand
Welcomes you with heart and hand
To this, Our Beloved Land.

You've come from Nations far and near
To meet each other in person here,
To discuss worldly problems pro and con,
Have a better understanding from now on.

We know you're far from your Native Land
We'll protect you with a friendly hand;
Our people will bring you cheer,
Make you happy while you're here.

Our great City of the Golden West,
Welcomes you as an honored guest;
Mayor Lapham is here to see
That you get possession of the City Key.

You bring a message from Foreign Land and shore
Which we knew so little of before;
But now that we've learned, and know
Of you and yours, we love you more.

When at last we must disband,
Let all Nations grasp each others hand,
Looking one another squarely in the eye,
And promise their friendship will never die.

Let's bow our head in silent prayer
For our friendly Nations gathered here;
So when we adjourn and homeward turn,
Our hearts can say, "Peace, Good Will to Man."

WILLIAM CHRISTIANS,
165 Sweeney Street,
San Francisco 24, California

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Revised

DRAFT - Secret

April 25/45 (JWP)

C234162

San Francisco Conference

Statement by the Prime Minister

~~It is not my intention to speak at any length on this occasion~~. I feel that all of us would wish to ~~attune~~ tailor our deliberations to the rapid movement of events and to reach our conclusions at an early date.

The work of the United Nations Conference on International Organization has been greatly facilitated by the preparatory work already done by the inviting powers at Dumbarton Oaks and at Yalta. The delegation from Canada has been specifically authorized by our Parliament to accept the proposals of the inviting powers as a satisfactory general basis for the discussion of a charter for an international security organization.

The people of Canada have clearly recognized that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace. We ~~accordingly welcomed the announcement from the Crimean Conference~~ are glad that the ~~three~~ great powers ~~represented there~~ have achieved unified proposals for a charter for a world security organization ~~and that these proposals had been accepted by China.~~

We in Canada were deeply conscious of the very great contribution which the late President Roosevelt had made to the

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achievement of this unity of purpose. ~~All of us, I believe, would have approached this great gathering of the United Nations with lighter hearts if, on the eve of our meeting, we had not had to endure the tragic loss of the President's sudden death.~~ The death of Franklin Roosevelt was a loss to mankind. For many years I had the honour to be numbered among his friends and to me his death has brought a deep sense of personal bereavement. What grander monument could we who are assembled here erect to his memory than to ~~produce~~ build as the result of our united effort a system of world-wide international ~~collaboration~~ which ~~would~~ will banish from the world the threat and fear of war? Let that be our purpose and resolve. Given the will to achieve it, with the acceptance by all of the necessity of some sacrifice to attain unity, I am confident that we shall not fail. Failure, indeed, is too tragic to contemplate. It would be the failure not merely of those who are gathered here from the four quarters of the world to achieve the end for which we have met; it would be the failure of our civilization which has come so close to the brink of destruction.

~~I am sure that~~ all ~~of us~~ will join with Mr. Stettinius in the hope he expressed that Mr. Cordell Hull would be sufficiently restored in health to join in our deliberations before the Conference concludes. Both personally and as a Canadian I have greatly regretted his absence. Mr. Hull's

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name will always be associated with the origins of the world security organization. His fortitude, at his age, in undertaking the arduous journey to Moscow in 1943 and the large share he had in shaping the conclusions of the Conference there earned for him the highest place among the founders of the organization we are now seeking to bring into formal being.

At the outset of my statement of Canada's position, I should like to emphasize one point. Security is not an end in itself. The great majority of human kind ~~crave~~ ardently desire security ~~in order that a favourable~~ so that the may build a better world ~~climate will exist~~ in which men and nations may ~~labour constructively~~ work together for human betterment. On ~~the northern half of~~ this continent Canada and the United States have ~~mutually established~~ achieved a sense of security towards one another which is so deep that security itself has receded into the background. Our mutual relations are concerned almost exclusively with joint constructive efforts of common benefit to both our peoples. Fortunately the relations between our country and ~~our sister~~ the other nations of the British Commonwealth, ~~are no less constructive.~~ The possibility of anything but the friendliest relations among us is not even contemplated, yet each is completely free in all its affairs both domestic and external.

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C234165

In this age of aviation, the Soviet Union has become one of our closest neighbours. We had evidence of that a day or two ago when Mr. Molotov paused briefly in Edmonton on his journey to this Conference.

We are happy in Canada that there has been a constructive approach to international organization in the proposals before the Conference. We strongly support the view that, on a foundation of world security, a positive organization can be and should be built for social and economic betterment.

The Canadian people are firm in their resolve to do what lies in their power to ensure that the world shall not be engulfed for a third time by a tidal wave of savagery and despotism. A month ago the Canadian Parliament, after full debate, approved almost unanimously a resolution endorsing the purposes of this conference. All political parties united in support, and I am accompanied here to San Francisco, in evidence of our unity on these great issues, by the leaders of the principal political parties in Canada as fellow members of the Canadian delegation.

It is not our intention in ~~public~~ plenary session to put forward specific amendments to the proposals. ~~We believe that with~~ The rapid movement of events on the ~~war~~ battle fronts and the heavy demands upon all who are represented here at San

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Our country during the last thirty years has been at war for almost exactly one-third of that period. Remote though Canada is geographically from the places of origin of the two world wars which have devastated mankind in our life time, the national life of Canada is so intimately interwoven with that of other nations that twice the Canadian people have chosen to take their stand by the side of the opponents of aggression in the first days of the struggle. The ties of faith, of kinship, of political heritage and of our sense of justice have twice united the Canadian people in their determination from the outset to join with those prepared to risk everything in order to overcome the enemies of freedom, of progress and of the rule of law.

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C234107

Francisco, ~~it is~~ desirable to begin as early as possible ~~with~~ the detailed ~~study~~ of the proposals. The Canadian delegation will express its point of view, at the appropriate time and place, on specific ~~points~~ as they arise. ~~I shall I not, therefore, at this plenary session make any statement on the changes in the proposals which we feel would be desirable.~~

At San Francisco we can make only a beginning. But that beginning must be worthy of the victory that has made it possible. From the high eminence of our united war achievement, we can survey the panorama that lies in front. What we see is perhaps the greatest opportunity that has ever faced mankind. Let us seize that opportunity: ~~moving~~ forward to the creation of a general international organization ~~for the maintenance of~~ peace and security, ~~designed to ensure~~ that freedom from war and the fear of war without which there can be no other freedom.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234168

Our thoughts at this hour are of the ~~millions of our~~ million men and women ~~who are~~ of our armed forces in Europe

million come and pass our lives.

In San Francisco. Flanders
& forgiveness

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C234169

HW/AH
April 25th, 1945.

Draft Speech for the Prime Minister

It is not my intention to speak at any length on this occasion. In opening let me say with how much lighter a heart I would have come to this great gathering of the United Nations if on the eve of our meeting we had not all had to endure the tragic loss of the President's sudden death. It is a loss to the whole world, and to me who had the honour for many years to be numbered among his friends his death has also brought a deep sense of personal bereavement. What grander monument could we who are assembled here erect to his memory than to produce as the result of our united effort a system of world-wide international collaboration which would banish from the world the threat and fear of war. Let that be our purpose and resolve. Given the will to achieve it with readiness to compromise and acceptance by all of the necessity of some sacrifice to attain unity, I am confident that we shall not fail. Failure, indeed, is too tragic to contemplate. It would be the failure not merely of us all gathered here from the four quarters of the world to achieve the end for which we have met. It would be the failure of our civilization which has come so close to the brink of destruction.

My own country during the last thirty years has been engaged in devastating warfare for almost exactly one-third of that period. Remote though Canada is geographically from the

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places of origin of the two world wars which have devastated mankind in our life time, the national life of Canada is so intimately interwoven with that of other nations that twice the Canadian people have with almost complete unanimity chosen to take their stand by the side of the opponents of aggression in the first days of the struggle. The ties of faith, of race, of political heritage, of sympathy have united the Canadian people in their determination from the outset to join with those prepared to risk everything in order to overcome the enemies of freedom and progress and the rule of law.

The Canadian people are determined to do what lies in their power to ensure that the world shall not be engulfed for a third time by a tidal wave of savagery and despotism. A month ago the Canadian Parliament approved almost unanimously a resolution endorsing the purposes of this conference. All political parties united in support, and I am accompanied here to San Francisco in evidence of our unity on these great issues by the Leaders of the principal political parties in Canada who are my fellow members of the Canadian delegation.

We have all had before us for almost six months the proposals prepared by officials of the sponsoring governments which are the basis for the agenda of the conference. No one will claim that these proposals are perfect. I am sure that I express the feeling of all who are here when I say that we hope that the proposals will be improved and expanded during the course of our deliberations. The Canadian delegation believes that with some

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additions and amendments they provide a satisfactory foundation for the new world organization. In advance of this meeting Canada has not put forward specific amendments which we should like to see incorporated in the Charter. The Canadian delegation, however, will express its point of view during the proceedings of the conference at the appropriate time and place. I do not, therefore, propose at this plenary session to make any statement of the changes which we consider desirable or essential.

We can only make a beginning here in San Francisco, standing as the United Nations are on the verge of victory over their enemies in Europe and not far from victory over our enemies in Asia. From this high eminence of achievement we can survey the panorama which lies in front. Our main object is to achieve security from war but we must move forward by many paths if we are to be certain of success. The first goal is immediately before us - the creation of a general international organization for the maintenance of peace and security. If we can reach that goal, as we must, we can proceed with greater confidence towards other essential ends for the raising of standards of living, the freer exchange of the riches of the world, and the assurance of a fair means of livelihood for all peoples.

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C234172

Draft

Representatives of all of the United Nations here assembled will be conscious of a sense of great loss through the death of President Roosevelt. It is a loss which we of Canada - as a close and good neighbour - feel in an especially personal way. Through the more than three years of war since the signing of the United Nations Declaration /January 1, 1942/ the idea of the strength and unity of allied power was ever in the President's mind. In concert with the leaders of Great Britain, the Soviet Union, and China, he had been able to give expression to some of his own compelling ideas for the future organization of the security and peace of the freedom-loving world. Those ideals have found an expression in the proposals for a charter for a general international organization. The fact that there has been substantial agreement upon these proposals in advance of our actual assembling together offers the best prospect, in our view, of successfully reaching an effective working agreement. With this measure of substantial agreement, there is every incentive for pushing ahead the work of this conference as rapidly as possible. Our efforts will best succeed if the representatives of the nations here assembled are able to carry into the constructive tasks of peace-keeping the same full measures of confidence and co-operation which has brought the war effort of the United Nations to the now-certain assurance of victory over our common enemies.

Behind and beyond all our discussions here will be the consciousness of the indomitable spirit of Franklin Delano Roosevelt.

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That spirit will live on in the hearts and minds of freedom-loving men and women throughout the world, a beacon of hope in a sorely-tried but never-despairing world. It will live on as an earnest of our own purpose in seeking to build a more stable and equitable world community - a community which will enshrine those guiding ideals of free government and public liberty which in Canada it has been our constant concern to preserve and enhance.

I should like to say a word of appreciation to the temporary President of the conference, Mr. Stettinius. As head of the United States representation, and as senior delegate of the nation in which the conference is being held, the Secretary of State has havey and unusual responsibilities. There could be no individual more sincere in his approach to the problems of this conference nor, I venture to say, no one likely to carry on more persuasively the outlook both of President Roosevelt and of his own predecessor in office, Mr. Hull. The whole example of the United States in wartime - if indeed any example were beeded - has shown how inescapably the freedom-loving world has become <u>one</u> world! It is one world, not alone for those nations whose material contributions to the common achieving of victory have been extensive, but also for those nations whose soil has been invaded and despoiled by the enemy. As it is <u>one</u> world, we recognize that just as peace and security are indivisible, so also is our prosperity and future welfare indivisible. In the working out of the tasks of peace - the rehabilitation of stricken peoples, the progressive resumption of a full volume of world trade, and in the peaceful ordering of

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the world of the future - there is need of honest effort, untiring effort, prompt and sustained effort. To those tasks, and in particular to the preparation of a charter for a permanent and general international organization, we dedicate in this historic hour the fullness of our purpose and the integrity of our labours in the highest service of mankind throughout the freedom-loving world.

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San Francisco Conference

Statement by the Prime Minister

The Canadian delegation comes to this conference with ~~but~~ one ~~paramount~~ central purpose in view. That purpose is to co-operate as completely as we can with the delegations of other nations in bringing into being a charter of world security.

~~We are~~ This conference is meeting ~~here~~ at a time without parallel in the history of human affairs. The present is one of those moments of transition when an old order is passing away. We are all here to help lay the foundations of a new world order. The ends that we seek to serve transcend the bounds of nationality and the limits of race.

We ~~should~~ must also seek to match our deliberations to the rapid movement of events. While the fires of war are still fiercely burning, the opportunity is given to this Conference to forge and fashion from those fires an instrument for world security. ~~That instrument must be worthy of the high purpose of those who have sacrificed their all in the cause of this world's freedom.~~ It is ours to give to grief-stricken Humanity, a hope of which it has greater need than ever before.

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Perhaps this great gathering would permit me, as ~~the spokesman of~~ a country which has ~~closer~~ ties ~~than any other~~ with the United States, to say how ~~deeply~~ we ~~felt~~ the loss of so close a friend and so good a neighbour as President Roosevelt. To many here who enjoyed his friendship, his death was a deeply ~~sad~~ personal bereavement. But the passing of Franklin Roosevelt was more than that. It was a loss to the whole world. ~~He truly was a friend of all of us men.~~ What nobler ~~monument~~ could we who are assembled here ~~erect~~ to his memory, than, by our united efforts, to build a world organization which would express his life's aims and his life's ideals - a system of ~~world~~ international co-operation which would banish from the world the threat of war, and the fear of war.

If the spirit of Franklin Roosevelt pervades the deliberations of this conference, its success will be assured. Failure to achieve its high aim would be failure not merely of those who are gathered here from the four quarters of the ~~world~~; it would be the failure of our civilization which, in different parts of the world, has already come so close to the brink of destruction.

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All will join with Mr. Stettinius in the hope he expressed that Mr. Cordell Hull will be sufficiently restored in health to join in our deliberations before the conference concludes. Mr. Hull's name will always be associated with the origins of the World Security Organization. His fortitude, at his age, in making the arduous journey to Moscow in 1943, and the large share he had in shaping the conclusions of the Conference there, earned for him an enduring place among the founders of the organization we are now seeking to bring into formal being.

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I can express no higher hope for the future of mankind that that, out of the instrument we are now fashioning, there may develop relations among all nations similar to those which, for generations, have been a ~~part of the~~ common heritage of ~~Canada and the United States~~.

Security is desired by the majority of humankind so that they may build a better world in which men and nations may work together for human happiness. We have learned, on this Continent, that security is not an end in itself, but a means to a greater end.

Canada and the United States have achieved a sense of security toward one another which is so deep that security itself has receded into the background. Our mutual relations are concerned almost ~~exclusively~~ with joint constructive efforts of common benefit to our own and other peoples.

So it is with the relations between our country and the other nations of the British Commonwealth. The possibility of anything but the friendliest relations among us is not even contemplated, yet each is completely free in all its affairs both domestic and external.

Because we share so completely this sense of security, we firmly believe that on a foundation of world security a positive organization can and should be built for social and economic betterment.

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The ~~work~~ arrangements of this Conference ~~has~~ have been greatly facilitated by the preparatory work already done by the inviting Powers at Dumbarton Oaks and at Yalta.

The people of Canada have clearly recognized that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace. We ~~are glad~~ may all rejoice that the Great Powers have achieved unified proposals for a world security organization. That is a great step forward.

It is not the intention of the Canadian delegation in plenary session to put forth specific amendments to the proposals. The rapid movement of events on the battle fronts and the heavy demands upon all who are represented here at San Francisco make it urgent desirable to begin as early as possible the detailed consideration of the proposals before the Conference. Our delegation will express its points of view at an appropriate time and place, on specific questions as they arise.

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~~The Canadian people~~ are firm in ~~their~~ resolve to do whatever lies in ~~their~~ power to ensure that the world will not be engulfed for a third time by a tidal wave of savagery and despotism. That is why our Parliament overwhelmingly endorsed the acceptance of the invitation to Canada to participate in this Conference. It is for that reason, too, that the delegation from Canada was specifically authorized by our Parliament to accept the proposals of the inviting Powers as a satisfactory general basis for the discussion of the proposed charter, and to use its best endeavours to reach an agreement upon the foundation of a world security organization. The measure of the unanimity of our country is to be found in the delegation to this Conference. The delegates were selected while our Parliament was in session. They were chosen from both sides of both Houses. They represent all important shades of opinion in ~~our country~~ Canada.

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In conclusion, ~~I wish to~~ may I express my firm conviction that the spirit in which we approach this great task is more important than all else. "Over all nations is Humanity". The supreme lesson the years of ~~human history~~ international conduct or action war have surely taught is that ~~Humanity~~ should no longer be made to serve selfish national ends whether those ends be world domination or merely isolated self-defence. Nations everywhere must unite to save and to serve Humanity. ~~Let us remember~~ It is for us all to remember that "Justice is the common concern of mankind".

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R

MEMORANDUM FOR MEMBERS OF THE CANADIAN DELEGATION

I am attaching, for your information copies of

(1) an informal memorandum on "Possible Organization of the Conference", prepared by the United States State Department, for submission to the Steering Committee of the Conference; and

(2) a tentative allocation of the Canadian Delegation to the Commissions whose functions are outlined in the preceding paper.

As the Prime Minister made clear at yesterday's meeting, of the Delegation, this assignment is preliminary, informal and subject to change. It will not be known for some days how many of the Commissions and Committees will be sitting simultaneously. As the Conference timetable takes shape, our representation on Committees will probably have to be revised. In any case, we are proceeding on the assumption that individuals nominated in the first instance for membership on a given Commission or Committee can subsequently be assigned, as need arises, to other Commissions or Committees.

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CANADIAN DELEGATION

TENTATIVE LIST OF ASSIGNMENTS TO
COMMISSIONS OF THE CONFERENCE

Commission I - **GENERAL PROVISIONS**

DELEGATES -
Mr. St. Laurent
Senator King
Mrs. Casselman

ADVISERS -
Mr. Robertson
Mr. Wrong
Mr. Rasminsky
Mr. Reid
Mr. Ritchie

Commission II - **THE GENERAL ASSEMBLY**

DELEGATES -
Prime Minister
Mr. Graydon

ADVISERS -
Mr. Robertson
Mr. Pearson
Mr. Desy
Mr. Rasminsky
Mr. Reid
Miss MacCallum

Commission III - **THE SECURITY COUNCIL**

DELEGATES -
Prime Minister
Mr. Coldwell

ADVISERS -
Mr. Wrong
Mr. Pearson
Mr. Wilgress
General Pope
Mr. Ritchie

Commission IV - **JUDICIAL ORGANIZATION**

DELEGATES -
Mr. St. Laurent
Senator Moraud

ADVISERS -
Mr. Chipman
Mr. Renaud
Mr. R.G. Robertson
Mr. Chaput

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INFORMAL MEMORANDUM ON POSSIBLE ORGANIZATION OF THE CONFERENCE

I GENERAL COMMITTEES

The following general committees might be created:

1. A Steering Committee, composed of Chairmen of all the Delegations with the Presiding Officer of the Conference as its Chairman. This Committee would presumably choose a Rapporteur. It would consider any major policy or procedure question submitted to it during the Conference by the Presiding Officer or the Chairman of any Delegation.

2. An Executive Committee, composed of the Chairman of the Delegations of the Sponsoring Governments, and the Chairmen of the Delegations perhaps of seven additional Governments nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Chairman of the Steering Committee would presumably also be the Chairman of the Executive Committee. The Executive Committee would make recommendations to the Steering Committee for its consideration and would otherwise assist the Steering Committee as the latter might authorize. When considering matters affecting the work of Commissions the

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Executive Committee would invite the appropriate Presidents to sit with it.

3. A Coordination Committee, composed of one re-PRESENTATIVE of each member of the Executive Committee might assist the Executive Committee in the performance of the latter's functions.

4. A Credentials Committee, composed of seven members, including its Chairman, nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Credentials Committee after verifying the delegates' credentials would report to the First Plenary Session.

II. COMMISSIONS AND TECHNICAL COMMITTEES

1. Four Commissions might be created with perhaps twelve Technical Committees. Each Commission would have a President and a Rapporteur to be nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. An Assistant Secretary General of the Conference to be chosen in a similar manner would act in the capacity of Secretary General of each Commission. Each Commission would develop general principles to guide its Technical Committees and Subcommittees; would

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consider the recommendations of its Technical Committees and the relationships of such recommendations to those made by Technical Committees of other Commissions; and would recommend to the Conference in Plenary Session proposed texts for adoption as parts of the Charter.

2. Each Commission would presumably have Technical Committees which would formulate recommendations on the various parts of the Agenda assigned to it. The Chairman and Rapporteurs of the Technical Committees would be nominated at the Meeting of the Heads of Delegations and approved by the Conference in Plenary Session. The Technical Committees would establish such drafting and other subcommittees as they find desirable. Each Technical Committee would provide opportunity for the discussion and technical consideration necessary to develop draft provisions for submission to the Commission to which it reports.

3. All delegations would be entitled to be represented on the Commissions and their Technical Committees, and to participate in their deliberations.

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4. The four Commissions and their Technical Committees, if established along the lines of the foregoing tentative suggestions, and the scope of their activities, might be as described below. The Steering Committee might from time to time assign duties to the Commissions in addition to those mentioned.

COMMISSION I - General Provisions

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Preamble, Purposes and Principles

Functions: To prepare and recommend to Commission I draft provisions for the Charter of the United Nations relating to matters dealt with in Chapters I and II of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2. - Membership, Amendment and Secretariat.

Functions: To prepare and recommend to Commission I draft provisions for the Charter of the United Nations

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relating to matters dealt with in Chapters III, IV, X and XI of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

COMMISSION II - General Assembly

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Structure and Procedures

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on structure and procedures, (Sections A, C, D and the pertinent paragraphs of Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Political and Security Functions

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

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COMMISSION II - General Assembly

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

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Technical Committee 2 - Political and Security Functions

Functions: To prepare and recommend to Commission II draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

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Technical Committee 3 - Economic and Social Cooperation

Functions: To prepare and recommend to Commission II draft provisions for the charter of the United Nations relating to matters dealt with in the pertinent paragraphs of Chapter V and in Chapter IX of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Trusteeship System

Functions: To prepare and recommend to Commission II, and to Commission III as necessary draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder.

COMMISSION III - Security Council

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Structures and Procedures

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VI of the Dumbarton Oaks Proposals on structure and procedures, (Sections A, C, D and the pertinent paragraphs of Section B),

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and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Peaceful Settlement

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section A, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by theGovernments participating in the Conference.

Technical Committee 3 - Enforcement Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section B, and Chapter XII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Regional Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VIII, Section C, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

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COMMISSION IV - Judicial Organization

Functions: To consider, and recommend Conference action upon, draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - International Court of Justice

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of the United Nations relating to matters dealt with in Chapter VII[illegible], of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Legal Problems

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of the United Nations relating to matters dealt with in connection with the functioning of the United Nations Organization, such as registration of treaties, treaty obligations inconsistent with the Charter, the juridical status of the Organization, and privileges and immunities of officials of the Organization.

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UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

San Francisco
April 25, 1945.

COMMENTARY ON THE DUMBARTON OAKS PROPOSALS FOR THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION

DEPARTMENT OF EXTERNAL AFFAIRS, OTTAWA

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INTRODUCTORY NOTE

This Commentary on the Dumbarton Oaks proposals has been prepared in the Department of External Affairs for the use of the Canadian delegation to the United Nations Conference on International Organization, to be held at San Francisco. It is based on a variety of secret sources including reports received from Canadian Missions abroad, memoranda drawn up in the Department of External Affairs and information which has been communicated to the Canadian Government by other United Nations Governments. In addition, use has been made of published material dealing with the Dumbarton Oaks proposals, in particular the comments of the United Kingdom and the United States Governments on the proposals.

The object of the Commentary is to provide the Canadian delegation with both an analysis of the proposals and an account of their origin in the light of information in the possession of the Canadian Government. The references to the views of the Canadian Government contained in the Commentary are based upon statements by the Prime Minister in the House of Commons and also upon communications by the Canadian Government to other Governments and on instructions to Canadian Missions abroad. The views of the other United Nations Governments have been conveyed to the Canadian Government from time to time, sometimes in strict confidence. The Commentary deals with many aspects of the proposals whose meaning is still somewhat obscure and seeks to clarify points of view which have not always been fully expressed. For these reasons it necessarily contains some measure of generalization and speculation. The commentary does not, of course, attempt to lay down the policy to be pursued by the Canadian delegation at the Conference. It is rather designed to provide useful confidential information about the background and meaning of the Dumbarton Oaks proposals.

N.A. ROBERTSON

Under-Secretary of State
for External Affairs.

Department of External Affairs,
Ottawa,
April 14, 1945.

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COMMENTARY ON THE DUMBARTON OAKS PROPOSALS ON THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION

The Dumbarton Oaks proposals in their present form are the result of exploratory conversations on International Organization held in Washington between representatives of the Governments of the United States, United Kingdom, the Soviet Union and China. The first phase of the conversations between representatives of the United States, the United Kingdom and the Soviet Union occupied the period from August 21st to September 28th, 1944. The second set of conversations between representatives of the United States, the United Kingdom and China were held from September 29th to October 7th. These conversations were held for the purpose of implementing paragraph four of the Four Power Declaration signed at the Moscow Conference and published on November 1st, 1943, which reads as follows:-

> "4. That they, i.e., the signatory powers, recognize the necessity of establishing at the earliest practicable date a general International Organization based on the principle of the sovereign equality of all peace-loving States and open to membership by all such States large and small for the maintenance of international peace and security".

The proposals drafted at Dumbarton Oaks were submitted to the four Governments represented as the unanimously agreed recommendations of their delegations but the Governments in question are not formally committed to the proposals. As far as the Canadian position is concerned, the Prime Minister, in a Press statement dated October 10th, 1944, said that "these tentative proposals are receiving the serious and urgent study of the Government of Canada. It is the Government's intention

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to refrain from passing judgment on them until the study has been completed".

It was agreed at the Yalta meeting that a Conference of United Nations should be called to meet at San Francisco on April 25th, 1945, to prepare the Charter of a World Organization along the lines proposed in the informal conversations at Dumbarton Oaks. Invitations to this Conference have now been issued by the United States Government. These invitations have been sponsored by the Governments of the United States, the United Kingdom, the U.S.S.R. and China.

The Dumbarton Oaks Proposals

The Dumbarton Oaks proposals open with the following words:- "That there should be established an International Organization under the title 'The United Nations', the Charter of which should contain provisions necessary to give effect to the proposals which follow". As this wording indicates, it was anticipated that the proposals would be expanded in form. It is unlikely, however, from indications received from London, Washington and Moscow that the Powers whose representatives were responsible for drawing up the proposals would favour substantial changes in essential questions.

Title of the Organization

The title "United Nations" was decided upon by a sub-Committee set up at Dumbarton Oaks to discuss the question of nomenclature. The sub-Committee drew attention to the possibility that the present title might cause difficulty to certain Nations now neutral. The Soviet representative preferred the title "International Security Organization" but the United States representative argued

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that the title "The United Nations" would preserve continuity with the existing United Nations and would emphasize both their military unity and the Declarations regarding peace aims to which they were already committed. The Soviet Government gave way on this point and the present title was adopted. It is likely, however, that criticism of the title may recur on the ground that it is too narrowly associated with the Allies in this war, and that it would, therefore, be inapplicable at a later date to an Organization based on wider membership. The Brazilian Government have already indicated that they would prefer the title "Union of Nations" or alternatively "League for International Peace". Mexico has suggested "Permanent Union of Nations". The Netherlands Ambassador in Washington put forward as a suggestion the title "International Peace Organization". The Canadian Government have not expressed any view with regard to the title of the Organization.

Name of Basic Instrument

The sub-Committee on nomenclature at Dumbarton Oaks recommended the name "Charter" to describe the Instrument on which the Organization should be based. This was accepted by the United Kingdom and the United States representatives. The name "Statute" was ruled out as it was felt that it would be reserved for the Statute of the Permanent Court. After enquiry regarding the difference in meaning between "Charter" and "Statute", the Soviet Ambassador agreed to the former as far as English terminology was concerned but said that it would have to be translated by the word "Statute" in Russian.

Chapters I and II contain general undertakings which would customarily find their place in the preamble of a document of this kind, but since it was decided to

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leave the procedure under which action should be taken as flexible as possible these general recommendations were introduced so that they would constitute binding obligations accepted by all the signatories.

In considering the following Chapters it should be borne in mind that the Security Council both in exercising its general functions (Chapter VI, B, 2), and in particular in determining action with regard to threats to the peace under Chapter VIII, B, 1, are committed to act in accordance with these Purposes and Principles.

"CHAPTER I. PURPOSES

The Purposes of the Organization should be:

1. To maintain international peace and security; and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;

2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in the solution of international economic, social and other humanitarian problems; and

4. To afford a centre for harmonizing the actions of nations in the achievement of these common ends".

These Purposes speak for themselves. Paragraph 1 embodies the fundamental purpose of the Organization, i.e., the prevention of war and the maintenance of security. Its actual wording like that of many of the Dumbarton Oaks proposals is an amalgam of the British, Russian and United States drafts, but with regard to its essential meaning there was unanimity among the representatives of the three Powers. The statement of the Purposes by the

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inclusion of paragraphs 2 and 3 recognizes that the development of friendly relations and international co-operation in the economic and social spheres goes hand in hand with the actual maintenance of peace. They are two facets of the same problem and will come under the authority of the same Organization. It was the original intention of the Soviet Government that a separate Organization should be set up to deal with the economic and social purposes of the International Organization. In the course of the Dumbarton Oaks discussions the Soviet representatives gave way to the conception of one general Organization which would deal with the prevention of war and also with constructive activities directed towards furthering international co-operation.

CHAPTER II. PRINCIPLES

The Dumbarton Oaks Proposals Compared with the Covenant of the League of Nations.

In pursuit of the Purposes mentioned in Chapter I the Organization and its members should act in accordance with the following Principles:-

1. The Organization is based on the Principle of the sovereign equality of all peace-loving States.

2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.

3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

5. All members of the Organization shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

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> 6. All members of the Organization shall refrain from giving assistance to any State against which preventive or enforcement action is being undertaken by the Organization.
>
> The Organization should ensure that States not members of the Organization act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security".

The first of these Principles is the nearest approach in the Charter to a guarantee of the equal rights of all States to the maintenance of their political independence. (The implications of the qualifying adjective "peace-loving" are discussed under Chapter III where it recurs as a criterion for membership in the Organization). The Dumbarton Oaks proposals, in contrast to the Covenant of the League of Nations, contain no guarantee of the political independence and territorial integrity of member States. In Article X of the Covenant the members of the League "undertook to respect and preserve as against external aggression the territorial integrity and existing political independence of all members". No method was laid down as to how the obligations should be carried out except that the Council should "advise" upon the question. It will be seen when the suggested amendments to the Dumbarton Oaks proposals come to be considered, that there is important support for the introduction of the same guarantees into the Charter of the new International Organization. It is, therefore, worth while briefly to review the history of the guarantees given in the League Covenant.

"Territorial Integrity" in the League Covenant

There was from the first much opposition to the proposed Article X, attention being concentrated on the question of "territorial integrity". Lord Cecil suggested that the guarantee should be withdrawn if the State concerned

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refused to accept a modification of the frontier desired by a large majority of the members of the League of Nations. This proposal led to the inclusion of Article XIX in the Covenant. Sir Robert Borden tried to delete Article X before the Covenant was signed and the Canadian Delegation took the same stand at the First Assembly. In 1923 an interpretative resolution was adopted by the Assembly (though as Persia dissented it had no legal force), which laid down that it was for each State to decide how it should carry out its obligations under this head while the Council was to take into account, in any advice it might give, the geographical situation and special conditions of each State.

In practice, Article X was seldom referred to in disputes before the League of Nations, but it was frequently appealed to when some State wished to remind others that its existing frontiers were guaranteed by them.

Amendments to the Dumbarton Oaks Proposals suggested by other United Nations Governments.

The exclusion of definite guarantees of this nature from the Dumbarton Oaks proposals has been the subject of much critical comment and amendments to incorporate guarantees of the frontiers and political independence of member States have been proposed by the Governments of a number of the United Nations. The Belgian Government have adopted the attitude that States should have the assurance that their political independence will be respected. The Polish and New Zealand Governments have proposed that definite guarantees both of political independence and of territorial integrity should be written into the Charter. Meanwhile, at the Mexico City Conference, a Declaration known as an "Act of Chapultepec" has been adopted to guarantee

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the frontiers of American Republics against any aggressor and to provide for consultation and taking of appropriate measures including use of armed forces to prevent or repel aggression. The relationship of this inter-American regional system of security with the Security Council of the World Organization will be discussed under Chapter VIII (C).

In addition, the Mexican Government have proposed as an amendment to the Charter that similar guarantees should be included in the Principles of the Organization.

Sovereign Equality

The wording of the First Principle of the Dumbarton Oaks proposals which bases the organization on the "Sovereign equality of peace-loving States," implies that the members of the International Organization will retain the legal control over their actions except in so far as they agree by treaty to limit it. On the other hand, an obligation to respect the "sovereign equality" of States does not necessarily involve a commitment to guarantee it. The argument brought forward by the United Kingdom Government against introducing a guarantee of political independence into the Charter was that "it is moreover not easy to define exactly what political independence is. One State may control the actions of another State by indirect means. It is impossible to distinguish the lines which divides such actions from what is generally regarded as the legitimate influence which one State may exercise on the actions of another. The objection to any guarantee of 'political independence' is that it could only extend to external and legal forms. It could not take into account more indirect methods". (United Kingdom Government memorandum of May 8th, 1944 on "Future World Organization", paragraph 26).

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When this Principle was discussed at Dumbarton Oaks, the United Kingdom representatives proposed that it should be stated in the form of the two following propositions:-

> "1. That all the members of the Organization undertake to respect each other's political independence;
>
> 2. That all members are equal in status though not necessarily in function".

The original United States draft contained no precise statement but merely said that the International Organization "should be based on the principle of co-operation freely agreed among the sovereign and peace-loving States".

But the Principle as finally agreed at Dumbarton Oaks followed the Soviet draft in taking over from the Moscow Declaration the phrase "sovereign equality of all peace-loving States", which seems more indefinite than the United Kingdom proposals.

Mr. Hull, speaking to Congress after his return from Moscow, said "the principle of sovereign equality of all peace-loving States, irrespective of size and strength, as partners in a future system of general security, will be the foundation stone upon which the future International Organization will or should be constructed".

It may, however, be argued that the emphasis on "sovereign equality" has little real meaning in the scheme as subsequently outlined in these proposals. The Legal Adviser, in a departmental memorandum on the sovereign equality of member States, has given his view that "it is clear that the acceptance of obligations under international law and the voluntary assumption of obligations by treaty whether bilateral or multilateral are consistent with sovereignty, notwithstanding that they limit the freedom of action of States subject to such obligations. On the other hand, it should be recognized that

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a State may acquire such an overburden of obligations founded upon its own consent that it loses, in fact and in substance, its freedom. It is desirable, therefore, to scrutinize any proposals for an International Organization with a view to ascertaining whether the limitations upon freedom of action freely assumed by a member or group of members having in mind their respective relationship to other groups, within or without the Organization, are of such a character that they create an actual impairment of sovereignty".

If any surrender of national sovereignty is, in fact, implied, it is not relinquished in favour of any world state or supra national government. The new Organization, like the old League, remains an association of individual States. An argument advanced in criticism of the Dumbarton Oaks proposals is that the curtailment of sovereignty does not apply to all member States, and that the Great Powers will retain their unfettered sovereignty, while middle and lesser Powers may be called upon to sacrifice some measure of their sovereign status.

Those who drew up the present proposals were faced with the problem of reconciling equality of status or juridical equality with wide differences in power between States. They were resolved to match power with responsibility and thus to avoid the weakness of the League of Nations which in their view had been vitiated by the emphasis of the Covenant on the equality of all sovereign states. They, therefore, accorded to the Great Powers whose representatives they were, a pre-eminent place in the Organization, but they omitted to make any distinction in function between the small and middle sized powers, between Canada and Liberia, for example. They pursued a "realistic" approach to the problem, but they did not carry their realism far enough.

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Principles 2 - 6

These clauses of Chapter II call for less comment and were agreed upon at Dumbarton Oaks without any extended discussion. They are, indeed, less general principles than specific obligations undertaken by member States. Principles 2, 5 and 6 emphasise the necessity of all members fulfilling their obligations especially as regards action taken by the International Organization for the maintenance of peace and security.

Principles 3 and 4 embody the obligations on the part of members to settle all dangerous disputes by peaceful means and to refrain from the use or even the threat or force except as the purposes of the Organization allow, i.e., for the collective enforcement of decisions made by the Security Council for the purpose of maintaining international peace and security. The right of self-defence must presumably remain to members if they were suddenly attacked by another State, but the Organization would have power to intervene immediately and determine whether the right of self-defence had been properly used.

The voting procedure in the Security Council, however, could be used by any Great Power to block the application of sanctions and by any Great Power not a party to the decisions to block even consideration of the dispute. When this is considered in conjunction with the principle that all members should undertake to refrain from the threat or use of force in any manner inconsistent with the purpose of the Organization, it seems necessary to cover the contingency that a serious dispute has arisen on which the Security Council cannot act.

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The last paragraph of Chapter II would enable the Organization to prevent any nation, whether a member of the Organization or not, from using its armed forces in any manner inconsistent with the principles laid down in the Charter or giving assistance to any State contrary to the preventative or enforcement action contemplated in the Charter.

Human Rights and Freedoms

During the Dumbarton Oaks discussion the United States representatives attempted to secure the insertion in Chapter II of a Principle which read as follows: "The International Organization should refrain from intervention in the internal affairs of any State, it being the responsibility of each State to see that conditions prevailing within its jurisdiction do not endanger international peace and security, and to this end to respect the human rights and fundamental freedoms of all its people and to govern in accordance with the principles of humanity and justice". The proposed clause was subsequently deleted, but the United States representatives remained anxious to include somewhere in the Charter the reference to "respect for human rights and fundamental freedoms". Eventually the words were inserted at the beginning of Chapter IX, the first sentence of which now reads:- "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international, economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms".

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The Bill of Human Rights

There is an influential body of opinion particularly in the United States in favour of writing into the Charter a "Bill of Human Rights" and various groups interested in international affairs have tried their hands at drafting such a document. Mr. Sumner Welles in a recent speech made a strong plea for the incorporation of a "Bill of Rights" in the Charter. No doubt this proposal may find a substantial body of support at the San Francisco Conference.

An International Bill of Rights has been drafted by the Inter-American Juridical Committee which was charged with the study of the subject at the last meeting of American Foreigh Ministers. This Bill of Rights would include "freedom of speech, the right of public assembly, freedom of religious worship and other rights associated with the protection of the life, liberty and property of the individual in accordance with the due processes of law". The Committee has recommended that its ratification and execution should be solely within the realm of the separate States but it is proposed that its adoption should be recommended by the General Assembly of the International Organization as constituting "a standard to which the public opinion of members of the Organization could appeal". The Mexican Government have advocated the inclusion in the Charter of a "Declaration of the International Rights and Duties of Man".

Difficulties will undoubtedly be experienced in including in the Charter a statement of general principles designed to be universally applicable. The acceptance of such propositions presupposes a political, cultural and legal

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background common to all members of the International Organization. Does this, in fact, exist? Individual rights and freedoms, as understood in, for example, the middle Eastern or Balkan countries may differ too widely from the conceptions common to Anglo-Saxon or Latin communities. It might well be, for instance, that the Soviet Government would regard such statements of principles as offering either an excuse for interference in their internal affairs or at least as affording a handle to hostile comment. Hence they might view them with suspicion.

Freedom of the Press

An active campaign has been waged for some time in the United States for an international agreement to guarantee freedom of the press and it is quite likely that this question will come up at the San Francisco Conference, and that an attempt will be made to have this principle either included in the Charter of the World Organization or expressed in a joint declaration by Governments of the United Nations. Two powerful press agencies, the Associated Press and the United Press, have been particularly active in advocating these objectives. They have urged on governments the importance of the free exchange of truthful and unbiased information, of accurate and unrestricted access to information at the source and of the unrestricted transmission, reception and publication of such information as indispensable to the maintenance of peace and friendly understanding among peoples.

Both Mr. Hull, when he was Secretary of State, and more recently Mr. Stettinius, have made statements giving cautious support to the principle of "freedom of news".

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The question has now been taken up by the American Society of News Editors and representatives of this body have been sent abroad to ascertain the views of the various Governments on this subject.

Meanwhile, at the Mexico City Conference the United States Government have proposed a resolution in favour of "free access to information". This applies only to the American Republics but it includes a clause binding the signatories "to make every effort to obtain acceptance throughout the world of the principle of 'free access to information for all peoples'". It will be noted that the term "freedom of information" rather than "freedom of the press" has been employed in the Mexico City resolution. This may be taken to imply that each Government must decide for itself whether or not to censor its domestic press. It is possible that the Governments of the U.S.S.R. and China may not be favourable to a declaration of this kind.

An example of the sort of difficulty which might arise is afforded by a recent controversy over the meaning of the term "freedom of the press". Mr. M. Cooper of the Associated Press, in a public address said that Russia had never known freedom of the press "as we understand it". This statement provoked an article in the Soviet publication "War and the Working Classes" which argued that the American press was only free to the capitalist who was in a position either to own newspapers or to control their policy by advertising. In the Soviet Union also there was control but there it was in the hands of public organizations and of the Communist Party who exercised it in a responsible fashion much preferable to the self-interested and sensational policies of newspapers controlled by individual capitalists.

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This particular controversy is mentioned here as an instance of the difference of mentality and tradition which might make agreement difficult.

The matter has been brought directly to the notice of the Canadian Government in communications from the United Press and the Canadian Press, and the Prime Minister, in reply to a telegram from the President of the United Press, has outlined the attitude of the Government in the following terms:-

> "I believe that freedom of exchange of international news is essential for informed opinion on international affairs, without which there can be no peace. I hope that the necessary limitations of wartime censorship will be lifted as soon as the reasons for their existence have disappeared, and trust that in the post-war world no government will be permitted to insulate its people from the currents of thought outside of their national boundaries. I appreciate the importance of equal transmission facilities, and believe this problem should be given careful consideration by all interested in the freedom of the press".

<u>The Ethical Bases of the International Organization</u>

A criticism which has been made of the Dumbarton Oaks proposals and in particular of the Principles as set forth in Chapter II, is that they are not based on any adequate conception of international law and equity. It is argued that the Security Council is given the duty of endeavouring to effect the settlement of disputes without relating the basis of the settlement to any recognized code of international behaviour, and that thus the Council is left with a free hand to put an end to the danger of war by any means it chooses. It is feared that the Chapter might become a charter of appeasement with the Great Powers putting pressure on the victims of aggression to surrender some or all of their fundamental rights to the aggressor lest a victim's resistance should lead to the aggressor disturbing the peace. The

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Netherlands Government, in their commentary on the Dumbarton Oaks proposals, have pointed out "that there is no mention or indication anywhere in the proposals of the basis on which decisions are to be taken" by the Security Council in dealing with threats to peace arising out of disputes except when the Parties agree to arbitration or to refer their disputes to the Court.

The Netherlands Governments' comment goes on to say that "this proposal appears very unsatisfactory to the Netherlands Government who attach the highest value to the recognition of some acceptable standard of conduct in international affairs. What guarantee does this proposal afford victims of international violence that their cause will be upheld? Is it not tantamount to putting a premium on pressure brought to bear by stronger on weaker states? ... Experience shows how easily this may come to be done by seeking solutions calculated to induce powers threatening to use violence to refrain from carrying out their threat. Such solutions may well be at the expense of the threatened power, however innocent". Other governments have argued along similar lines. The Belgian Government feel that the proposals as they stand do not define any principles on which the decisions of the Organization are to be based and suggest that States should have the assurance that decisions will be based on the rules of equity.

The proposals put forward by the Mexican Government are of particular interest, both because they represent the most thorough and well-reasoned examination of the Dumbarton Oaks proposals presented by any Latin American

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State, and because most of the Latin American States would probably agree with the main points put forward by the Mexican Government. The memorandum of the Mexican Government points out that Chapter II of the Dumbarton Oaks proposals consists of an enumeration of certain general Principles but these Principles are set out only "as a means for achieving the ends enumerated in Chapter I, namely, the setting up of an International Organization". In the Mexican view it would be advisable to invert this order and to begin with an exposition of principles: "one should not speak ... of principles at the service of an Organization but of an Organization designed to obtain the practical application of such principles". On this question of form, the Mexican argument seems to be logical and to suggest a change which might well be incorporated in the final Charter.

On the question of content, the Mexican Government comments that while the Principles already enumerated in the Dumbarton Oaks proposals "undoubtedly appear among those universally recognized as fundamental principles of international law" they are incomplete. The Mexican Government therefore, supplements them by including a provision for the preparation and acceptance of a "Declaration of the Rights and Duties of States", as well as a "Declaration of the International Rights and Duties of Man" (which has been mentioned above). As a minimum the former would include the following principles:-

1. Respect for territorial integrity and political independence;

2. Non-intervention, "which is the corner-stone of the inter-American system".

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3. Equal jurisdiction over nationals and aliens or in other words the abandonment of extra-territoriality.

In connection with the ethical basis of the World Organization, the views expressed by the Roman Catholic hierarchy of the United States in a statement issued on November 18th by the Catholic Bishops of the United States are of interest.

The statement calls for the application of the Atlantic Charter "without equivocations" and says that "international law must govern international relations, might must be subordinated to law and an international institution based on the recognition of objective noral obligation and not on the binding force of covenant alone is needed for the preservation of a just peace and for the promotion of international co-operation for the common good of the international community". "The international institution must be universal; it must seek to include, with due regard to basic equality of rights, all the nations, large and small, strong and weak. Its constitution must be democratic. While it is reasonable to set up a Security Council with limited membership, this Council must not be an instrument for imperialistic domination by a few powerful nations. Before it every nation must stand on its right and not on its power. It must not allow any nation to sit in judgment on its own case." The statement also emphasizes the importance of the "rightful sovereignty of nations" and of "the innate rights of men and families".

One of the three points advanced by the Chinese Government during the discussion at Dumbarton Oaks was as follows:- "The Charter should provide specifically

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that adjustment of international disputes should be achieved with due regard for the principles of justice and international law". The Chinese representative wished this principle to be included with the proposals as a supplementary memorandum. Dr. Wellington Koo eventually agreed to accept the proposals without insisting on the supplementary memorandum. He said, however, that he hoped and believed that the United Kingdom and United States Governments would accept this point together with certain other Chinese proposals which will be considered under the appropriate Chapter headings.

The United Kingdom Government have stated that their preliminary view is that they should support the inclusion of the Chinese points in the Charter, and the Canadian Government have informed the United Kingdom Government that they would be glad to see the Chinese proposals accepted both because of their substance and because they would enlist some public support for the Charter. It may be that if the Chinese proposal is accepted it will go some way to meeting the fears of the Netherlands and other Governments. The proposal has not yet been considered by the Soviet Government. When the San Francisco Conference come to consider the general question of including further statements of universal principles in the Charter, it seems likely that a division of opinion will manifest itself. There will be those who will argue that it is futile to include explicit undertakings of this kind which have so often been broken in the past. On the other hand, those who favour such statements of principle will argue that while words can give no full assurance they may be of real help in guiding the Organization into the right paths.

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CHAPTER III. MEMBERSHIP

"Membership of the Organization should be open to all peace-loving States".

Admission of Members.

The question of what limits, if any, should be placed on membership in the Organization has been a difficult one. A similar problem arose in relation to membership in the League of Nations. By the provisions of Article one of the League Covenant it was intended that a State would be required "to give effective guarantees of its sincere intention to observe international obligations in order to qualify for membership". This limitation, however, did not prove effective. In practice the preliminaries of admission were conducted through the diplomatic channel. It was not before a State had gained sufficient support from existing members to guarantee admission to the League that it submitted itself as a candidate.

Several arguments may be adduced for and against applying a selective principle in admission of members. Universal membership, for instance, would presumably have to include Germany and Japan, and Axis satellites whose reliability to maintain the peace has yet to be proven. Likewise, it would have to include countries committed to a policy of neutrality, which, it may be argued, is not compatible with the effective collective security arrangements contemplated under the General Organization in which all Member States would be required to participate. On the other hand, a selective or exclusive membership has some of the characteristics of an alliance. This is one of the arguments add uced against it by some countries in commenting on the Dumbarton Oaks proposals, in particular the Latin

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American Republics. For this reason the use of the name "United Nations" has been criticised as perpetuating a war association, which it is suggested should be dropped at the end of the war to make way for a universal membership in a world organization.

The draft Charter uses the term "peace-loving" States as the only definition for the term of membership. This is simply a repetition of the language used in the Declaration of the Four Powers on General Security made at Moscow on October 30th, 1943, in which it was stated that "they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security".

The term "peace-loving" has the advantage of flexibility. The qualification of "peace-loving", of course, is related to the principal objective of the World Organization, the maintenance of peace and security. But it leaves it open to the Organization to decide in each particular case whether a particular State would be a desirable member or not.

In practice initiative with regard to admission of new members would lie with the Big Powers, for under the provision of Chapter V, Section B, para. 2 of the Draft Charter new members may be admitted only on the recommendation of the Security Council. At the Dumbarton Oaks Conference there was agreement between the four participating Powers that membership should start with the United Nations but should not be limited to them.

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Original Membership.

This question of membership was further considered at the Crimea Conference in connection with the invitations to be issued to the United Nations Conference at San Francisco. It was agreed that all United Nations as they existed on March 1st, 1945, that is those who at that time had declared war on Japan or Germany or both, and had signed a United Nations Declaration, would be invited to the Conference on World Organization. It was agreed that it would be for the Conference to determine the list of original members of the Organization. Thus at that stage it would still be possible to propose further countries for admission to original membership in the Organization.

Procedure of Invitation to the Conference.

The United States Government, moreover, was authorized on behalf of the three Governments represented at the Crimea Conference to consult the Governments of China and the Provisional Government of France in order to invite them to sponsor jointly with the Governments of the United Kingdom, U.S.A. and U.S.S.R. the invitations to the Conference at San Francisco. China agreed to join in sponsoring these invitations but the French Government would not agree to becoming an inviting party on the grounds that it had not shared in discussions on the proposed World Organization either at Dumbarton Oaks or the Crimea.

United Nations Invited to San Francisco.

Apart from the sponsoring Governments, the U.S.A., U.K., the U.S.S.R. and China, the following United Nations have been invited to attend:-

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	Country	Date when United Nations signed Declaration
	Australia	Jan. 1, 1942
	Belgium	Jan. 1, 1942
	Bolivia	April 27, 1943
	Brazil	Feb. 6, 1943
	Canada	Jan. 1, 1942
*	Chile	Feb. 14, 1945
	Colombia	Jan. 17, 1944
	Costa Rica	Jan. 1, 1942
	Cuba	Jan. 1, 1942
	Czechoslovakia	Jan. 1, 1942
	Dominican Republic	Jan. 1, 1942
*	Ecuador	Feb. 14, 1945
*	Egypt	Feb. 28, 1945
	Ethiopia	Oct. 9, 1942
	France	Jan. 1, 1945
	Greece	Jan. 1, 1942
	Guatemala	Jan. 1, 1942
	Haiti	Jan. 1, 1942
	Honduras	Jan. 1, 1942
	India	Jan. 1, 1942
	Iran	Sept. 9, 1943
	Iraq	Jan. 16, 1943
	Lebanon	March 1, 1945
	Liberia	April 10, 1944
	Luxembourg	Jan. 1, 1942
	Mexico	June 5, 1942
	Netherlands	Jan. 1, 1942
	New Zealand	Jan. 1, 1942
	Nicaragua	Jan. 1, 1942
	Norway	Jan. 1, 1942
	Panama	Jan. 1, 1942
*	Paraguay	Feb. 14, 1945
*	Peru	Feb. 14, 1945
	Philippines	June 10, 1942
	El Salvador	Jan. 1, 1942
*	Saudi Arabia	March 1, 1945
	South Africa	Jan. 1, 1942
	Syria	March 1, 1945
*	Turkey	Feb. 28, 1945
*	Uruguay	Feb. 24, 1945
*	Venezuela	Feb. 20, 1945
	Yugoslavia.	Jan. 1, 1942.

(NOTE: The countries marked with an asterisk were included officially in the list of "Associated Nations" at the time of the Crimea Conference who have since signed the United Nations Declaration.)

Poland.

A number of problems have arisen in connection with the attendance at the San Francisco Conference which need to be considered. Poland, one of the original United Nations, is a noteworthy absentee from the list of invited countries. Since Poland does not have a Government recognized by all the inviting Powers, so far

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an invitation has not been issued to her. The United Kingdom position in this regard was explained by the Foreign Secretary in a statement to the House of Commons on March 21st, when he said "the Soviet Government does not recognize the Polish Government in London and the other Allied Governments concerned do not recognize the Provisional Government at Warsaw. In these circumstances Poland can only be invited to the Conference if the Polish Government of National Unity, which will be recognized by all four Powers, can be formed in Poland in accordance with the recommendations of the Crimea Conference. His Majesty's Government in the United Kingdom, like the other Allies, attached the highest importance to Poland being represented at the Conference and they, therefore, earnestly hope a United Polish Government may be formed in time". The Soviet Government, on the other hand, while agreeing that in the event that the Polish Provisional Government of National Unity is recognized in time, this Government should be invited to send its representatives to San Francisco, has expressed the view that should this be impossible in view of the complexity of the domestic problem in Poland, none the less the Provisional Government in Warsaw should be invited to San Francisco since, in their view, this Government exercises authority over the whole of Polish territory and enjoys the support of the Polish people. They feel it would be impossible to justify the absence of Poland from the Conference.

Middle Eastern Countries.

Turning to the countries in the Middle East, Syria and Lebanon have been issued invitations to the Conference. These two countries, formerly held under League of Nations Mandate by France, put forward their claim to independent

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representation at San Francisco, and the French Government, which is pledged to the eventual independence of these States, gave support to their application. It might also be noted that Saudi Arabia has been invited to be represented at the Conference, at the instance of the United Kingdom. Its participation was urged on the grounds of its contribution to the cause of the United Nations and its refusal to have any relations with Germany in 1940. Egypt was likewise invited to the Conference at the suggestion of the United Kingdom in view of her assistance to the Allied cause during the war.

Associated Nations.

The official list of "associated nations" at the time of the Crimea Conference was as follows: Chile, Ecuador, Paraguay, Peru, Venezuela, Uruguay, Egypt, Iceland and Turkey. These were all countries which have previously participated in functional Conferences of the United Nations such as UNRRA, but who were not belligerents. The United States Government naturally proposed the participation of the six Latin American countries in the San Francisco Conference. All the Latin American Republics, with the exception of the Argentine, have fulfilled the conditions necessary to qualify for attendance at the Conference. Since the Mexico City Conference, Argentina also has declared war on both Axis countries but it remains to be seen whether this declaration of war coming after the dead-line of March 1st, will be accepted by the inviting powers, especially by the Soviet Government, as sufficient qualifications for admission to the San Francisco Conference.

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It was left to the United Kingdom to approach the Governments of Egypt, Iceland and Turkey. While Turkey and Egypt declared war and adhered to the United Nations Declaration, Iceland was not willing to depart from its policy of perpetual neutrality to which she is pledged under the Treaty of Union with Denmark of 1918.

Neutral States.

The question of the admission of all neutral States is likely to come up at the San Francisco Conference. While it is evident that the principle of neutrality is incompatible with the acceptance of a commitment to participation in economic and military sanctions and other measures of peace enforcement under the Charter, none of the neutral countries, with the possible exception of Switzerland and Iceland whose position has already been noted, are pledged to traditional policies of neutrality. The countries concerned, apart from Iceland, are Ireland, Portugal, Spain, Switzerland and Sweden.

The question of the admission of Ireland is likely to be of special concern to the other nations of the Commonwealth including Canada as its exclusion from a World Organization might have repercussions on the question of Irish membership in the Commonwealth.

There is reason to suppose, however, that the question of the admission of neutral States will be specially influenced by the attitude of the Soviet delegation. It will be recalled that the opposition of the U.S.S.R. to participation in the Air Conference in Chicago was attributed to the fact that invitations had been extended to Switzerland, Sweden, Portugal and Spain.

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The attitude of the Soviet Government is apparently affected not so much by the fact that a country has remained neutral in this war, as by the relationship of the country concerned to the Soviet Union and to the degree of assistance which the particular neutral State has rendered to the Axis powers during the course of the War. In this respect it should be noted that the Argentine, Switzerland, Spain and Portugal have no diplomatic relations with the U.S.S.R. and Switzerland, Spain and the Argentine, in particular, have been regarded by the Soviet Government as having given substantial moral and material support to the Axis powers during the war. In the case of Switzerland, the fact that this country has been forced to do so on account of its economic isolation has not been accepted by the Soviet Government as justification of its policy. In the case of Sweden, greater cordiality has been established with the Soviet Government in recent months as that country has increasingly denied Germany the extension of any economic facilities. Moreover, diplomatic relations have been maintained between Sweden and the U.S.S.R. since the early 1920's.

Ex-Enemy States.

The question is also likely to arise of the early admission of certain ex-enemy States, including, in particular, Italy. There is evidence that Italy has already sought support of the United States Government for an invitation to the San Francisco Conference. Technically, however some of the United Nations still remain in a state of war with Italy and also with the former Axis satellites, Roumania, Bulgaria, Finland and Hungary. Presumably, peace treaties will have to be signed with these States, and doubtless they will have to submit to a period of probation before they are

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regarded as admissible. The admission of Germany and Japan will, no doubt, be treated as a special problem and would be left aside for consideration for a period of years. It is anticipated that the period of control and probation in their case will be extended for a number of years. It is probable that in insisting on the reservation of initiative in the admission of members to the Security Council, the Soviet delegation at Dumbarton Oaks had in mind preventing the premature admission of either of these two countries into the Organization by pressure from a number of member States in the Assembly.

<u>The Soviet Republics and the World Security Organization</u>

The announcement from the White House, Washington, on March 30th, that the Soviet representatives at the Yalta Conference had indicated their desire to raise at the San Francisco Conference the question of representation of the Ukraine Soviet Republic and the White Russian Soviet Republic in the Assembly of the proposed United Nations Organization makes it desirable to review the background of this question. On several occasions during the past two years the Soviet Government advanced the claim that several of the sixteen constituent Republics of the Soviet Union should be separately represented on international bodies.

The claim was first advanced in August, 1943, in connection with the establishment of the United Nations Commission for the Investigation of War Crimes. The Soviet Government argued that seven of its Republics had a moral right to separate representation, since their territories had been invaded and they had suffered from war crimes more than some of the other states on the Commission. On February 1

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1944, the Soviet Constitution was amended so as to give to each constituent Republic the right to set up its own Commissariat of Foreign Affairs, to enter into direct relations with foreign states, to conclude agreements with them and to exchange diplomatic representatives. The All-Union Commissariat of Foreign Affairs, however, retained all of its former powers and acquired in addition the right to general supervision and direction over the foreign policies of the Republics.

Although the Soviet constitutional amendments did not go far enough to justify in the eyes of other Governments the Soviet contention that the Republics were fully sovereign states, the Soviet Government again advanced the claim to separate representation for the Republics in September 1944, during the negotiations for an Armistice with Finland. This time it was advanced on behalf of two of the Republics contiguous to Finland. Again the question was briefly raised during the Dumbarton Oaks discussions, but the Soviet delegates agreed not to press it further at the time. At Yalta it was agreed that the question would be referred to the United Nations Conference at San Francisco. The Soviet representatives indicated at Yalta that the claim would be made for not more than two or three Republics, these being the Ukraine, White Russia and Lithuania.

The Soviet Position.

The Soviet position on this question is based upon the provisions of the Soviet Constitution, the policy followed since the establishment of the Soviet Government with regard to non-Russian nationalities and, to some extent, upon the contributions made by the constituent republics to the Soviet war effort. Under the Soviet Constitution each of the Republics is considered in theory a sovereign state and its right of secession is specifically guaranteed. The strongly

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centralist features of the Soviet Union are regarded as proceeding from a contract between the Republics and the federal authority. According to this interpretation the sovereign republics have voluntarily delegated some of their sovereign powers to the central authority without, however, surrendering them permanently. They therefore have the right to reclaim them in full or in part at any time. When, under what circumstances and to what extent they do so is a matter for the Union and the Republican Governments to decide. Accordingly, the Constitutional amendments of February 1, 1944, are interpreted as a partial return to the Republics of their inalienable sovereign powers in foreign and military affairs.

There are historical precedents to support this interpretation in the fact that the Ukraine and White Russia had maintained separate Commissariats of Foreign Affairs with their own representatives abroad and had concluded minor international agreements between 1918 and 1923, when they were already part of the Soviet Union. Three of the Caucasian republics had a brief period of independent existence after the last war and were recognized by several of the Great Powers. In each case the process of absorption took the constitutional form of a sovereign state, recognized as such by the Soviet Union, voluntarily joining the Soviet federation and retaining on paper its sovereign status.

Upon every occasion when the claim for separate representation was raised, it was done not on behalf of all the Republics at once, but only of those whose interests were directly involved in the particular problem under discussion. The claim for representation on the Security

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Organization is now advanced on behalf of the three Republics -- the Ukraine, White Russia and Lithuania -- which were the first to be invaded in June, 1941, and which in the event of a future European war, would be called upon to bear the brunt of the initial attack. These three Republics, particularly the Ukraine and White Russia, are thus the guardians of Soviet security in the west. The contribution they have made in this war and which they will be called upon to make to maintain Soviet security in the future are considerations which must carry special weight with public opinion in these republics, and therefore, with the Soviet leaders.

Indeed, the primary motive for the Soviet attitude is possibly internal. While the Soviet dictatorship is unquestionably severe, a good deal of its effectiveness lies in its sensitiveness to broad trends of internal public opinion. The war has produced a significant resurgence of local nationalism in many parts of the U.S.S.R. and particularly in the Ukraine. In striving for the recognition of the international status of the Republics, the Soviet leaders are seeking to turn this rising nationalism into channels which would not endanger but would strengthen the unity and security of the Soviet system. If the claim is denied by the other states, the Soviet leaders can make good use of the situation by calling upon the Republics to strengthen the authority of the Soviet Union as a whole, in order eventually to win international recognition for themselves.

Canada's Position. The interests of Canada and of the other members of the Commonwealth are involved in this question. When it was first raised, the Soviet Government drew an analogy between the international position of the Republics and that of the Dominions, or more exactly, between the

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manner in which the Dominions had acquired international status after the last war and the manner in which it was now proposed to secure international status for the Republics. The constitutional analogy was emphatically repudiated by the United Kingdom. It was pointed out that under the Soviet Constitution the central Government alone was empowered to represent the Soviet Union in international relations, whereas the British Commonwealth was in no sense a federation.

At the same time the Canadian and Australian Ministers in Moscow made representations to the Soviet Government to obviate any possibility of misunderstanding as to the international position of Canada and Australia. From the assurances given by Mr. Molotov, and from the fact that Canadian and Soviet Legations were raised to the rank of Embassies, as well as from recent articles in the Soviet press, there seems no doubt that the status of Canada is not questioned. Moreover, the Soviet Government did not raise the question in connection with the signature by Canada of the Protocol concerning compensation for the Petsamo Nickel Mines, although they could have suggested that the Protocol should also be signed by the Soviet Republic in whose territory the Petsamo Mines were being transferred.

The constitutional arguments which could be used to prove the real independence in international affairs of the Dominions, could not be employed as successfully in the case of India. While the Soviet Union has not raised the question of the difference between the position of India and that of the Dominions, it could be argued on the basis of the Soviet constitutional amendments that on paper at least the Constituent Republics have more authority in foreign affairs than India. It might consequently be

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difficult for the United Kingdom to continue to oppose the Soviet claim on constitutional grounds.

The position of Commonwealth Governments

The attitude of the other Commonwealth Governments is on the whole similar to that of the United Kingdom. All three Governments seem fully aware of the undesirable implications of the analogy between the constitutional position of the Dominions and that of the Soviet Republics. All three appreciate, however, the difficulty of continuing the constitutional debate in view of the special position of India. The Australian Government appear to be aware of the Soviet fear of being outvoted in the Assembly, either by the Commonwealth countries or by the Latin-American bloc. They feel that no problem connected with the Organization should be considered in isolation from all the other problems. For this reason they seem prepared to accept the Soviet position on the question of voting in the Council, but only in return for the abandonment by the Soviet Union of its demand that the Republics should be members of the Assembly.

The New Zealand Government appear to consider the Soviet request as an end in itself rather than a mere bargaining counter to secure concessions on other points. They would, therefore, be prepared to consider the admission of some of the Republics at a later stage of the Organization's existence, using as a criterion of eligibility the number of member-governments with which the particular Soviet Republic has succeeded in establishing diplomatic relations.

To the South African Government, and particularly to Field Marshal Smuts, the possibility of the Soviet Union

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refusing to participate in the Organization appears to be so charged with danger as to outweigh any considerations of sovereignty or equality of status which might be involved in granting the Soviet request. It should be noted that an expression of these views antedated the announcement that the United Kingdom Government would give their support to the proposal of the Soviet Government that the Constituent Republics of the Ukraine and White Russia should be given separate membership in the International Organization.

Attitude of United States Government.

The principal concern of the United States would seem to be to avoid being outvoted in the Assembly by another Great Power whether it be the United Kingdom or the Soviet Union, and this was no doubt the motive which prompted the United States proposal now withdrawn that if the Soviet Union is in effect to have three votes, the United States should have three votes also. The fact that the Soviet Union readily accepted this proposal supports the view that the U.S.S.R. is concerned with securing representation for its more important Republics on intrinsic grounds rather than with matching votes in the Assembly. There is reason to believe, however, that both the United States and the Soviet Union are reluctant to surrender to an Assembly of small powers the authority which they have exercised during the war of making major decisions of policy.

The Implications of the Admission of the Soviet Republics

On practical grounds a good case could be made for the admission of the Ukraine and White Russia. In view of the increased prestige which the Soviet Union is likely to enjoy after the war and the probable desire of its neighbouring

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states to establish the most cordial relations with it, it is most likely that the latter would be prepared to enter into direct relations with the Republics. Thus the Republics are bound eventually to obtain international recognition, and it might aid in maintaining the unity of the Allies after the war if recognition were granted now, promptly and without bargaining. Moreover, if recognition is granted, any further constitutional controversy would be obviated, and the undesirable analogy between the status of the Republics and that of the Dominions is likely to be dropped. From the point of view of Canada's Ukrainian population, recognition of the International status of the Ukraine is likely to put an end to the agitation for Ukrainian independence, thus strengthening the relations between Canada and the Soviet Union and at the same time promoting the assimilation of Ukrainian-Canadians.

On the other hand, if two of the Republics are admitted to membership in the International Organization, the claim of all the Soviet Republics to be recognized as sovereign states will have been conceded in principle. It would then be extremely difficult, if not impossible, to resist indefintely the claims of the other fourteen Republics for admission. Eventually the Assembly may contain a solid bloc of seventeen votes controlled by the Soviet Union. Such a voting bloc might act as a counterweight to a possible Latin American bloc of some twenty votes. The very principle of bloc-voting, however, would create an atmosphere of rivalry, bargaining and frustration, which might prove prejudicial to the success of the Organization.

Another possibility which must be taken into account is that if the principle of giving added weight to "middle powers" is accepted upon the basis of a specific

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commitment to provide military and economic resources to quell aggression, the Ukraine might well lay claim to the status of "middle power". With its population of over forty-two million, a highly developed industry, a strictly controlled economic and political life, and having the right, by virtue of the recent Soviet constitutional amendments, to control its own armed forces and to conclude international agreements, the Ukraine could offer to undertake commitments which would dwarf the contributions of other "middle powers".

The extent, however, to which the Soviet Union may call upon the Republics to strengthen its hand in international relations would seem to depend upon the degree of genuine co-operation among the members of the Organization and especially upon the successful solution of the Great Powers of such major political problems as Poland, and the future treatment of Germany, If the Soviet leaders feel that the security of their State is guaranteed, they are not likely to embark upon a course which could only arouse the hostility of the rest of the world. In that event the activities of most of the Republics would be largely confined to developing close relations between the Soviet Union and contiguous states.

General Canadian Attitude

Although the Canadian Government has not taken any definite stand on the question of membership it may well be that Canada would support the view that membership should be made as comprehensive as possible, it being understood, however, that the special cases of Germany and Japan should be left aside for consideration after a period of years.

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CHAPTER IV. PRINCIPAL ORGANS

"1. The Organization should have as its principal organs:-,

(a) A General Assembly;
(b) A Security Council;
(c) An International Court of Justice; and
(d) A Secretariat.

2. The Organization should have such subsidiary agencies as may be found necessary".

It is evident that the experience of the League of Nations was in the minds of those who prepared the draft Charter at Dumbarton Oaks. It is no accident, therefore, that there is a likeness between the League Covenant and the draft Charter in the structure proposed. An Assembly, a Council with permanent and non-permanent members, an International Court of Justice and a Secretariat are the main organs of the proposed new Organization as of the old.

It is of interest that the Commission of Foreign Affairs of the French Provisional Consultative Assembly which studied the Dumbarton Oaks proposals expressed the view that the organs of the new Organization would be better adapted to their task than those of the League, and that the procedure which is to govern their activities is also an improvement. They point in particular to the over-lapping of powers between the Council and the Assembly under the League Covenant, whereby it was possible for the Assembly and the Council both to be considering matters concerned with the settlement of disputes and the maintenance of peace and security concurrently. The Commission suggests that under the Dumbarton Oaks proposal the division of function and power is more clearly defined, as such action would rest solely with the Council. The French Commission favours the idea of having separate bodies charged with different functions.

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Under the Dumbarton Oaks proposals there are: (a) the Assembly, with its broad responsibility for the development of international co-operation and for the expression of international public opinion. This is also the democratic body of the new organization; (b) the Security Council, charged with the maintenance of security and peace; (c) an Economic and Social Council dealing with the organization of international economic and social co-operation; (d) the Permanent Court of Justice, the juridical organ of the new Organization; and (e) the Secretariat dealing with the administration of the Organization.

The question is likely to be raised at the Conference as to whether or not the Economic and Social Council should be named under Chapter IV as one of the main organs of the Organization. The absence of any mention of the Economic and Social Council under Chapter IV was the subject of comment by the Mexican Government who felt that this Council should be placed on the same plane as the three fundamental organs which composed the League of Nations. Moreover, they suggested that the Economic and Social Council should be within the sphere of its own jurisdiction, i.e., the economic and social - "the equivalent of the Security Council in the juridical and political fields". There is much substance in the criticism of the Mexican Government, for it seems strange to find in Chapter IX a series of detailed provisions with regard to the Economic and Social Council, whereas there is no mention of it as one of the main organs under Chapter IV. It is likely that support will be found at the San Francisco Conference for the inclusion of the Economic and Social Council as one of the main organs of the new Organization.

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In the comment of the Mexican Government on the Dumbarton Oaks proposals it is likewise proposed that the Permanent Court of International Justice should not be named as one of the principal organs of the Organization.

The relationship of the Court to the International Organization, according to the provision of Chapter VII of the draft Charter will be governed by a Statute which is to be annexed to and be a part of the Charter of the Organization. It is not possible, until the Statute has been decided upon to say whether the Permanent Court should be named as an organ of the International Organization or as an autonomous body.

The Canadian Government has not expressed any comment on which bodies proposed in the draft Charter should be named as the principal organs under Chapter IV, but in view of the importance of giving recognition to the functions of the Economic and Social Council in contributing to the peace and security of the world in the social and economic fields, it is reasonable that should the Mexican delegation propose an amendment on this point the Canadian delegation might add its support to such a proposal.

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CHAPTER V. THE GENERAL ASSEMBLY

SECTION A: COMPOSITION

> "All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter".

It was unanimously agreed at the Dumbarton Oaks Conference that membership of the General Assembly should be open to all members of the Organization. The United Kingdom proposals stressed the point that all members of the Organization are to be on a footing of equality in the General Assembly, and stated that the "sovereign equality of all members of the Organization should be recognized by their representatives meeting together on a footing of equality in a world assembly at least once a year". Although this concept of equality applies to the equal right of all members of the Organization to membership in the Assembly, to equal voting rights and to the right of information and debate, it by no means extends to all functions. The originators of the Dumbarton Oaks proposals apparently intended that the Security Council should be weighted to accord roughly with the distribution of power between the nations of the world and, therefore, ascribed to the Security Council those functions in which power is the decisive factor, namely, the maintenance of peace and security. Both in the proposals as originally drafted by each of the three Powers and at the Dumbarton Oaks meeting a distinction was made between members of the Assembly also having membership in the Security Council and the other members of the Organization in relation to this function.

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The number of representatives each member may send to the Assembly was left unspecified in the Dumbarton Oaks proposals. This question is relatively unimportant, since each member has only one vote in the General Assembly, regardless of the number of representatives as will be noted under Chapter V, Section C, paragraph 1. It may be recalled that under the League Covenant each member was allowed to have not more than three representatives. The Chinese favour the continuance of this arrangement, likewise the Mexican Government. In the United States proposals it was suggested that the delegation of each member State should consist of "not more than six representatives; each member State should have one vote (except in relation to budget decisions, in which case voting power would be in proportion to contribution to expenses). The British and Soviet proposals made no mention of the number of delegates members may have in the Assembly.

SECTION B. FUNCTIONS AND POWERS

Maintenance of Peace and Security

1. "The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council".

The Dumbarton Oaks proposals recognize that the essential foundation for an effective collective security system is the continued collaboration of the principal

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military powers. They further recognize that in order that there should be this collaboration between the Powers, who would have permanent membership on the Security Council, initiative in taking action for the maintenance of peace and security should lie with the Council and not with the Assembly.

In dealing with this question the parties at the Dumbarton Oaks meeting had before them the experience of the League of Nations. The Council, under the League Covenant, could recommend terms in which an international dispute could be settled but lacked the power of deciding a dispute. Moreover, under the League Covenant, the Council and the Assembly shared or held concurrently powers to deal with questions affecting the peace of the world. Under the Dumbarton Oaks proposals the Council is to be endowed with both the primary responsibility and the necessary powers to maintain the peace.

There was little divergence of view on this point between the United Kingdom, United States and Soviet delegations at the Dumbarton Oaks meeting. The United Kingdom envisaged the Assembly "as a centre of discussion" and the Council "as a centre of action". In the United Kingdom proposals the only rights specifically apportioned to the Assembly were those of "information and criticism". Moreover, it was stated in the United Kingdom proposals that" it is not suggested that this body should have all the powers that were possessed by the Assembly of the League", and that "the initiative to prevent breaches of the peace should lie with the World Council".

The United States proposals went into greater detail with regard to the functions and powers of the

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Assembly and included the following:- "To assist the executive Council on its request in enlisting the co-operation of all States towards giving effect to action under consideration in or decided upon by the Council". The Assembly was also "to make reports and recommendations for peaceful adjustment of any situation or controversy which is likely to impair the general welfare". The United States representatives explained that the words "general welfare" were not intended to give the Assembly free initiative in the political field but rather to give them initiative in social and economic questions.

The Russian proposals read as follows: "The General Assembly shall determine the general principles of international co-operation in matters of security and maintenance of peace". The Soviet representatives took the view that while the Assembly might consider any question of security its recommendations would not be binding on the Council and it would have no executive power in the case of disputes. Moreover, it would be optional whether or not the Council was to consult the Assembly.

Thus it is clear that the parties at the Dumbarton Oaks meeting intended that the Assembly should be excluded from any executive responsibility for the maintenance of international peace and security. The Canadian attitude has been to recognize the validity of the concentration in the Council of power to initiate action for the maintenance of peace and security. It is considered, however, that the Assembly should be given as wide power as is consistent with the retention by the Council of its essential function of initiating action to safeguard world peace.

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Powers of Discussion and Recommendation

Paragraph one of Chapter V Section B provides that the Assembly should have the right to discuss both the principles of co-operation in the maintenance of peace and of such relevant matters as disarmament, and also specific questions brought before it by any member or members of the Organization or by the Security Council and to make recommendations on such principles or questions. In the view of the United Kingdom the Assembly should be a forum for the general ventilation of views and a focussing point for the interest of public opinion in all countries. The United States Government apparently had the same idea in mind when, as has been noted above, it proposed that the Assembly should help the Council in the task of safeguarding the peace by enlisting the co-operation of all States towards giving effect to Council decisions.

Disarmament

Among the principles specifically mentioned as appropriate for consideration in the Assembly are those governing disarmament and the regulation of armaments. Discussion in the Assembly, however, is to be confined to principles only, for under Chapter VI, Section B 5, and Chapter VIII, Section B 9, the Security Council with the aid of the Military Staff Committee is responsible for any plans for regulating armaments which would be submitted to the Organization. Thus the Assembly can discuss and make recommendations on this question but it will be the Council who would make the plans and decide the policy.

Limitation on the Assembly's Power of Recommendation

That the Assembly is to be regarded as a forum for discussion and debate under the Dumbarton Oaks proposals in relation to the maintenance of peace and security is

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further emphasized by the fact that any questions affecting peace and security on which action is required needs to be referred to the Security Council either before or after discussion. However, there is no restriction placed on the subjects which may be debated or discussed in the Assembly and on which recommendations may be framed, except that contained in the last sentence of Chapter V Section B 1. This provides that the Assembly would be prevented from making recommendations on its own initiative on matters relating to international peace and security which may be under the consideration of the Security Council. Informal discussion on this point in Washington revealed that it was the understanding of the United States State Department that under this clause the Assembly cannot be prevented from discussing any matter whatever not being dealt with by the Security Council if action is not necessary. Moreover, if a matter were being dealt with by the Council the Assembly could not be prevented from discussing it up to the point of making recommendations.

This qualification is clearly designed to prevent the possibility that the Assembly and the Security Council might be working at cross purposes on a matter in which the Council would have the ultimate responsibility. The exact meaning of these words, however, might still require clarification at the San Francisco Conference. In this connection it should be noted that the French Provisional Government, in its commentary on the proposals, suggests that the last sentence of Chapter V, Section B, para. 1, should be changed to read:-

> "The General Assembly will always have the power to call the attention of the Security Council to situations that may endanger the peace".
>
> (The relevant sentence of the Dumbarton Oaks proposals is as follows:-
> "The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council".)

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Admission of new members into the Organization

2. "The General Assembly should be empowered to admit new members in the Organization upon recommendation of the Security Council".

A difference of view was revealed at the Dumbarton Oaks Conference as between the United States and United Kingdom representatives on the one hand, and the Soviet on the other in relation to this point. The Soviet proposal was that "the General Assembly shall decide questions governing the admission and expulsion of members of the Organization upon the recommendation of the Council". Thus, while the Soviet representative desired that the Assembly should have the power to admit or expel members only if the Council recommended it, the United Kingdom representative felt that the Assembly should have complete authority with regard to the admission of members, and that expulsion was not necessary (this latter point will be reconsidered under Section B, 3 below). The United States representative took the same view. The Soviet representative, however, gained his point, no doubt because it was thought desirable to avoid a situation in which some members of the Assembly were to press for the admission of Germany and Japan prematurely (see discussion under Membership, Chapter III). Moreover, under the voting arrangements in the Security Council as agreed at the Crimea Conference, any one of the permanent members is in a position to exercise an indefinitely extended veto on the admission of a new member. While this may be desirable in the case of major political decision in which unanimity of the Great Powers is required, should the question of the admission of Germany and Japan come up, it would be less desirable should it be applied in the case

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of an application for membership on the part of countries who remained neutral in the present war such as Switzerland or Sweden.

The Canadian attitude, as noted under Chapter III on Membership, is that membership should be as comprehensive as possible but no strong line has been taken with regard to the provisions on the functions of the Assembly in relation to the election of members under Chapter V, Section B 2. It was suggested, however, at the time of the Dumbarton Oaks Conference that the wording of the recommendation of the Security Council might be altered to read "with the concurrence of the Council". Such an amendment would still leave the Council ultimate control over the admission of new members but would not deprive the Assembly of the initiative of proposing candidates for membership in the Organization. Under the proposals as they stand it would seem that the Council may prevent the consideration of an application for membership by failing to make a recommendation.

It will be recalled that under the League Covenant a State (apart from the original members) was allowed to be admitted to the League provided:

(a) admission was agreed by two-thirds of the Assembly;

(b) the applicant gave effective guarantees of its sincere intention to observe its international obligations;

(c) it accept regulations prescribed by the League for its military, naval and air forces and its armaments.

Thus the Council, under the League, did not possess the veto power of membership which the Security Council would have under the Dumbarton Oaks proposals.

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Suspension and expulsion of members

3. "The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly shall be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

There was some difference of opinion at the Conference between the United Kingdom, Soviet and United States representatives on whether there should be provision in the Charter for the suspension or expulsion of States. While United Kingdom and United States representatives favoured provision for suspension of privileges only, the Soviet representative urged expulsion also. The United Kingdom representative pointed out the efficacy of suspension, particularly if the economic and social bodies were attached to the World Organization. In this event, members whose privileges were suspended would be deprived of many substantial benefits of membership in the various functional organizations. However, the Soviet view prevailed and the last sentence of paragraph 3 of Section B, Chapter V of the draft Charter owes its origin to a Soviet proposal.

Under the League Covenant there was likewise a provision for expulsion. This action required the unanimous vote of the Council. It will be recalled that the U.S.S.R. was so expelled at the time of its war with Finland. Under the Dumbarton Oaks procedure the Assembly would be able to vote on the expulsion from membership (a two-thirds majority would be required to make it effective) but only if the

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Security Council had made a recommendation on the matter. The Council, therefore, would have the initiative but the Assembly would make the final decision.

Under the League Covenant there was no provision specifically for suspension from the privileges of membership. The proposals provided for the suspension of the exercise of rights of any member of the Organization against which preventive or enforcement action has been taken by the Security Council. Expulsion is contemplated only in the case of any member which persistently violates the principle contained in the Charter, This procedure recognizes that the effect of expulsion is to release a State from its obligations to other States in respect of the maintenance of peace and security and thus affords no real remedy for breaches of international law.

Withdrawal of Members

The question of withdrawal of members from the Organization was also considered at the Dumbarton Oaks Conference but after discussion it was agreed that there should be no provision for withdrawal. Thus, under the present proposals once a State has ratified the Charter the only way it can leave the Organization is by violating it so persistently that expulsion results. The Canadian Government have inclined to the view that there is a good case for proposing the inclusion in the Charter of the provision for permitting withdrawal on due notice; in the first place because there is need for transitional arrangements as no one can foretell now how the Organization will work, and, secondly, because in view of the prospect of the Great Powers having a veto on all important decisions of the Council, it would be difficult to secure preliminary consent to ratification of an

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Instrument which would commit Canada in perpetuity to membership in the Organization. Having in mind, however, that the Powers at the Dumbarton Oaks Conference were unanimously against allowing withdrawal, it seems unlikely that this decision will be altered. As an alternative to a provision for withdrawal, the Canadian Government has suggested the introduction of arrangements for the revision of the Charter at the end of a certain period. This would give States dissatisfied with the operations of the Charter an opportunity to offer amendments. (See also Comment under Chapter XI, Amendments).

Electoral Functions of the Assembly

4. "The General Assembly should elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. It should be empowered to elect, upon recommendation of the Security Council, the Secretary-General of the Organization. It should perform such functions in relation to the election of the judges of the international court of justice as may be conferred upon it by the statute of the Court".

The question of the manner in which the non-permanent members of the Security Council are to be elected will be considered in the Commentary under Chapter VI, Section A, and the composition of the Economic and Social Council under Chapter IX, Section B.

As regards the election of the Secretary-General of the Organization, it may be of interest to compare the procedure under the Dumbarton Oaks proposals with that followed under the League Covenant. The original Secretary-General of the League was specifically named in the Annex of the League Covenant. Succeeding Secretaries-General were appointed by the Council with the approval of a majority of the Assembly. In this respect there is no substantial difference between the two Instruments.

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In both cases the Assembly plays a substantial role. (This question will be further considered in the commentary Chapter X, the Secretariat).

The function of the Assembly in relation to the election of Judges to the International Court of Justice will doubtless be prescribed in the revised Statutes of the Court. It may be useful to recall that Article IV of the Statute of the Permanent Court of International Justice provides that "the members of the Court shall be elected by the Assembly and the Council from a list of persons nominated by the National Groups in the Court of Arbitration in accordance with the following provisions, etc." It remains to be seen whether the Council and the Assembly will have functions concurrently in the election of Judges of the Permanent Court of International Justice under the revised Statutes.

Control of Finances

5. "The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization."

The proposals put forward by the United Kingdom, United States and Soviet Governments at the Dumbarton Oaks Conference were in agreement that the Assembly should control the finances of the Organization. The United States proposals, however, contain a provision that in budget decisions the voting power of the States in the Assembly should be in proportion to contribution to expenses. This proposal is open to the objection that through the control of the budget, the wealthy Powers might gain the same kind of privileged function in relation to the function of the Organizations of a social and economic character which they already enjoy in the Security Council over matters pertaining to the maintenance

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of peace and security. On the other hand the making of voting power proportionate to the contribution to expenses would represent an adjustment of power to responsibility and which would tend to favour the position of Canada in relation to social and economic activities of the Organization. In view of the substantial contribution which Canada is in a position to make in relation to the economic activities of the Organization it would be to Canada's interest that a graduation in weight be given in voting on the budget in accordance with the United States proposal. It is possible that this suggestion may come up for consideration again at the San Francisco Conference.

Initiation of social and economic studies

6. "The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare".

The United States proposals contained a clause that the Assembly should be empowered "to make studies and recommendations on the promotion of international co-operation, the development of international law and basic human rights". The Chinese representatives in the discussions following the Conference between the United Kingdom, United States and Soviet representatives at Dumbarton Oaks, went further in their proposal that the "Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law". This was one of the three points which the Chinese representative suggested as amendment to the Dumbarton Oaks proposals. The assignment of the suggested legislative functions to the Assembly in the field of international law is undoubtedly desirable not

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only for the purpose of establishing a recognized procedure for the development of a body of international law but also as a means of furthering wider support for the Charter.

Co-ordination of specialized international agencies

> 7. "The General Assembly should make recommendations for the co-ordination of the policies of international economic, social and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization".

The Soviet representatives at the Dumbarton Oaks Conference expressed themselves against having social and economic agencies linked with the Organization. On the other hand the United States proposals contain the following: "The Assembly is to provide for the co-ordination of general policies of all organs and agencies belonging to or related to the Organization". The United Kingdom representative supported the United States view of this matter and the United Kingdom and United States representatives were successful in securing inclusion of social and economic agencies within the Organization. Under Chapter IX, Section A, (The Arrangements for International, Economic and Social Co-operation), the Assembly is made responsible for taking "steps to facilitate the solution of international, economic, social and other humanitarian problems and promoting respect for human rights and fundamental freedoms". The Assembly, in addition is to approve the agreements made between the specialized agencies and the Economic and Social Council. The general effect of these provisions would be to give the General Assembly much the same sort of responsibility in the economic and social fields as that which was exercised by the League Assembly. The Covenant of the League was more specific in certain respects and comments such as that of the Mexican Government on the Dumbarton Oaks proposals

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indicate that there may be proposals at the San Francisco Conference to expand and specify the functions of a social and economic character which are to be within the responsibility of the Organization. Matters previously dealt with under the League, such as the international agreements dealing with the traffic in narcotics and traffic in women and children, as well as the mandates of colonial territories, will need to be provided for in some manner in the new International Organization.

Reporting to the Assembly

8. "The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization".

It was the unanimous agreement at the Dumbarton Oaks Conference that the Assembly should receive and examine annual and special reports from the various organs of the Organization, including the Security Council. It is not clear from the wording of this paragraph whether the special reports on the Security Council include matters relating to the maintenance of international peace and security being dealt with by the Security Council. This point will, no doubt, be brought up at the San Francisco Conference as this power could be used by the Assembly for the purpose of reviewing and passing resolutions on decisions of the Security Council on such matters.

SECTION C. VOTING

"One Nation - One Vote"

1. "Each member of the Organization should have one vote in the General Assembly".

The Dumbarton Oaks proposals envisage a continuation of the practice followed in the League Assembly that each member should have one vote only in the General Assembly. The principle of "one nation - one vote" in the Assembly

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recognizes the principle of independent sovereign equality of all member States, since membership in the Assembly is open to all members of the Organization alike. By giving the Greater Powers permanent seats and special voting powers in the Security Council recognition has already been given under the proposals to their greater responsibilities in safeguarding peace and it may be readily conceded that no good would ensue from attempting to impose an artificial equality in political influence and responsibility in respect of this category of function. The Canadian Government has consistently maintained that influence and power should be matched with responsibility and function.

However, arising out of the discussion at the Crimea Conference regarding the admission of certain of the Constituent Soviet Republics to membership in the International Organization, the President of the United States proposed that "if the United Nations Organization agreed to letting the Soviet Republics have three votes, the United States would ask for three votes also". Such a proposal, which was subsequently withdrawn, would have impaired the principle of sovereign equality of member states in the Assembly.

While Canada would not oppose the claim of the Soviet Government for the representation of the Ukraine and White Russia in the Assembly for the reasons given in Chapter III of the commentary (Membership), it would not be in favour of any plural system of voting in the Assembly which would give the Greater Powers a position of special privilege in this body similar to that which they already enjoy in the Security Council, and would, of course, reject any suggestion that the Commonwealth representation in the Assembly might be regarded as a bloc vote.

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The principle of majority rule

2. "Important decisions of the General Assembly including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council, election of members of the Economic and Social Council, admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions, should be made by a two-thirds majority of those present and voting. On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote".

An important difference is to be noted between the voting procedure in the Assembly put forward in the Dumbarton Oaks proposals and the practice followed in the League Assembly. The proposal marked an abandonment of the principle of unanimity and the substitution for it of majority rule qualified by a requirement of a two-thirds majority for the more important decisions of the Assembly, and by the right of veto on a number of questions by the Great Powers on the Security Council (see comment under Chapter VI, Section C).

The rule of unanimity implies that a State cannot legally be compelled by any action on the part of other States to adopt a policy to which it has not itself agreed. This rule is justifiable especially in cases in which the decision might involve a State in war, as for example under the sanction clauses of the League Covenant. The removal from the Assembly of the power to decide action in relation to the maintenance of peace and security (which has been noted under Chapter V, Section B, 1), might be said to have

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removed the need for such a provision. That decision now rests with the Security Council. But if it should be proposed as an amendment at the San Francisco Conference that a Council decision requiring military action on the part of member States should be subject to ratification by the Assembly, consideration might have to be given to restoring the unanimity rule in the Assembly in respect of this category of decision.

The main objection to the unanimity rule is that it can be extended beyond the role of protection of the rights of member States to that of mere obstruction. When there can be no decision without unanimity it is clear that a State might use its right to dissent from and therefore to defeat a proposal, not merely for the sake of protecting its own position but for any other reasons that seem to it sufficient. (The unanimity rule will be further considered under comment under Chapter VI, Section C, Security Council, voting procedure).

Apart from the important decisions enumerated in Chapter V, Section C, 2, decisions of the Assembly on procedural matters would be by a simple majority vote. The League Covenant, likewise, required a majority vote of the Assembly on all matters of its procedure including the appointment of investigating committees. A two-thirds vote of the Assembly was required for the election of new members of the League, and for rules dealing with the election of non-permanent members of the Council. Unanimity rule applied to all other matters coming before the Assembly, except where otherwise provided for in the Covenant, or the Treaty of Versailles.

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Thus it will be seen that the provisions for voting in the Assembly under the proposals, except for the change over from unanimity for the reason which has been noted above, are evidently intended to correct some of the ambiguities which existed as a result of more general provisions under the League Covenant.

SECTION D. PROCEDURE

1. "The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require.

2. The General Assembly should adopt its own rules of procedure and elect its President for each session.

3. The General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions."

In this section the Dumbarton Oaks proposals follow substantially the Assembly procedure under the League Covenant. The proposals definitely specify regular annual sessions of the General Assembly instead of sessions at "stated intervals" as under the Covenant. Under the Covenant there was a similar provision for meetings of the Assembly "from time to time as occasion may require".

It might be noted that the Mexican Government in its commentary on the Dumbarton Oaks proposals suggests that the Assembly should meet four times a year in ordinary sessions, and also in extraordinary sessions when summoned by the General Secretary on the request of the Council or at the request of one-half plus one of the members of the Organization.

SUMMARY

For convenience it may be useful to review the main features of the General Assembly under the

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Dumbarton Oaks proposals as set out in the Prime Minister's statement in the House of Commons on March 20th:-

> "The General Assembly, like the League Assembly, would be composed of representatives of all members, with one vote for each delegation. The Assembly would discuss and make recommendations on any matter of international importance with the single exception of international disputes which may be under consideration by the Security Council. These disputes the Assembly might discuss, but in order to avoid conflict of jurisdiction, it could not make recommendations for their settlement. The Assembly would also elect the non-permanent members of the Security Council, the members of the Economic and Social Council, the Secretary-General of the Organization, and, probably, the Judges of the International Court. It would control budgets and apportion expenses. It would have wide powers of initiation and supervision in the economic, social and humanitarian fields. Its important decisions would be reached by a two-thirds majority, thus abrogating the League rule of unanimity for important decisions of the Assembly."

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CHAPTER VI. THE SECURITY COUNCIL

SECTION A: COMPOSITION

> "The Security Council should consist of one representative of each of eleven members of the Organization. Representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and, in due course, France, should have permanent seats. The General Assembly should elect six states to fill the non-permanent seats. These six states should be elected for a term of two years, three retiring each year. They should not be immediately eligible for re-election. In the first election of the non-permanent members three should be chosen by the General Assembly for one-year terms and three for two-year terms".

Introduction

The composition of the Security Council and the permanent place on it allotted to the Great Powers were based upon the clear recognition at Dumbarton Oaks that the essential foundation for a workable security system is the continued collaboration of the greatest military powers. Without an effective alliance of these powers directed to the preservation of peace, the International Organization would be headed for failure from the start. This emphasis on the maintenance of unity between the Great Powers dominated the discussion at Dumbarton Oaks and it cannot be doubted that this concentration on unified action was wise and realistic. The failure of the League of Nations was primarily due to the fact that the Great Powers did not work together. The Charter of the new Organization, like the Covenant of the League, is no more than an instrument at the disposal of its members and the success or failure of the International Organization will depend in the first place upon the manner in which the Great Powers interpret and develop their obligations.

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The second principle which guided consideration of the Security Council at Dumbarton Oaks was that the International Organization must have overwhelming force behind it which could be promptly applied to the suppression of war. "The plain truth" as the late Lord Lothian said in his last speech "is that peace and order always depend upon there being overwhelming power behind just law".

These, then, were the conceptions shared by the representatives of the three Powers at Dumbarton Oaks which determined their approach to the problem of setting up a Security Council charged with the "primary responsibility for the maintenance of international peace and security".

The Size of the Security Council

It was agreed at Dumbarton Oaks that the Security Council should be sufficiently small and compact to ensure action. The suggestion that it should be composed of eleven members was originally put forward by the United States. The original British and Soviet proposals did not contain any precise statements with regard to the number of members of the Council.

The Permanent Members of the Council

There was unanimous agreement among the Powers represented at Dumbarton Oaks that as in the League Council the Great Powers should have permanent seats on the Security Council. There was, of course, no question about the inclusion of the U.S.S.R., the United Kingdom and the United States as Great Powers with permanent seats on the Council. At the time of the Dumbarton Oaks

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meeting the position of France was not yet settled, but it seems to have been assumed throughout that France would eventually take her place among the Powers with permanent seats. To use a phrase employed at the time "a vacant chair" was to be kept for France. Since that time the French Committee of National Liberation has been replaced by the Provisional Government and it seems to have been generally recognized that France is to be included as one of the initial permanent members of the Security Council.

China

The position of China as a Great Power was open to question on the basis of her present strength. The United States attitude was favourable to the inclusion of China and neither the British nor the Soviet representatives made any objections, possibly because they felt that for a long time to come China would be likely to depend so much on the other three Great Powers that she would be unlikely to pursue an independent policy on matters of peace and security on which the other three were in agreement. In any case the inclusion of China as a permanent member gives a place to an Asiatic nation in the Council and may facilitate co-operation between races.

Brazil

The United States representatives at Dumbarton Oaks seemed anxious to raise the question of additional permanent seats and wanted to insert a clause in the basic instrument aimed fairly explicitly at the creation of a permanent seat for Brazil. This was opposed by both the British and the Soviet representatives and there have been no recent indications that the United States intend to revert to their proposal.

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Non-Permanent Members.

The non-permanent members of the Council are to be elected by a two-thirds majority of those present and voting in the General Assembly and for a two-year period, three retiring each year. The original United States proposal at Dumbarton Oaks had been that non-permanent members should only be elected for a term of one year, whereas the British wanted to extend the term to three years, so that the two-year term represents a compromise solution. No provision has been made for semi-permanent members of the Security Council of the kind which were introduced in the Council of the League in 1926. It will be recalled that the Assembly in that year adopted the report of the Committee on the Composition of the Council by which it was provided that a retiring member "may not be re-elected within a period of three years commencing with the date of expiration of its mandate unless the Assembly shall so decide either at that date or in the course of three years by a majority of two-thirds. The number of members thus re-elected shall not ever exceed one-third of the total number of non-permanent members of the Council". It is questionable whether the creation of these semi-permanent seats was in reality a useful addition to the Council as it led to log-rolling at the Council elections. In any event, the League Council became inconveniently large as time went on as the non-permanent members were increased from six to nine and finally to eleven.

The Position of the Middle Powers.

The main difficulty about the election of non-permanent members to the Council felt by Canada and by other

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secondary Powers with wide international interests, is that there is no qualification for eligibility for election. The principle that power is to be matched with responsibility is recognized in the membership of the Great Powers on the Council. It is suggested that the application of this principle should be carried a step further and that among the States elected to the Council there should be several countries which can make a valuable contribution to the maintenance of security.

Under the present proposals a country which will be called upon to make a substantial contribution to world security has no better assurance of election to the Security Council than the smallest and weakest State. There is no recognition in the proposals that the responsibilities which other members of the United Nations outside the Great Powers are asked to assume differ greatly, and that their power and capacity to use it for the maintenance of peace range from almost zero upwards to a point not very far behind the Great Powers. Furthermore, a country like Canada when not holding an elected seat on the Security Council would be required to obligate itself to accept and carry out the decisions of the Council. These decisions might entail drastic action under the provisions of paragraphs 3, 4, 5 and 6 of Chapter VIII, B. Such action might even be required by the Council without any consultation with the Government of country in question. In contrast, a Great Power is ensured of participating fully in all the deliberations of the Security Council and of exercising the right of individual veto on many of those decisions.

It is open to question whether a country such as Canada could undertake to accept such obligation or could, if the obligation were to be assumed, ensure effective collaboration in the indefinite future. Canada certainly

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makes no claim to be regarded as a Great Power. The Canadian record in two Great Wars, however, has revealed both readiness to join in concerted action against agression and the possession of substantial military and industrial capacity. There are a number of other States, the potential contribution of which to the maintenance of future security is of the same order of magnitude. The support of these States is important to the maintenance of peace and the active collaboration of some at least of them would probably be required for the execution of major decisions of the Security Council under Chapter VIII, B, of the proposals. The question, therefore, arises whether it is possible within the framework of the general scheme to devise means of associating more effectively with the work of the Security Council states of the order of international importance of Canada. This might be achieved by making some changes in the powers conferred on the Council and by ensuring that such States were chosen to fill elected seats on the Council more frequently (or possibly for longer periods) than States with less to contribute to the maintenance of security.

The Canadian Government's views on this question as indicated in the preceding paragraphs have been communicate to the Governments of the United States, United Kingdom, Soviet Union and China and the Provisional Government of the French Republic in a memorandum of January 12th, 1945. The Canadian position in this matter must, however, be considered in conjunction with the additional Canadian suggestion that the decisions of the Security Council under Chapter VIII, B, should be made binding in the first instance only on States which are members of the Council. States not represented on the Council should be required to take positive action only

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when the decision has been endorsed by a two-thirds majority of the Assembly (when it would become binding on all members), or when the country or countries concerned have by special invitation participated on the same footing as elected members in the Council's proceedings, or when they had individually agreed with the Council to join in a particular task of enforcement. This latter aspect of the question will be dealt with more fully under the relevant chapters. It will readily be appreciated that the changes proposed in the authority of the Council would place a special responsibility on all the members of the Security Council which would not be imposed on other members of the Organization. This would increase the need for ensuring that the elected section of the Council was made up of States capable of contributing to the discharge of the Council's obligations.

The Canadian Government's memorandum of January 12th deliberately avoided proposing specific amendments with regard to the standard of eligibility which should be adopted to regulate election to the Council since it was realized that there was no single satisfactory method of achieving this. In the Dumbarton Oaks proposals the difficulties of defining what constitutes a Great Power were avoided by naming Powers with permanent Council membership. The difficulties of defining a so-called "middle" Power are still greater. It might be necessary to fall back on some special method of nomination to restrict the choice of the Assembly. Another possibility would be the introduction of weighted voting in the Council elections, each State being entitled to cast a number of votes in relation to its financial or military contribution. Certain general disqualifications could, in any event, be included, such as

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rules debarring States which have not made satisfactory military agreements and States in default of their financial obligations to the Organization. This question is certain to be raised at the San Francisco Conference. In the words of the Prime Minister in his statement in the House of Commons on March 20th, "If the proposals stand, all States other than the five Great Powers would have the same constitutional position in the Organization. No regard would be paid to their international significance or to their record in resisting aggression or to their potential contribution to the maintenance of peace. It is surely desirable that among the States which are to be elected members of the Security Council there should be several countries which can make a valuable contribution to the maintenance of security. At the same time there should, of course, be representation in the Council of different parts of the world".

The Latin American States

The arguments advanced in favour of applying the functional principle to elections to the Security Council are much strengthened by the conduct of the Latin American States at the Chicago Conference on International Civil Aviation in November 1944. On this occasion one of the most disturbing features of the Conference was the way in which the Latin American bloc under the leadership of Cuba and Mexico succeeded in pressing its claims. The representatives of the Latin American countries held frequent meetings and agreed upon concerted plans of action. Their constant theme in discussion was the protection of national sovereignty and the maintenance of juridical equality. The practice of voting as a solid bloc had its strongest manifestation in the election of the interim

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Council. A complete Latin American slate was presented which included seven Latin American States on a Council of twenty-one. Support was obtained from a number of other countries, notably Iraq, Greece, Ecuador, and probably Turkey, Iran and Belgium to assure the votes of between twenty-five and thirty-five countries for the Latin American slate out of a total of fifty-two votes. Apparently Brazil alone was worried over this development and tried to hold it in check. The same type of voting tactics was in evidence at Bretton Woods.

Views of Other Governments

The views of the other Governments of the Commonwealth on the composition of the Security Council are in general similar to those of Canada. The United Kingdom Government have appreciated throughout the desirability of setting up some standard of eligibility for membership on the Security Council and the United Kingdom representative at Dumbarton Oaks attempted to obtain the insertion of a clause to the effect that in electing non-permanent members of the Security Council "due regard be given to their contribution to the maintenance of peace and security". This qualification certainly did not go very far but it was opposed both by the U.S.S.R. and the United States. The United States opposition was particularly strong. The United Kingdom Government have themselves been impressed by the difficulties in the way of establishing the position of the secondary Powers, but it is understood that they are at present studying a plan which they propose to advocate at San Francisco which would provide that three of the non-permanent members of the Security Council should be elected from among the States of major importance in terms of their military contribution and economic strength. The Australian Government,

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while they have not formulated their views very clearly on this question, have indicated that membership of the Security Council should be in terms of military contribution. The South African Government have all along been much concerned over the possibility that unimportant members should "gate crash" into the Council. Field Marshal Smuts himself considers that this development did perhaps more than anything else to undermine the prestige and usefulness of the League of Nations. At first he was inclined to feel difficulties about Canada's proposals with regard to secondary Powers but on further study has expressed himself in general sympathy with the Canadian position.

The United States Government have so far been inclined to emphasize the difficulties in the way of giving a greater chance of election to the Security Council to secondary States. They have tended to produce the obvious and formidable objections to any efforts to classify all the States of the world in accordance with this international significance. There seems, however, some possibility that they would not oppose an addition to the Charter to the effect that in electing non-permanent members of the Council the Assembly should pay due regard to the contribution to the purposes of the Organization of the States chosen. This would be an improvement on the position which they took at Dumbarton Oaks. The United States might also support a specific disqualification of States which failed to fulfil their obligations under the Charter. Little is known about the Soviet attitude on this question as they have been non-committal in their comments, but having in mind their attitude at Dumbarton Oaks it may be expected to be unfavourable. If they were, however,

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to consider favourably special qualifications for election to the Council, they would probably lay emphasis on the contribution of States in terms of military potential as a criterion for election. France would support at the San Francisco Conference any proposal that there should be designated for non-permanent members seats on the Security Council only those States who have undertaken to participate in an appreciable measure in the International Organization. The French Government are fully in sympathy with the case put forward by the secondary Powers over this question.

The Netherlands Government take a view which is very similar to that of Canada on the necessity for due representation in the Security Council being assured to States which in order of importance range immediately after the Great Powers. They have made the further suggestion that the tenure of permanent seats on the Security Council by the five Great Powers named in the Dumbarton Oaks proposals should be limited to a specific period of time, perhaps fifteen or twenty years, at the end of which period the question of permanent membership would be reconsidered.

The Belgian Government have advanced similar proposals advocating that States which by reason of their geographical position and economic resources can make a substantial contribution to the maintenance of peace and are prepared to make sacrifices for that cause should have preference to the non-permanent seats on the Security Council.

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The Latin American States in general are more concerned that there should be full representation for Latin-America on the Council than that the secondary States as such should have any special place accorded to them. Brazil, in particular, takes the attitude that Latin America should be assured of a permanent place on the Council, which it is doubtless contemplated will be filled by Brazil.

SECTION B: PRINCIPAL FUNCTIONS AND POWERS

> "1. In order to ensure prompt and effective action by the Organization, members of the Organization should by the Charter confer on the Security Council primary responsibility for the maintenance of international peace and security and should agree that in carrying out these duties under this responsibility it should act on their behalf".

This Section gives the Security Council the primary responsibility for the maintenance of international peace and security. This responsibility and the very extensive powers which have been allotted to the Council are in contrast to the position of the League Council.

Primary responsibility is by this Section directly conferred upon the Council by the members of the Organization and the Council is described as "acting on their behalf". At the time of the Dumbarton Oaks meetings the United Kingdom representative attempted unsuccessfully to have the phrase "on their behalf" deleted from this Section,

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"2. In discharging these duties the Security Council should act in accordance with the purposes and principles of the Organization."

The Security Council must only act in accordance with the purposes and principles of the Organization. Moreover, the methods under which the Council should so act are laid down in Chapter VIII and it will be seen that only when it decides that the maintenance of international peace and security is at stake would it have the power to take decisions which other members would have bound themselves to accept. The purposes and principles are, however, as they stand, somewhat vague as a guide to action by the Security Council and proposals will certainly be advanced at San Francisco to strengthen the principles which should guide action by the Council.

"3. The specific powers conferred on the Security Council in order to carry out these duties are laid down in Chapter VIII".

These specific powers will be considered under Chapter VIII.

"4. All members of the Organization should obligate themselves to accept the decisions of the Security Council and to carry them out in accordance with the provisions of the Charter".

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This clause constitutes a sweeping obligation on all members of the Organization to accept and carry out all decisions of the Security Council. When it is read in conjunction with the provisions of Chapter VIII, it will be seen that it constitutes an obligation which it will be difficult for States to assume unless they can be sure of being consulted before undertaking the obligation to enforce Council decisions on other States.

> "5. In order to promote the establishment and maintenance of international peace and security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Chapter VIII, Section B, paragraph 9, should have the responsibility for formulating plans for the establishment of a system of regulation of armaments for submission to the members of the Organization".

The Military Staff Committee will be considered under Chapter VIII. It is perhaps sufficient to remark here that the question of disarmament does not appear to have been a main subject of discussion at the Dumbarton Oaks meeting. This is natural in view of the fact that the new world Organization is to be based not on disarmament but on the maintenance of force in the hands of the peace-loving Powers for the purpose of repressing aggression, while the aggressor States will be subject to unilateral disarmament. It is not, of course, contemplated that the disarmament of the beaten enemy should come into the sphere of the World

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Organization to be set up at San Francisco. Plans for the eventual regulation of armaments are to be left to the Staff Committee of the Security Council but it will be recalled that the General Assembly has the right to consider the general principles governing disarmament and the regulation of armaments.

SECTION C. VOTING

> "Each member of the Security Council should have one vote".

There does not appear to have been any question at the Dumbarton Oaks meeting or subsequently that a member of the Security Council should have more than one vote. The question of multiple voting has been raised both with regard to the admission of two Constituent Republics of the Soviet Union to the Organization and in connection with the United States proposal which has now been withdrawn that the United States should have three votes in the Assembly, but it has never been suggested that the principle of multiple voting should be introduced into the Security Council.

> "Decisions of the Security Council on Procedural matters should be made by an affirmative vote of seven members".

There is no definition in this paragraph of the meaning of the expression "decisions on procedural matters". It might be said that procedural matters concern form and not substance. A decision on the place and time of the meeting of the Security Council is procedural, a decision on the order in which items on the agenda should be discussed is procedural, the proposal to close Debate is procedural and it is

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probable that the decision to adopt an agenda should be considered as procedural. It has been suggested that should it be decided not to consider a motion to adopt an agenda as procedural the veto powers enjoyed by the permanent members of the Council might be brought into play and a Great Power might then be in a position to veto an item on the Council's agenda unless that item related to a dispute to which it was a party. It seems hardly likely, however, that any Great Power would adopt wrecking tactics of this kind over a question which would come up at the very first meeting of the Council. It seems more likely that the point may be settled by acquiescence at the first meeting of the Council and would not in practice be raised at a later stage.

> "Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of paragraph one of Chapter VIII, Section C, a party to a dispute should abstain from voting".

The history of the deadlock at Dumbarton Oaks over voting in the Security Council can only be understood in the light of the fact that this question was approached from two completely different points of view by the Great Powers. The Soviet delegation was, from the first, committed to the principle of unanimity among the Great Powers and the relevant clause in the original Soviet memorandum which the Russian representatives took to Dumbarton Oaks with them read as follows: "Decisions of the Council on questions pertaining to prevention or suppression of aggression are taken by a majority vote on a condition of consent of all permanent representatives

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in the Council". The United Kingdom delegation on the other hand started off from the principle contained in their original memorandum that "in any event the votes of the parties to the dispute should not be taken into account". This principle was one to which the United Kingdom Government attached great importance. They felt that it was essential that the Great Powers should not consider themselves "above the law" by arrogating to themselves the power of veto over disputes in which they are themselves concerned, and they appreciated that the possession of such powers by the permanent members of the Council alone might be resented by other members of the Organization.

United States Attitude

The United Kingdom delegation, therefore, was somewhat disturbed to find that not only the Soviet but also the American delegation were in favour of the unanimity rule for voting by permanent members even when they were parties to a dispute. The American delegation, however, after fuller consideration, came round to the United Kingdom point of view on this question and in the latter stages of the discussion the American representatives argued in favour of the proposal that parties to the dispute whether they were Great Powers or not should not vote. In principle they believed that a great deal would depend on whether or not the Great Powers set a good example to the other nations and they would not believe that such example could be set unless the Great Powers were prepared to accept the same obligations as everybody else. If a Great Power ever did reach the point at which she refused to listen to the rest of the world,

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it would be clear that a war-like situation was developing and it was equally clear that if that happened the Organization was likely to break down. The American delegation did not want to contemplate such a situation and they also wanted all the smaller powers to join the Organization. Consequently the Americans favoured a "system of law applicable to all countries". They added, however, that if their proposal was adopted some exception would have to be made with regard to disputes coming within the domestic jurisdiction of States. The American representative described the whole question as one of fundamental importance and took the view that a decision on the part of the Great Powers to accept such obligations would be likely to enhance their prestige rather than diminish it.

Soviet Attitude.

The line taken by the United Kingdom and United States delegations was something of a shock to the Soviet representative who described it as a "retreat from the principle of unanimity". The Soviet attitude was that the decisions of the Council were to be valid only if they were accepted unanimously by the permanent members. This principle of unanimity would be valid even if one of the four Great Powers were party to a dispute, otherwise the basic principle would be violated. The Soviet Government insisted on this and took the view that the stability of future peace depended on agreement between the four countries concerned. The Soviet Government did not want to undertake anything without agreement with the other three and did not want any one of them to do anything without agreement with the Soviet Government. It is true that this left the permanent members in a special

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position but this in their view arose out of the fact that they were bound to act unanimously. The Soviet Government considered that departure from this principle could only be explained by the existence of mutual suspicion which, if allowed to continue would mean that there could be no solid foundation for world organization for peace. They argued that if a Great Power were a party to a minor dispute there would be many ways of settling it but if it were major issue there would be nothing left of the Organization whatever provision might have been laid down. Because of this opposition between the views of the Soviet Government and those of the United Kingdom and United States it was agreed to leave the question of voting in the Council aside for the time being for further consideration. The Dumbarton Oaks proposals were therefore made public with this section left blank.

The compromise solution reached at the Yalta Conference which now constitutes the section on voting was in part anticipated at the time of the Dumbarton Oaks meeting. A proposal was suggested informally by the United Kingdom delegation whereby a permanent Council member which was party to a dispute would not have the right of veto as to the assumption of jurisdiction over the dispute or in reaching a decision on the merits of a dispute but would retain the right of veto over the adoption of measures for the enforcement of the decision reached by the Council. This was never put forward formally at Dumbarton Oaks as it had not been approved by the United Kingdom Government and there seemed no reason to believe that it would be acceptable to the U.S.S.R., yet this was the principle finally adopted at Yalta.

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The Compromise Solution

The essence of the Yalta compromise on voting is that in decisions coming under Chapter VIII, Section A, which deals with the specific settlement of disputes by the Security Council and under Chapter VIII, Section C, which deals with the reference of such disputes to regional agencies, the parties to a dispute must abstain from voting. When the determination of aggression or punitive action against an aggressor is involved decisions would be taken only when a majority of the Security Council including the United Kingdom, the United States, Russia, France and China, voted affirmatively. This means, of course, that the five permanent members would have the right to veto any punitive action by the Organization. In accepting this voting formula the Soviet Union has abandoned in part the position it took at Dumbarton Oaks. There it had insisted that each of the five permanent members should have the right to veto any decision by the Security Council and even to veto any effort to bring any given subject before the Council. The present voting arrangements make it possible for any international dispute to be brought before the Council without being subjected to the veto of one of the parties to the dispute. By this means the Council should be able to debate and inform the world of any case of potential aggression thus securing all the facts, making them public, and marshalling world opinion against disturbers of the peace. Thus no permanent member of the Council could keep the Council from condemning it as an aggressor. On the other hand any one of the permanent members can block punitive action against itself. In describing the compromise arrangements, the Secretary of State of the United States made a distinction between the "quasi-

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judicial functions" of the Council in promoting the pacific settlement of disputes and the "political functions" of the Council in taking action for the maintenance of peace and security. It was not to be expected that an arrangement which recognized in advance that any one of the five Great Powers could hold up what might be an essential action to protect the peace would be received with great enthusiasm by States other than the Great Powers (nor indeed by some of the Great Powers themselves). At the same time, however, there was widespread relief that the three Great Powers had been able to reach an agreement, although as Mr. Churchill bluntly recognized in the British House of Commons:-

> "It (i.e. the agreement) prescribes a differentiation between the greatest and smallest powers". The Prime Minister went on to say "We may deplore if we choose the fact that there is a difference between great and small, between the strong and weak in the world, but there undoubtedly is such a difference, and it would be foolish to upset good arrangements which are proceeding on a broad front for the sake of trying to obtain immediately what is a hopeless ideal".

The Extent of the Veto Powers

The extent of the veto powers which remained to the permanent members of the Council under the Yalta formula was not at first understood and perhaps even now is not fully understood by the public at large. It was too readily assumed that the veto power was confined solely to cases where the organization was called upon to take punitive action against an aggressor and this misunderstanding may have been in part due to the manner in which the voting arrangements were described to the public in official exposition, particularly in the United States. In actual fact the veto power goes much further than this. There are a number of points in the structure proposed at Dumbarton Oaks at which the veto of any permanent member of the

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Council may be applied, and there are several other cases in which it is possible that the veto power may apply. Any permanent member of the Council may veto

(1) the admission of any member to the Organization (Chapter V, Section B, 2);

(2) the suspension or expulsion of a member of the Organization (Chapter V, Section B, 3);

(3) the restoration of a suspended member (Chapter V, Section B, 3);

(4) the appointment of the Secretary-General (Chapter V, Section B, 4);

(5) the adoption of the annual report of the Security Council to the General Assembly and the adoption of other reports of the Security Council to the General Assembly (Chapter V, Section B, 8);

(6) the formulation of the conditions under which States not members of the Organization may become parties to the Statute of the International Court of Justice (Chapter VII, Section 5);

In addition the position is not entirely clear with regard to the veto power of a permanent member (whether a party to a dispute or not) in connection with Chapter VIII, Section A, 1, which reads "investigation by the Security Council of a situation which may lead to international friction or give rise to a dispute in order to determine whether its continuance is likely to endanger the maintenance of international peace and security". It would be unfortunate if this could be taken to imply that such a power might veto investigation by the Council of a situation giving rise to international friction or to a dispute even though it was itself responsible for that threatening situation. But the Secretary of State of the United States in an explanatory statement on the voting procedure

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of the Security Council has explicitly stated that "no nation large or small should be 'above the law'. This means that no nation large or small if a party to a dispute would participate in the decisions of the Security Council", under Chapter VIII, Section A, among which Mr. Stettinius explicitly includes the investigation of disputes. It seems probable, therefore, that any obscurity on this point is merely an accidental weakness in drafting.

The veto of a permanent member <u>not</u> a party to a dispute would in addition allow it to block each stage of the investigation, consideration, settlement and decision contemplated under Chapter VIII, Section A, and also all the provisions for dealing with threatening aggression and aggression under Chapter VIII, Section B. Should a dispute, therefore, arise between country X and country Y (country X being a permanent member of the Council) all the remaining permanent members of the Council must be among the seven Council members approving any steps taken for peaceful settlement of the dispute or for the application of sanctions to the aggressor. Should country X, therefore, have any supporter among the other Great Powers its ally could by blocking the steps of peaceful settlement prevent consideration or settlement of the dispute or could at a later date block sanctions.

A possible though remote difficulty might arise over the phrase "parties to a dispute". For example, if the Republics of the Ukraine and White Russia were to become separate members of the Organization, the question might conceivably arise as to whether the U.S.S.R. was a party to a dispute to which either the Ukraine or White Russia were parties. If it should be decided that

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disputes between the Ukraine and White Russia and their neighbours would not involve the U.S.S.R., then the Soviet Union need not abstain from voting under the provisions for the pacific settlement of disputes in Chapter VIII, Section A.

Indeed there may even be other extensions of the veto power which could under rigid interpretation be exercised by a permanent member of the Council. But it is hard to imagine that any Great Power would be so deliberately obstructive as to wreck the machinery for the pacific settlement of disputes and the application of sanctions unless it were setting out on a course of destroying the effectiveness of the Organization. And if this should be its object, there is probably no written constitution which could be framed which would not afford some loophole for justification of its destructive actions.

A diminution of the extensive veto powers of the permanent members of the Security Council may be sought by many of the States represented at San Francisco. It seems likely, for instance, that the removal of the Great Power veto on the consideration of disputes to which they are not a party may be examined at the Conference. There will also be a good deal of criticism of the veto of the Great Powers on amendments to the Charter. In general there will be a tendency to accept the veto by permanent members on the application of sanctions to restrict the veto power in other directions. It may be anticipated that the Canadian attitude will be favourable to some restrictions of veto power of permanent members.

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SECTION D. PROCEDURE

1. "The Security Council should be so organized as to be able to function continuously and each state member of the Security Council should be permanently represented at the headquarters of the Organization. It may hold meetings at such other places as in its judgment may best facilitate its work. There should be periodic meetings at which each state member of the Security Council could if it so desired be represented by a member of the government or some other special representative".

2. "The Security Council should be empowered to set up such bodies or agencies as it may deem necessary for the performance of its functions including regional sub-committees of the Military Staff Committee."

3. "The Security Council should adopt its own rules of procedure, including the method of selecting its President".

The Dumbarton Oaks proposals contemplate that the Security Council should function continuously and each member of the Council would be permanently represented at the headquarters of the Organization. There has been a good deal of discussion of the possibility of holding peripatetic meetings of the Council but whether this practice is adopted or not there will obviously have to be a headquarters for the Organization. It seems probable that the United States and the U.S.S.R. may be opposed to Geneva. Other cities mentioned in responsible quarters have been Vienna, Brussels and Copenhagen but decision has as yet not been reached. Meanwhile there has been abundant speculation in the press on this subject.

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With regard to the provision that each State member of the Security Council could be represented by a member of the Government if it so desired it may be important that member States should as often as possible send their Foreign Ministers to meetings of the Council as this would naturally give greater authority to its deliberations. In any case it would be essential that the permanent representatives on the Security Council should be of high calibre.

The question of regional sub-committees will be considered under Regional Arrangements, Chapter VIII, Section C.

4. "Any member of the Organization should participate in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of that member of the Organization are specially affected".

Under paragraph 4 the participation of States whose interests are affected in the discussions of the Security Council is to be at the discretion of the Security Council itself. Presumably any one of the permanent members of the Council would be able to veto the presence of a non-member State by refusing to consider that State's interests to be "specially affected". There is no necessary implication of the right to vote contained in an obligation to "participate in discussions", and it is known that it was not intended at Dumbarton Oaks that any such right of voting should be conferred on non-member States.

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The League Covenant contained provision for the temporary membership of a state whenever matters especially affecting its interests were under consideration by the Council, and the principle that all members of the League should be entitled to participate in all discussions concerning their own affairs was generally regarded as both wise and necessary. The Canadian Government have on several occasions suggested that ad hoc membership rights should be given to States whose interests were affected. This would be particularly valuable in cases where serious enforcement action had to be undertaken, under the provisions of Chapter VIII, Section B. So far, however, there has been little evidence of support for this suggestion either in United Kingdom or United States official quarters. The Brazilian and Mexican Governments have included among their proposals ad hoc membership of the Council by non-member States when their interests are under consideration.

> 5. "Any member of the Organization not having a seat on the Security Council and any State not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute".

Under the Covenant of the League in the case of a dispute between a member of the League and a non-member, the non-member "shall be invited to accept the obligation of membership in the League for the purpose of such dispute upon such conditions as the Council may deem just". They were not necessarily placed on a plane of equality with members of the League. Under the present proposals States (either members or non-members

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of the Organization) must be invited by the Security Council to "participate in the discussion" relating to the dispute. The right of non-members to vote on such occasions seems to be excluded both under the Covenant and the Dumbarton Oaks proposals.

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CHAPTER VII. AN INTERNATIONAL COURT OF JUSTICE

"1. There should be an International Court of Justice which should constitute the principal judicial organ of the organization.

2. The court should be constituted and should function in accordance with a statute which should be annexed to and be a part of the charter of the organization.

3. The statute of the Court of International Justice should be either (a) the statute of the permanent Court of International Justice, continued in force with such modifications as may be desirable, or (b) a new statute in the preparation of which the statute of the permanent Court of International Justice should be used as a basis.

4. All members of the organization should ipso facto be parties to the statute of the International Court of Justice.

5. Conditions under which states not members of the organization may become parties to the statute of the International Court of Justice should be determined in each case by the General Assembly upon recommendation of the Security Council".

In Chapter IV it is provided that the Organization should have, as its principal organs -

(a) a General Assembly;
(b) a Security Council;
(c) an International Court of Justice; and
(d) a Secretariat.

It thus appears that an International Court of Justice is an integral part of The United Nations Organization. The Dumbarton Oaks proposals do not go far in specifying the nature of the International Court or the details of its Constitution. In a general way, it is indicated in Chapter VII that there should be a Court, that its Statute should be a part of the Charter, that it should either be the Statute of the Permanent Court of International Justice with amendments, or a new Statute

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based upon the Statute of the Permanent Court. It is recognized that all members of the United Nations should, ipso facto, be parties to the Statute of the Court and that the conditions under which non-member states might become parties to the Statute of the Court should be determined by the General Assembly upon recommendation of the Security Council.

The practice of submitting international questions to be decided by an international judicial body is of comparatively recent growth. The first landmark in this development is the Jay Treaty, 1794, so that a century and a half covers the whole period.

In the first 75 years, there were 71 international arbitrations. The next period, 1870-1899, was one of more rapid development. There were 100 cases in a 30-year period; and there emerged the first arbitration treaties and the first suggestions for establishment of a Permanent International Court.

The following period of 20 years, 1899-1919, marks the rapid development both of the practice of arbitration and the organization of tribunals. There were 66 cases decided during these two decades, 16 by the newly organized Permanent Court of Arbitration at The Hague; and 50 by other tribunals. This period is also marked by the creation of the Central American Court of Justice, 1908-1918; and the International Joint Commission in 1909.

At the close of the last war, it was provided in Article 14 of the Covenant of the League of Nations that the Council should take the lead in formulating and submitting to members of the League for adoption plans for the establishment of a Permanent Court of International Justice. In due

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course, a Statute of the Permanent Court was open for signature and ratification in December, 1920. 51 states approved and ratified its provisions and accepted its jurisdiction. The Court held its first session at The Hague in 1922 and continued its activity until the invasion of the Netherlands in 1940. Several sessions were held in each year, and, in the 65 international disputes which came before it, the Court gave 32 judgments, 27 advisory opinions, and more than 200 orders.

Accordingly, when the problems of world organization were considered at Dumbarton Oaks, there was an actual Court in existence and there was no disposition on the part of any of the countries concerned to create a tribunal de novo and wind up the Permanent Court.

The questions relating to the establishment of a Court had been examined by an Inter-Allied Committee in London which included representatives of 10 Allied governments which were then in London. This report was available at Dumbarton Oaks, but it was not given detailed consideration.

The Canadian and American Bar Associations have studied the legal problems of international organization for the maintenance of peace during the last year, six regional group conferences having been established in Canada and eighteen in the United States. Their studies were largely confined to Court questions and there has been close cooperation between the two Associations at all stages. As a result of these studies, recommendations have been made, both to the United States and Canadian Governments.

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A Committee of Jurists has been convened by the Government of the United States on behalf of the sponsoring governments to meet at Washington on April 9, 1945, for the purpose of preparing a draft of the Statute of the International Court of Justice.

The Court questions differ from the political questions involved in other chapters of the Dumbarton Oaks proposals in that no government has as yet taken a stand on any of the questions involved. They are also different in that the issues which may arise are unlikely to present difficulties which cannot readily be overcome.

Apart from questions arising in matters of detail, it is likely that the following points will be under consideration -

(a) The question as to whether a new Statute should be drafted, or whether the existing Statute should be preserved and modified to meet changed circumstances. The solution of this problem will depend largely on whether some method can be worked out whereby the existing Statute can be amended.

(b) The question as to whether the Court should be an independent international organization or whether it should be a part of The United Nations.

(c) Questions of detail relating to the Constitution of the Court.

(d) The question as to whether the judges should be nominated by the governments concerned or by panels or committees following the procedure embodied in the existing Statute.

(e) The question as to whether the jurisdiction of the Court should be compulsory, subject to exceptions, or whether the procedure of the "Optional Clause" should be maintained.

(f) Questions relating to advisory opinions, although, in this case, it is likely that the matter will be determined by other provisions of the Charter.

(g) Questions relating to regional jurisdiction and appeals.

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CHAPTER VIII

ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION.

NOTE: It is proposed in commenting upon Chapter VIII of the proposals to abandon the practice so far followed of dealing with the proposals paragraph by paragraph. The provisions for the pacific settlement of disputes and for the application of sanctions cannot conveniently be split up into separate items.

SECTION A: PACIFIC SETTLEMENT OF DISPUTES.

"1. The Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

2. Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council.

3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their disputes by such means.

4. If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and, accordingly, whether the Security Council should deal with this dispute, and, if so, whether it should take action under paragraph 5.

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.

6. Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes.

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7. The provisions of paragraphs 1-6 of Section VIII A should not apply to situations or disputes arising out of matters which by International Law are solely within the domestic jurisdiction of the State concerned."

Summary

The machinery outlined above for the pacific settlement of disputes is based on the principle that members should be encouraged by every possible means to settle their disputes themselves by the customary pacific methods. Any state, whether a member of the Organization or not, may call the attention of the General Assembly or the Security Council to a dispute or situation which may lead to international friction or give rise to a dispute. (Chapter VIII A.2). If the continuance of a dispute seems likely to endanger the maintenance of international peace and security, the parties would bind themselves to use peaceful means of settlement and the Security Council may call upon them to do so. (Chapter VIII A.3). It is important that states thus bind themselves to settle disputes. They must not only avoid resort to war but make a constructive effort to attain settlement. Moreover the Security Council may investigate any dispute or situation in order to ascertain whether its continuance is likely to endanger international peace and security. (Chapter VIII A.4).

The Security Council may consider a dispute or a situation at any stage with a view to persuading the parties to take the necessary steps to settle it. If it arrives at the decision that the continuance of such a dispute is not likely to endanger the maintenance of international peace and security, it would take no action at all. Only if the parties to a dispute have failed to settle it themselves (after having been called upon to do so if necessary)

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and after the Security Council has decided that the continuance of the dispute endangers the maintenance of international peace and security would the Security Council be empowered to act. It is then apparently empowered to make recommendations to the parties. (Chapter VIII A.5).

But it is not entirely clear from the language of Chapter VIII A.5 that the Security Council can actually recommend the terms of settlement of a dispute. The argument hinges on the interpretation to be given to the words "methods of adjustment" in this paragraph which authorizes the Council at any stage of a dispute the continuance of which is likely to cause trouble "to recommend appropriate procedures or methods of adjustment". It is probable that "methods of adjustment" is a broad enough phrase to cover specific recommendations to the parties for an equitable solution, but this point may have to be clarified. In any case there is no specific provision requiring the parties to a dispute to comply with measures prescribed by the Council.

Justiciable Disputes

Chapter VIII A.6 deals with justiciable disputes but makes no attempt to define what a "justiciable dispute" is. The Covenant of the League of Nations states, Article 13, paragraph 2, that "disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement". It has, however, been argued that

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justiciability is determined by the willingness of the parties to accept justiciable settlement and is not susceptible of evaluation by any other criterion.

Two important questions are likely to arise in this connection: (a) Should the Security Council have authority to require member states to submit to the court for decisions disputes of a justiciable nature if they fail to settle them by other means or voluntarily to submit them to the court? (b) If a dispute has been adjudicated by the court but one or more parties to it fail to accept the court's decision, should the Security Council be empowered to apply the sanctions clauses to enforce compliance?

Domestic Jurisdiction

In this respect the Dumbarton Oaks proposals reproduce the limitation of the powers of the League Council with regard to matters which by international law are solely within the jurisdiction of a state but appear to give this limitation a wider application than it had under the Covenant. Under the Covenant a question was only excluded from the Council's jurisdiction if it was claimed by a party to a dispute (and found by the Council) to be within the reserved domain of matters which by international law are solely within the jurisdiction of a state. The Dumbarton Oaks proposals as at present drafted contain no equivalent to the words "and is found by the Council" thus leaving open to debate the question of who is to determine whether or not a matter is within the reserved domain. As the proposals stand, they could be interpreted as precluding the discussion in any form of any matter claimed by any state to be within its domestic jurisdiction. On the other hand, it may be that the correct interpretation of Chapter VIII A.7 is that the Council should discuss and decide as to

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which questions are in fact within the domestic jurisdiction of the state concerned. This is a point which will have to be cleared up.

Proposals for amendments of the machinery for pacific settlement will no doubt be brought forward at San Francisco. The Mexican Government, for instance, has made a series of detailed proposals.

It should be emphasized that the Dumbarton Oaks proposals place great emphasis on pacific settlement with force to be kept in the background and only used as a last resource.

SECTION B: DETERMINATION OF THREATS TO THE PEACE OR ACTS OF AGGRESSION AND ACTION WITH RESPECT THERETO

"1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

2. In general the Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures to be taken to maintain or restore peace and security.

3. The Security Council should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members of the Organization to apply such measures. Such measures may include complete or partial interruption of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic and economic relations.

4. Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of members of the Organization.

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5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the number and types of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible and should be in each case subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes.

6. In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in cooperation or by some of them as Security Council may determine. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members.

8. Plans for the application of armed force should be made by the Security Council with the assistance of the Military Staff Committee referred to in paragraph 9 below.

9. There should be established a Military Staff Committee, the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently.

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10. The members of the Organization should join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

11. Any state, whether a member of the Organization or not, which finds itself confronted with special economic problems arising from the carrying out of measures which have been decided upon by the Security Council should have the right to consult the Security Council in regard to a solution of those problems.

These important paragraphs deal with the powers of the Security Council in cases where it is decided that a threat to the peace or a breach of the peace has occurred in a dispute between two or more states (Chapter VII B.1) or by any other action (Chapter VIII B.2). The Security Council has the widest powers to deal with all such situations. It could determine whether such a situation exists on its own initiative or on that of any member or members of the Organization, or of a state not a member of the Organization or of the Secretary General. Once it had so determined it could prescribe any method of settlement or enjoin on the parties any measures which it considered necessary to maintain peace and security. It will be borne in mind, however, that all decisions taken by the Security Council under Chapter VIII B are subject to the veto of any of the permanent members of the Council whether or not they are party to a dispute.

League Experience

The Security Council has the authority to decide upon any measures necessary to deal with aggression, except that these measures must be "in accordance with the purposes and principles of the Organization". There is no attempt to enter upon the elaborate definition of what constitutes aggression which was the subject of so many debates at Geneva. The enforcement machinery contemplated under this Chapter shows that the powers represented at Dumbarton Oaks

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have learned some of the lessons of the failure of the League. In the Covenant the sanctions in Article 16 came into force only if there was resort to war after a member had broken the promises made in Articles 12-14. Even then each state necessarily determined for itself whether the casus foederis had arisen. In Article 10 the guarantees were against "external aggression" only. A definition of aggression was considered important because it was thought that it might affect the right of the Council to advise that sanctions be employed.

In Article 11 although sanctions were mentioned the obligations of the Council were stated in the most general terms. These obligations could be interpreted as giving the right to take drastic action but in the light of other articles it was difficult to see in them any right to use force against a state. In actual practice a number of dangerous situations that arose between small states were dealt with successfully under Article 11 and a technique which involved such matters as the setting up of commissions of enquiry and the establishment of neutral zones was gradually developed.

In the Protocol of 1924 an attempt was made to make the sanctions "automatic" by setting up an elaborate set of rules but it was subsequently found that such a course was impossible. No matter how effective the machinery for sanctions may be their application depends upon the will of peoples and governments.

In actual fact there was never any doubt in the cases in which the League of Nations was concerned as to the identity of the aggressor though sometimes as to the character of the provocation to aggression.

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This experience led those who drafted the Dumbarton Oaks proposals to the conclusion that too rigid a definition of the occasion for action was as likely to hinder as to facilitate the maintenance of peace and security and that if the Security Council was given power to act for this purpose it would be able to work out for itself the necessary procedure in the light of experience.

Sanctions

The coercive measures contemplated under Chapter VIII B would normally in the first instance be limited to measures short of military action and the Security Council would have the right to call upon all members to put them into force at once (Chapter VIII B.3). Thus diplomatic and economic sanctions would be decided upon by the Security Council and the members of the Organization would bind themselves to carry out such measures at its request. Instead of the automatic severance of all trade and financial relations by the individual action of the members of the League which was required by the Covenant and which might be as injurious to the state applying sanctions as to the aggressor and which in some cases might be inappropriate to the situation, the application of sanctions under the Dumbarton Oaks proposals is to be decided by the Council at its own discretion.

The employment of military sanctions, the last resource, would also be decided by the Security Council. Members of the Organization would be bound to give assistance in the form of quotas of national forces to the extent previously promised by special agreements to be ratified by the usual constitutional processes of the member states (Chapter VIII B.5). They would also be required to make

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facilities available. The Security Council would thus have military forces available at once in the event of emergency to deal with any threat to or breach of the peace. Special provision is made for national contingents of air force to be always available, ready for combined international enforcement action. (Chapter VIII B.6). They would be organized and maintained by the states to which they belonged but plans would have been made for them to act together immediately when necessary. If the forces at the disposal of the Security Council were insufficient, it would be for the members of the Organization to decide what additional resources to place at its disposal. In most cases no doubt only certain members of the Organization would be required to take action on behalf of the Organization (Chapter VIII B.7). This would enable action to be confined to members of a particular region if so desired (Chapter VIII C.2). Provision is also made for securing the assistance of the new specialized organizations and agencies in such action, e.g., in the enforcement of economic sanctions. (Chapter IX C.1(f).

It is recognized that any coercive action taken by any member is in the service of the whole international community. Members would, therefore, undertake to give one another mutual assistance so that an undue burden may not fall upon any one member by reason of its geographic or economic position (Chapter VIII B.10).

All states whether members of the Organization or not would also have the right to consult the Security Council concerning any special economic problems which may arise from the carrying out of measures required of them, for example, the imposition of economic sanctions on a state with which another state has specially important economic relations (Chapter VIII B.11).

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Consultation with Non-Member States

The machinery for coercive action against an aggressor outlined above raises a number of difficult problems for states which do not happen to be members of the Security Council at the time when the crisis arises which necessitates their participation in enforcement action. The chief problem arises out of the bringing into force of the military agreements contemplated under Chapter VIII B.5. Under the existing proposals a state when not holding an elected seat on the Security Council would be required to obligate itself to accept and carry out the decisions of the Council, decisions which might entail drastic action on its part under the provisions of paragraphs 3, 4, 5 and 6 of Chapter VIII B. Such action might be required by the Council without any consultation with the Government of the country in question. In contrast a Great Power is assured of participating fully in all the deliberations of the Security Council and is also assured of exercising a right of individual veto on many of its decisions(See under Chapter VI C.). This position should be considered in conjunction with the fact that a country which would be called upon to make a substantial contribution to world security has no better assurance of election to the Security Council than a country which can make no effective contribution at all. The Canadian Government in the memorandum of January 12, 1945, (already referred to under Chapter VI), called to the attention of the Great Powers the difficulties which would arise for Canada, and indeed for other states of middle size, unless the provisions of the Charter could be remedied so far as they affect the connected questions of the special eligibility of such states for election to

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the Council and prior consultation before they were involved in grave enforcement action.

The Canadian Government have suggested a number of alternative ways of meeting the difficulty. One solution might be that the decisions of the Security Council under Chapter VIII B should be made binding in the first instance only on states which are members of the Council. States not represented on the Council might be required to take positive action only when the decision has been endorsed by a two-thirds majority of the Assembly (when it would become binding on all members) or when the country or countries concerned have by special invitation participated on the same footing as elected members in the Council's proceedings, or when they have individually agreed with the Council to join in a particular task of enforcement.

The reaction of the Governments to whom the memorandum of January 12th was addressed has not been particularly encouraging from the point of view of Canada's interests. The United Kingdom Government, as was stated under Chapter VI A in the discussion of the composition of the Security Council, are in sympathy with the Canadian proposal which relates to special qualifications for election to the Security Council of middle states. They are less sympathetic to proposals for enlarging the Council ad hoc by adding to it as temporary members states whose interests are directly involved in a dispute and are inclined to take the view that there is adequate protection for such states in the provision for their association with the discussions in the Council when they are particularly interested. They seem to feel that if these States secured due representation on the Council they need be less concerned about the right of the Council to call

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on them for participation in sanctions. From indications received informally from the State Department it seems probable that the United States would oppose our suggestion that the Council's decisions under Chapter VIII B ought to be binding only on Council members in the first instance.

The Russians, as is their usual habit, have been reticent in their reaction toward the Canadian memorandum although they have indicated informally that proposals to make the action of the Council subject to confirmation by the Assembly would destroy the basis of the present arrangements which place in the Council full power for deciding on measures to avert aggression. The attitude of some of the other states outside the circle of the Great Powers is likely to be much more sympathetic to the Canadian viewpoint.

Further Obligations assumed by Member States

Other chapters of the proposals contain obligations of a general character and the military provisions of Chapter VIII should be read in the light of these. Chapter II sets forth the principles of the Organization. By paragraph 2, all members of the Organization would undertake to "fulfill the obligations assumed by them in accordance with the Charter" and by paragraph 5 they would agree to "give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter".

By Chapter VI B 1 members would confer on the Security Council "primary responsibility for the maintenance of international peace and security" and would agree "that in carrying out these duties under this responsibility it should act on their behalf". By paragraph B 4 members would obligate themselves "to accept the decisions

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of the Security Council and to carry them out in accordance with the provisions of the Charter."

The Special Military Agreements

It is not easy to envisage the way in which these provisions would actually operate in the event that the Security Council decided that military sanctions were necessary to deal with a threat to the peace. The forces which could be used would be those made available to the Security Council under the special agreement or agreements concluded among themselves by members of the Organization and approved by the Security Council. Each member would appear to be free not only to limit the forces it would make available but also to specify the conditions under which they might be called upon. Any state thus might require that its forces should be used only with the consent of its own Government and it might also impose conditions on the areas in which they could be employed. It is likely, indeed, that the chief contribution of some countries would be expected to be "facilities and assistance" rather than a quota of armed forces.

Facilities desired from Canada might include the right of transit through Canada for the forces of other countries, despatched on the call of the Security Council. If the Organization includes all the most powerful states, the granting of transit rights and the use for this purpose of Canadian railways, ports and airfields might entail no onerous obligation. An important difference appears to exist between the views of the State Department and the United Kingdom Government's interpretation of those sections of the proposals which have to do with the provision of transit rights and other facilities.

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It appears from informal views expressed in the discussion with the State Department that they consider that all members of the Organization, regardless of whether or not they have entered into special military agreements, are bound to furnish transit rights and other facilities on the call of the Council. The United Kingdom Government, however, interpret the proposals to mean that the only obligation which flows from mere membership in the Organization is to impose diplomatic and economic sanctions on the call of the Council. The obligation to provide facilities (and transit rights might presumably be included as a facility) would thus arise only out of a military agreement.

There are indeed a number of obscurities about the special agreements which will have to be very carefully examined. How, for instance, are the agreements to be negotiated "among themselves" by member states? And what sort of engagements do the Great Powers anticipate making?

Military Staff Committee

Nor is it very easy to foresee just how the Military Staff Committee will work in practice. It is the Military Staff Committee that is to advise the Security Council on all military questions. This body, composed of the Chiefs of Staff of the permanent members or their representatives, would work out the quotas to be supplied by members of the Organization and would prepare schemes for the disposal of such forces for the purpose of preventing breaches of the peace. (Chapter VIII B.9.) It is hard to say how such a Committee could make "plans for the application of armed force" (Chapter VIII B.8) unless they had some potential enemy in mind, and this could in

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no case be one of the permanent members (even if it appeared to be preparing aggression) as all the permanent members would be represented on the Military Staff Committee. Arrangements for the enforcement of the treaties of peace against Germany and Japan which are discussed under Chapter XII which might well have seemed an appropriate task for the Military Staff Committee, are in fact likely to be outside the scope of the Organization.

The Military Staff Committee would be responsible under the Security Council for the strategic direction of the forces placed at the Security Council's disposal and it would also be the principal adviser to the Security Council on the whole question of the regulation of armaments. The question of what forces a member should contribute towards the maintenance of international peace and security is to be the main factor for deciding the principles by which the regulation of armaments is to be determined. The Military Staff Committee is empowered to call into consultation representatives of other members of the Organization, whether members of the Security Council or not, when their presence is necessary for the efficient discharge of its responsibility. The French Government have suggested that the Military Staff Committee should include not only the Chiefs of Staff of permament members but also one delegate of each member of the Organization which had undertaken to provide forces, and the Netherlands Government have put forward a similar proposal.

The French will also probably raise at San Francisco the question of making some provision for dealing with disputes with which the Council is impotent to deal because of the exercise of the veto power. They may press for some general escape clause recognizing the legality of action being taken under alliances and regional agreements notified to the Security Council.

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SECTION C. REGIONAL ARRANGEMENTS

"1. Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council.

2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

3. The Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

Introduction

In recent years there has been much discussion of the comparative merits of universal organization and regional organization for the maintenance of international peace. One suggestion is for the organization of the world into continental blocs, Europe, Asia and the Western Hemisphere, each with its own special machinery adapted to its special needs. Those who have supported this conception of world organization have argued that it would give the smaller nations a more direct concern in security problems and that a regional organization might increase the efficiency and rapidity of military action by member states of the region. Sometimes this conception has been linked with that of regional political councils. These ideas have encountered certain obvious objections. From the military point of view it is impossible to draw a boundary of a

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region so as to confine within it all the military obligations which the member states in that region might have to undertake. Moreover, if an attempt were made to fix the operational boundary of a region, states on the perimeter would necessarily form part of the neighbouring geographical region. Thus neighbouring regions would overlap extensively. Then, too, the defence arrangements of some powers are based primarily upon sea and air power which hardly lend themselves to regionalization. On broader grounds the question of regionalism must be approached with caution. Any form of regional devolution would tend to lead people to regard the responsibilities of their countries as being limited to disputes within that region. This would encourage a false sense of security.

While theoretically a regional system might afford greater scope to the smaller countries, the regions might tend to become spheres of influence for the larger powers. Such a system might, therefore, serve in the long-run to sharpen rivalries between Great Powers and thus endanger world security. On the other hand, it is necessary to distinguish sharply between the regional organization of security and the regional organization of defence. The regional organization of security must mean the establishment of a system whereby the states concerned with each region agree to prevent war or serious threat of war within the region. The regional organization of defence, on the other hand, involves for the most part international military arrangements for resisting attack from outside on territories within the region.

The underlying principle of the Dumbarton Oaks proposals on the subject of regionalism is that regional associations for special purposes might develop out of the particular necessities of particular areas, but that

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they should be fitted into the overall framework of world security. The proposals proceed from the assumption that a threat to or breach of the peace anywhere is a matter of concern to all states everywhere but this does not mean that all action must be on a universal basis or that the obligations of states should be uniform in all cases. Four basic rules are stated in the proposals with respect to regional arrangements and activities. The first of these is to be found in the first sentence of Chapter VIII.C.1 which recognizes the utility of regional arrangements for security purposes with the important proviso that their activities must be consistent with the purposes and principles of the Organization. While peace and security are used here in the specific sense of pacific settlement and enforcement action, subsequent provisions in Chapter IX on economic and social cooperation clearly cover the questions of regional specialized organizations as well as those that are general in scope. The authority of the General Assembly and of the Economic and Social Council would no doubt cover both types of organization. Thus, though not so clearly defined, the principle of utilizing regional agencies where appropriate extends also into the field of economic and social cooperation.

The second principle contained in Chapter VIII C is that the Council should encourage the settlement of local disputes. In the procedure for the pacific settlement of disputes contemplated under the proposals emphasis is put upon settlement by the parties through means of their own choice. The Security Council may call upon the parties to settle a dispute by such means and it is directed to encourage settlement through regional arrangements or agencies. If such means fail, the case goes to the Security Council and the Council has authority to recommend further procedure or methods of adjustment. It is probable that

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under these provisions local and limited disputes would be handled largely through regional procedures of settlement where such procedures existed.

The third and fourth rules governing the relation of regional arrangements and the General Organization are that no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council, and the Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of peace. These two latter principles are evidently of importance for the whole concept of the relation between the Security Council and the regional organizations. They are no doubt based upon the desire to avoid forms of regional arrangements which might lead to the creation or perpetuation of spheres of influence dominated by one or more powers. Yet it should be noted that the proposals do not specify which agency the Security Council or the regional agencies should deal initially with any threat to international peace.

The Mexico City Conference

The recent Inter-American Conference on Problems of War and Peace adopted a regional arrangement of the type envisaged at Dumbarton Oaks, known as the Act of Chapultepec. This agreement specifically declares that it provides for "a regional arrangement for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action in the Western Hemisphere." It also states that its arrangements, activities, and procedures, "shall be consistent with the purposes and principles of the general international organization when formed." The Act of Chapultepec is a landmark in Western Hemispheric solidarity, in that for the

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first time it authorizes the use of collective force by its signatories against an aggressor nation whether a member of the Western Hemisphere or not. On the one hand, it signalizes the willingness of Latin American states to welcome the cooperation ofthe United States in checking acts of aggression by one American state against another, a willingness for which the anxiety created by the developments of Argentine policy during the past two years is largely responsible. On the other hand, it records the willingness of the United States to continentalize the Monroe Doctrine which has been for over a century unilateral in interpretation and application. On this point Mr. Nelson Rockefeller, Assistant Secretary of State, and Senator Connally, Chairman of the Senate Committee on Foreign Relations, are in agreement. The former has stated that "the Monroe Doctrine was originally United States policy; for the last eight or ten years it has become more and more the doctrine of the Americas... and has been adopted by all the Americas. The Act of Chapultepec has completed that trend....". Senator Connally has told his colleagues in the Senate "Chapultepec is a multilateral policy with regard to that ancient doctrine."

In part one of the Act of Chapultepec, known as the "declaration" effective immediately, signatories agreed to consult among themselves in

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the event of any act of aggression or if they have reason to believe that an act of aggression has been prepared by any other state against the integrity or political independence of any American state. The declaration outlines procedures that may be found necessary against the aggressor state. These include:

> "Recall of Chiefs of diplomatic missions;
> Breaking of diplomatic relations;
> Breaking of consular relations;
> Breaking of postal, telegraphic, telephonic, radio-telephonic relations;
> Interruption of economic, commercial and financial relations;
> Use of armed force to prevent or repel aggression."

The declaration is to remain in effect during the war and "until treaty arrangements for the same purpose have been established." By the adoption of this procedure, the United States Senate is not required to ratify the Act of Chapultepec since the wartime powers of the President can be used if force is required against an aggressor. For the postwar period, part two, known as the "recommendation", calls for a treaty which will establish the procedures outlined in part one. This treaty will, of course, be subject to ratification by the signatory governments.

In addition to drafting a regional Security Arrangement, the Mexico City Conference adopted a series of resolutions designed to improve the machinery of inter-American co-operation and to harmonize the Inter-American System with that contemplated by the World Organization. Some of the recommendations are to become effective immediately, such as the provision for an annual meeting of the Foreign Ministers of the American Republics, and special meetings if necessary,

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quadrennial conferences of the twenty-one republics, and the re-organization of the Governing Body of the Pan-American Union, which will meet at least once a week. Other changes, which will be discussed at the Inter-American Conference of 1946, call for a Permanent Defence Board, an Economic and Social Council, and an Inter-American Educational and Cultural Council. It is significant that these latter bodies are empowered "to maintain liaison with the appropriate organization of the general international organization when established."

The Act of Chapultepec poses some difficult questions which may be examined and perhaps answered at San Francisco. It was agreed at Mexico City that the Latin American delegations to San Francisco would be free to present reservations or amendments to the Dumbarton Oaks proposals. During the discussions at Mexico City, a document was prepared summing up the views of the delegations from fifteen states. This report is to be available at the Conference and among its suggestions is the recommendation that " the Security Council of the World Organization shall take action only when regional means of peaceful solution have failed." Although it appears that most of the Latin American delegates are more favourably disposed to the Dumbarton Oaks proposals than was the case before the Mexico City Conference, it seems certain that they will not hesitate to express their point of view, especially on regionalism. They may do so with greater fervour on the ground that the Act of Chapultepec gives the smaller powers a greater share with the larger powers in shaping policy than the Dumbarton

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Oaks proposals. The following are illustrations of the type of problem that may require examination:

> 1. Under the present arrangements, a Security Council may object to measures contemplated by the inter-American group as not being "appropriate for regional action." Should the Security Council take such action, it would place a strain upon the loyalty of members of the inter-American group to the World Organization.
>
> 2. It is technically possible for the Security Council to block measures proposed by the inter-American group on the ground that they are excessive and that no threat to international security exists. Once again, the loyalty of the American members might be subjected to a severe strain if such a veto power were used.
>
> 3. Under the compromise for the voting procedure of the Security Council worked out at Yalta, it would be technically possible for a permanent member of the Security Council to block measures contemplating force proposed by the inter-American group. An American critic has suggested that this problem could become acute "with respect to Argentina, a country whose policies are given different interpretations in the United States and Great Britain."

There is a possible method of avoiding a clash of world and regional authority through the utilization of Chapter VI, Section D, Clause 2, of the proposals, which reads as follows:

> "The Security Council should be empowered to set up such bodies or agencies as it may deem necessary for the performance of its functions including regional sub-committees of the Military Staff Committee."

If by virtue of this clause the Inter-American Defence Board is recognized as the military sub-committee and if this board is prepared to work closely with the Military Staff Committee of the Security Council, the prospect of different interpretations of the seriousness of a dispute would be considerably lessened. In this, as in

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other matters, as much will depend upon the spirit in which the Dumbarton Oaks proposals are applied as upon the machinery of enforcement.

The Franco-Soviet Pact.

Somewhat similar problems may arise in connection with the Franco-Soviet Treaty of December 1944. The French Government have already indicated that their representatives will insist at San Francisco on the necessity that states should be able to take coercive action at once in cases of urgency such as cases which are foreseen under existing alliances or regional pacts notified to the Organization. When such action is taken the states concerned should inform the Security Council. Special military engagements of this sort in the French view would reenforce the machinery of general peace enforcement. This attitude clearly reflects French anxiety to be able to act with no delay against Germany under the Franco-Soviet Treaty and other alliances which they may conclude. The Belgian attitude towards this question is very similar. The fear of the French and Belgians is that in conditions of modern warfare an enemy might launch a sudden attack and if action had to be delayed until the matter had been discussed in the Security Council the delay might be serious. Moreover some of the members of the Security Council would be remote and relatively disinterested states who might not appreciate the urgency for action, while some of those most immediately affected by the threat of aggression might not be represented on the Security Council. There are indications that the Soviet representatives at San Francisco will also support this thesis. The most authoritative recent indication of their views is to be found in an article on "France and the San Francisco Conference", published on April 3rd, 1945, in

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which it is stated that "the automatic operation of the Franco-Soviet Pact is provided for exclusively in the event of any act of aggression by Germany or of measures which may be adopted to remove a new threat on the part of Germany. If the Soviet Union, France, Britain and Czechoslovakia assume in advance a special obligation to combat German aggression irrespective of the decisions of the International Organization, this can only be regarded as a special form of the promotion of the Organization's aims." The article goes on to say that countries which are most directly threatened by German aggression "value the bilateral agreements they have concluded and it is scarcely likely they will want to renounce them or agree to make their operation contingent upon a decision of an international organization which has still to demonstrate its effectiveness".

The article concludes by suggesting that "a resolution might be moved at the San Francisco Conference by which bilateral treaties previously concluded between countries most directly liable to the danger of German aggression will be taken cognizance of by the Conference itself and considered to be consistent with the general trend of policy of the future Organization".

The Anglo-Soviet pact does not present the same problem as it contains a clause providing that it may be superseded by "adopting proposals for common action to preserve peace and resist aggression in the post-war period".

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CHAPTER IX. ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Provisions of the Draft Charter

The proposals for international economic and social co-operation received little detailed consideration at Dumbarton Oaks; the United States draft of this chapter was accepted without great change. Apart from Chapter IX, references to international economic and social organization occur at the following points:

(a) In Chapter I, paragraph 3, one of the purposes of the Organization is defined as being "to achieve international co-operation in the solution of international economic, social and other humanitarian problems". Central responsibility in this field would be vested in the General Assembly.

(b) In Chapter V.B the functions and powers of the Assembly in this field are set forth as follows:

> "6. The General Assembly should initiate studies and make recommendations for the purpose of promoting co-operation in political, social and economic fields and of adjusting situations likely to impair the general welfare.
>
> 7. The General Assembly should make recommendations for the coordination of the policies of international economic, social and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization.
>
> 8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization."

The inclusion in the Charter of specific provisions for international co-operation in economic and social matters is, of course, based on the assumption that international disputes and frictions are less likely to occur if nations work together to produce conditions conducive to prosperity

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and progress. The purpose of the arrangements for this type of co-operation is stated in Section A of Chapter IX:

> "1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms."

There is no elaboration in the Dumbarton Oaks proposals of the methods by which these objects are to be obtained, these being left for the Organization itself to determine. All authority in this matter is to be vested in the General Assembly which will operate through an Economic and Social Council.

There will doubtless be general agreement among the delegations on the desirability of establishing special machinery of co-operation on economic and social questions. The Canadian view was most recently stated by the Prime Minister in concluding the House of Commons debate on San Francisco on March 28, 1945, in these words: "It is increasingly recognized that prosperity, like peace, is indivisible and that it cannot be achieved through anarchy or through measures of extreme economic nationalism. The edifice of peace we are seeking to construct will totter if it is not founded on conditions of material well-being throughout the world". Debate at San Francisco on the purpose of the arrangements described in Chapter IX is not likely to centre round the proposals for economic and social co-operation but rather round the statement that the Organization should "promote respect for human rights and fundamental freedoms". Comment on this subject is made in Chapter II above under the headings "Human Rights and Freedoms", "The Bill of Human Rights" and "Freedom of the Press".

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The duties of the Organization in the economic, social and humanitarian field are stated in IX A.1 in considerably broader terms than the corresponding obligations assumed by members of the League of Nations under Article 23 of the Covenant, the relevant passages of which are the following:

> "Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the League
> (a) Will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (The international labour organization grew out of this provision).
>
> (c) Will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
>
> (e) Will make provision to secure and maintain freedom of communications and transit and equitable treatment for the commerce of all members of the League. In this connection, the special necessities of the regions devastated during the War of 1914-1918 shall be borne in mind.
>
> (f) Will endeavour to take steps in matters of international concern for the prevention and control of disease."

The purposes of the new Organization in these and allied fields are no doubt stated in very general terms because it is expected that most of the specific acts of cooperation will be performed through specialized functional agencies. The view will be expressed, however, that if, for this reason, it is wise to state the purposes less specifically than was done in the League Covenant, they might at least be stated in more precise language than that used in IX A.1. It seems likely that the San Francisco Conference will be asked in this connection to give con-

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sideration to the Resolution Concerning Social Provisions in the Peace Settlement adopted at the 1944 Conference of the International Labour Organization. The introductory portions of this resolution read as follows:

> "Whereas the Conference is called upon to make recommendations to the United Nations for present and post-war social policy, and more particularly concerning the social provisions to be inscribed in the various general or special treaties to which the United Nations will jointly or severally become parties;
>
> Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security;
>
> I
>
> The Conference considers that the principles stated in the following draft are appropriate for inclusion in a general or special treaty of agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and Article VII of the Mutual Aid Agreement:
>
> The signatory governments having pledged themselves to provide conditions which will ensure an increasing measure of freedom from want to their own peoples and to all peoples;
>
> Recognizing, therefore, their common obligation to foster expanding production and employment on a sound basis, free from disruptive fluctuations, and to ensure that workers and productive resources shall not be allowed to be idle while the needs of large parts of the world remain unsatisfied; Realizing that the economic life and conditions in each nation are increasingly dependent upon the economic life and conditions of other nations, and that hence the attainment of the above-stated objectives requires increasing collaboration among nations:" etc.

<u>The Authority of the Assembly</u>

The General Assembly would be the central agency for dealing with economic and social questions. In V B.6 it is given power to "initiate studies and make recommendations"

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for the promotion of co-operation in the economic and social fields and for the adjustment of situations likely to impair the general welfare. In IX A.1 it is made responsible for taking steps to "facilitate solutions of international economic, social or other humanitarian problems". It elects the members of the Economic and Social Council and may assign the Council functions in addition to those enumerated in IX C.1. The Assembly must approve the arrangements made between the various specialized functional agencies and the Economic and Social Council. Moreover, it may (V.D. 3) set up additional agencies under its own control, to deal with matters not already covered.

The general effect of these provisions is to give the new Assembly much the same sort of responsibility in the economic and social field as was exercised by the League Assembly. The annual meetings of the Assembly would provide the occasion for periodic review of the trend of events (based partly upon reports of the functional agencies) and for the initiation of studies and recommendations. The responsibility for following up these recommendations would devolve upon the Economic and Social Council.

The Economic and Social Council

(a) Background in League Experience

The most important ways in which the machinery of economic and social co-operation proposed at Dumbarton Oaks differs from League machinery are (a) the establishment of a separate council to deal with these questions and (b) the greater prominence given to the specialized functional agencies.

The Council of the League dealt, under the Covenant, "with any matter within the sphere of action of the League

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or affecting the peace of the world". The various League committees, such as the Economic Committee, the Financial Committee, the Committee on Social Questions, etc., reported to the Council, which was also responsible for taking action to give effect to resolutions of the Assembly. The representative of member states on the Council were usually foreign ministers or diplomatic officials whose primary interest was not in economic and social questions. Consequently these were generally dealt with as routine matters by the Council, the report of the reporting member almost invariably being adopted without discussion. It was inevitable in these circumstances that the major political issues brought before the Council of the League should claim public attention and that the less sensational (though in many cases important) work of the League in the more technical field should receive little publicity and consequently little public support. Partly for these reasons, the League decided just before the outbreak of war, on the recommendation of the Bruce Committee, to set up a new organism, known as the Central Committee for Economic and Social Questions, to direct and supervise the work of the League Committees dealing with economic and social questions. This Committee was to consist of the representatives of 24 states chosen for a period of one year by the Assembly, with power to co-opt 8 members appointed in a personal capacity. This last provision was mainly designed to secure the co-operation of non-member states and provision was also made for the formal participation in the work of the Central Committee of non-member states. The Committee was to meet at least once a year and decisions were to be taken by a majority vote.

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(b) Composition and Voting

IX B. reads: "The Economic and Social Council should consist of representatives of 18 members of the Organization. The states to be represented for this purpose should be elected by the General Assembly for terms of three years. Each such state should have one representative who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present and voting."

The draft contains no provision for permanent members of the Economic and Social Council nor for the automatic selection of members on the basis of objective criteria. In this respect it differs not only from the Security Council but also from most of the functional organizations which have been set up or proposed. The Constitution of the International Labour Organization, for example, provides that the Governments of the 8 states of chief industrial importance shall at all times be represented on the Governing Body. UNRRA has its Central Committee, composed of representatives of China, USSR, U.K. and U.S.A. The Executive Directorate of the International Monetary Fund automatically includes the 5 members with the largest quotas and must also include the 2 members who have extended the greatest amount of credit through the Fund. On the other hand, the proposed constitution of the United Nations Food and Agriculture Organization provides merely that there shall be an Executive Committee of 9-15 members who should be chosen by the Assembly to reflect as varied as possible an experience of different types of economy in relation to food and agriculture.

It was apparently thought at Dumbarton Oaks that no special safeguards were needed, and that, left to itself, the Assembly would have the good judgment to see that the states of chief economic importance were elected to the Council. The French Delegation intends to propose an amend-

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ment to the effect that at least half of the 18 members must be the countries of chief economic importance. The Canadian attitude towards this or similar proposals has not yet been defined. It would appear that the French proposal has the merit of ensuring a representative body. The selection of criteria by which to measure economic importance is a difficult but not impossible task. One would include such factors as national income, foreign trade, population. The Economic and Social Council having no executive powers, there seems no reason to require more than a simple majority vote as proposed, though to ensure that the vote is truly representative there seems to be merit in the French proposal that at least two-thirds of the members should participate in the vote.

(c) Functions and Powers

Apart from its duties in connection with the co-ordination of the activities of the specialized organizations, which are dealt with separately below, the functions of the Council, as set out in IX. C would be:

(a) to carry out, within the scope of its functions, recommendations of the General Assembly;

(b) to make recommendations, on its own initiative, with respect to international economic, social and other humanitarian matters;

(e) to enable the Secretary-General to provide information to the Security Council;

(f) to assist the Security Council upon its request;

(g) to perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly.

The Council is intended to be a purely advisory body. Neither it nor the Assembly would have executive functions in the sense that their decisions would be binding either upon the specialized agencies or upon governments. It is not

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intended that the Council should go beyond recommendation or advice. The language of (a) above has given rise to some misunderstanding on this point as it empowers the Economic and Social Council "to carry out . . . recommendations of the General Assembly". It is stated in Washington that this does not mean that the Assembly would make recommendations to its own creature, but that the Economic and Social Council would be responsible for following up recommendations which the Assembly might have addressed to member states or to functional agencies. It would, of course, be inappropriate to give to a body containing representatives of only 18 states powers to control the activities of functional agencies whose policies were determined by more widely representative bodies. The Economic and Social Council is limited to recommending action, except that it is instructed to establish certain expert commissions. It can, however, address recommendations (see (b) above) direct to national governments without their being first approved by the Assembly although any such recommendations could be over-ridden by the Assembly as the representative body of the Organization.

One of the duties with which it might be specially concerned would be to propose the establishment of new functional agencies as required. It would be a standing body with an expert staff. If it is recommended to governments that there was a gap in the international structure which should be filled, its advice ought in time to carry a good deal of weight. It would, also, doubtless direct the preparation of reports on economic and social relations and should be able to draw both on information provided by functional agencies and on investigations made directly for the purpose by its own staff, for which provision is made in IX D.1.

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The feeling is expressed in the French commentary and more recently by the Australian Minister for External Affairs that the powers of the Economic and Social Council should be increased. The French apparently have particularly in mind to strengthen the liaison between the Economic and Social Council and the Security Council contemplated in functions (e) and (f) quoted above by giving the Economic and Social Council power to place before the Security Council (reporting its action in due course to the Assembly) any urgent humanitarian, economic, social or other question which in its judgment constitutes a threat to the peace. Dr. Evatt has been less precise regarding the additional powers he wishes to have conferred on the Council. He is reported merely as saying that an amendment was required to give the Council power "to take adequate action in any grave international and social emergency." He expresses the view that as now proposed the Council is little more than a discussion group on economics.

It is difficult to see clearly how the Economic and Social Council would operate in practice and in fact much will depend on the nature of the Agreements made between the Organization and the functional agencies. If these relations are established on a mutually satisfactory basis and if the membership of the Economic and Social Council is broadly representative and it is assisted by an able permanent staff, then it might be hoped that in the course of time its recommendations would come to have considerable influence. For the reason given, however, it seems inevitable that this influence will spring from the prestige of the Council and from the quality of its advice rather than from any more direct powers attributed to it.

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Relationship with Functional Organizations

The following are the relevant provisions of the Dumbarton Oaks proposals:

V.B.7. "The General Assembly should make recommendations for the coordination of the policies of international economic, social, and other specialized agencies brought into relation with the organization in accordance with agreements between such agencies and the Organisation."

V.B.8. "The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organisation."

IX.C.1. "The Economic and Social Council should be empowered:

(c) to receive and consider reports from the economic, social and other organizations or agencies brought into relationship with the Organization, and to coordinate their activities through consultations with, and recommendations to, such organizations or agencies;

(d) to examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the organizations or agencies concerned."

IX.D.2 "The Economic and Social Council should make suitable arrangements for representatives of the specialized organizations or agencies to participate without vote in its deliberations and in those of the commissions established by it."

(a) Character of Association Contemplated

It is clear from the above that there is no intention, either to impose a uniform pattern of association between the functional agencies and the Organization nor to make the Organization a supreme body with power to override the decisions of the functional agencies. The restricted membership of the Economic and Social Council disqualifies it for this task and, apart from any other considerations, the Assembly meets too infrequently for this purpose. The responsibilities of the functional agencies would remain as defined in their statutes. Fundamentally, the responsibility for coordinating the actions of inter-governmental bodies -- for avoiding

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excessive overlapping of work and for avoiding conflicting recommendations -- must rest with the governments belonging to them. This does not mean that important action aimed at coordination may not be taken by the Economic and Social Council and the Assembly. For example, if the International Labour Conference and the Organization of Food and Agriculture adopted conflicting or inconsistent recommendations, the Economic and Social Council could appropriately recommend to governments that suitable amendments should be made through the functional bodies themselves. More difficult problems might arise if the constitution of functional bodies overlapped and there were conflicts of jurisdiction. In such cases the Economic and Social Council -- or more appropriately, perhaps, the General Assembly -- could propose action such as a joint conference.

As already indicated, the Dumbarton Oaks proposals do not contemplate that the various functional agencies would necessarily be brought into relation with the Organization on identical terms. In some cases the relationship would be close while in others it would be loose. These differences would arise out of the character and functions of the specialized agency -- whether it has executive or merely recommendatory powers, etc. The functional agencies already in existence or clearly contemplated are

Food and Agricultural Organization
International Labour Organization
International Monetary Fund
International Bank for Reconstruction and Development
International Civil Aviation Organization

In addition it seems probable that other international organizations will be proposed, at least in the fields of

Education
Cultural Cooperation
Health
Commercial Policy
Refugees
Cartels
Telecommunications

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Moreover, some of the many international bureaux dealing with one class or another of international activity, such as the International Postal Union, might also be brought into relation with the Organization. Such a development is probable in view of the fact that the United States will be a Charter member of the Organization.

(b) International Labour Organization

A special problem arises in connection with the International Labour Organization which differs from the other bodies in the tripartite character of its membership (governments, workers, employers). In the documents prepared by the International Labour Office for the Philadelphia Conference in 1944, a very strong plea was put up for recognition of a unique status for the ILO. The argument advanced was that the participation of the trade union movement in the ILO had won for it the confidence of the working classes of the world and enabled it to survive the disruptive influences of appeasement and war. This "would be fatally impaired by the subordination of the International Labour Organization to any general world organization which did not enjoy the confidence of workers in equal degree". In addition to this insistence on autonomy, the office argued further that the ILO differed from other specialized agencies in that the participation in all its activities of representatives of highly organized public opinion made it

> "potentially an instrument through which there can be achieved both a measure of coordination of the work of these specialized agencies and an adequate backing for their work from public opinion. . . In brief the coordination of the different fields of international public policy will require both machinery for taking immediate decisions and machinery for the general exchange of views on objectives and methods of approach. For the fulfillment of this second function the International Labour Conference would appear to be a uniquely appropriate instrument."

The Conference itself did not support the Office staff in these broad claims. In the resolution adopted by the

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Conference, the right "to scrutinize" all international economic and financial policies was changed to the right "to examine and consider" and there was a pledge of co-operation with other international agencies which, in the words of the Drafting Committee,

> "indicates clearly that the Organization realizes the part which other international agencies will be called upon to play, and that its own part, great as it may be in the treatment of social questions and in defining the social objective, is only a share of the task to be accomplished."

It is known that the International Labour Office, if represented by an observer at San Francisco, will continue to press for a special type of association with the Organization. It is likely that it will seek to be recognized as a body parallel in status to the General Assembly and brought directly into relation with it rather than through the Economic and Social Council. The World Trade Union Congress at its meeting in London was strongly opposed to any suggestion that the International Labour Office should report to the Economic and Social Council as implying a lessening in the importance of the International Labour Office.

(c) Authority of Organization over Functional Agencies

The San Francisco Conference itself will, however, not be negotiating the precise terms of relationship with the functional bodies. The main debate in this matter is likely to revolve around the general question whether the Organization should not be given more authority over the specialized agencies and the latter limited in number. The case in favour of this is stated by A. Loveday, Director of the Economic, Financial and Transit Department of the League in a confidential mimeographed note on Future International Economic Organization, dated December 1944. He puts forward these objections to "a policy of proliferation":

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(a) Independent agencies are more expensive than departments of a central organization; overlapping of work is inevitable.

(b) The greater the number of agencies the greater will be their centrifugal force. If international agencies are to be successfully guided and coordinated, the central organization must be given time to establish its position and authority and must be given important direct functions to perform.

(c) A special agency once created is difficult to suppress; better therefore wait until a clear need has been demonstrated.

The concrete proposal made by Mr. Loveday with a view to closer coordination of the activities of the specialized agencies is central budgetary control.

(i) Budgetary Questions

In V B.5 the General Assembly is given power to approve the budgets of the Organization and in IX C.1(d) the Economic and Social Council is given power to examine the administrative budgets of specialized organizations with a view to making recommendations to the organizations concerned. These proposals do not contemplate that the General Assembly of the organization (nor, of course, the Economic and Social Council) would have financial authority over the functional agencies.

Mr. Loveday argues that if each agency is to be financially autonomous, there can be little hope that the work of coordination will be carried out with success. He stresses the possible waste through overlapping of work and says that if there is not a unique budget for all the specialized agencies, national parliaments will be subjected to the rival pressure of political groups interested in one or another of the agencies. The Supervisory Commission of the League (the small working body controlling League finances) lays stress in its First Report for the year 1944 on the maintenance of a central financial authority as part of the general world organization:

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"The maintenance of the League Treasury has enabled all the institutions of the League to benefit from the experience and technical skill of a highly qualified expert staff.....

Had it not been for the League Treasury it would have been exceedingly difficult, if not impossible, to ensure an orderly relationship between the financial dispositions of the different institutions ..... and to enforce proper standards of financial discipline. The danger that a number of independent international authorities with unrestricted power to fix emoluments and conditions of employment might compete with one another for the services of particular individuals, is a real one. If it is considered desirable that the salaries and terms of service of international officials should be suitably ordered and correlated, the work can be most satisfactorily done by the coordination of a central financial authority. Similarly, the handling of balances and investments will be carried out most competently by a trained staff of experts such as is only likely to be forthcoming in a central financial authority ..... Moreover, the strength of a Pension Fund depends largely on adequate membership .... Finally, it is the belief of the Commission that the financial side of international organizations will be more economically ordered if it is under the supervision of a central financial authority. The activities of the League Treasury are subjected to the criticism of State members under a prescribed procedure and it is of convenience to States that this work of control and criticism should be capable of being exercised as a whole, as was the practice under the League system, when the Assembly .... exercised the final voice on the determination of budgets."

There are rather important practical difficulties in the way of central budgetary control. The membership of the various functional bodies will not necessarily be identical nor uniform with that of the new World Organization. Some of the bodies will be self-supporting, e.g. the International Monetary Fund and the International Bank for Reconstruction and Development, and would presumably have to be excluded from central budgetary control. It would, moreover, be impractical to permit the Assembly to control the budget of a functional organization if the representative body of that organization worked under a system of weighted voting on budgetary questions.

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Apart from these practical difficulties, it might be argued that antagonisms among the various functional agencies and between them and the central body are less likely to arise if they are not placed in the position once a year of competing with each other when a single budget for the whole organization including the functional agencies was being drawn up. The restiveness of the I.L.O. under central budgetary control by the League illustrates this point.

At the same time the arguments advanced in favour of some centralization are undoubtedly weighty and the appropriate aim would appear to be as much central supervision and provision of central services (e.g. investments, Pension Fund) as is compatible with ultimate budgetary control by the representative bodies of the specialized agencies themselves. The general organization would, under such an arrangement, exercise its influence over the budgets of the functional organizations both directly and through Governments -- first, by the comments it made on the budgets of these agencies which would regularly come before it for review though not for approval; and second, by preparing detailed analytical statements of the administrative budgets of the various agencies which would enable Governments to eliminate overlapping and waste by action within the appropriate organ of the functional agency concerned. At the same time there would appear to be no reason why the functional agencies which wish to do so should not agree, as part of their terms of association with the Organization, to use the Treasury services of the latter, including collection of contributions, investment of funds, common membership of Pension Fund, etc. The Treasurer of the League, in a mimeographed document of January 1945 on League finances says:

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"In view of the difficulties experienced in obtaining contributions from Member States, the new organization may find it advisable and economical to establish a central collecting authority covering not only the various constituent parts of the new world organization, but also the specialized organizations and agencies to be brought into relationship with it by agreement. Some such centralized budgetary system would be likely to secure the maximum payments with the minimum of administrative effort and financial cost to member States."

(ii) Machinery of Coordination

The Dumbarton Oaks proposals give no specific indication of the machinery through which that degree of coordination of functional agencies which it is thought desirable to seek will be achieved in the Organization. The view has been advanced that coordination would be facilitated if the President of the Economic and Social Council were to act in a full-time capacity. All that the Charter says on this point is that, "The Economic and Social Council should adopt its own rules of procedure and the method of selecting its President". It has also been suggested that the Economic and Social Social Council should have the right to name observors to sit on the Executive Directorates of the functional agencies and that the detailed coordination work should be done through a Coordinating Committee presided over by the President of the Economic and Social Council and composed of representatives of the various functional agencies as well as certain members of the Economic and Social Council specially charged with the responsibility of reporting to the Council on the work of particular agencies.

These proposals, like the proposals for central budgetary control previously discussed, appear to involve a higher degree of centralization than was contemplated at Dumbarton Oaks. The Canadian attitude on this question has not yet been defined. It would appear desirable at the present stage, before many of the functional agencies

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involved have even been created, to avoid crystallizing highly centralized arrangements, but to leave the arrangements more flexible with the thought that if experience proves that more centralization is desirable, the machinery will be capable of adaptation.

Expert Bodies

IX D.1 reads: The Economic and Social Council should set up an economic commission, a social commission and such other commissions as may be required. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

Objection has been taken by the State Department to membership in these expert commissions going to persons who are national civil servants and the suggestion is made that in certain cases the economic and social experts sitting on the commission should be full-time international functionaries. The purpose would be to secure more disinterested advice and analysis of economic and social problems for the guidance of the Economic and Social Council and of Governments. On the other hand, however, the exclusion of senior civil servants from such commissions might, in some countries, reduce the weight attached to the expert recommendations. There seems to be no reason why a uniform pattern should be followed in the constitution of such expert bodies. In certain cases, such as the control of traffic in narcotics, an expert commission made up of officials of the Governments principally concerned might be a suitable agency. Mixed bodies of independent experts and national officials might also be found convenient in some connections, perhaps especially in problems relating to public health.

The function of these expert commissions would, of course, be systematic study and analysis for the Economic and

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Social Council and the General Assembly, the results to be used as a basis of recommendations for action to Governments or to specialized agencies.

The need for such a Committee of a particular type -- for the purpose of coordinating national anti-depression policies -- has just been strongly urged in Part II of the Report of the League of Nations Delegation on Economic Depressions published under the title "Economic Stability in the Post-War World".[x]

> "Whatever final form the international organization of the future may take, it should in our opinion provide adequate machinery for the general coordination and synchronization of policies of the character we have suggested for the avoidance and mitigation of economic depressions. What is required is a central advisory body of recognized authority served by a suitable and highly competent staff and charged with the tasks of:
>
> (i) studying the policies pursued by different governments affecting their economic activity;
>
> (ii) studying the fluctuations which take place in economic activity locally or universally and analyzing their causes;
>
> (iii) keeping governments and the general public informed of its findings and submitting advice to governments about policies which might be pursued in order to revive or maintain economic activity;
>
> (iv) arranging when necessary for joint discussions between governments and between international bodies concerned with economic policy, and formulating common policies against the common enemy which depressions constitute.
>
> (v) recommending to the appropriate organ of the United Nations joint discussions among governments, when such a course proves advisable, with a view to formulating common policies against the common enemy which depressions constitute.

It will be observed that we have in mind an advisory body - an advisory body, however, which should be enabled to keep in constant touch with governments

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[x] pp 287-88

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and to formulate agreed opinions for consideration by those on whom final political responsibility rests.

It would, we feel, be preferable to compose this body of persons selected by the contemplated Economic and Social Council rather than by governments. But it is important that it should always have amongst its members nationals of the great import markets which exercise the greatest influence on economic activity, and, moreover, persons whose views will carry weight not only about, for instance, technical monetary questions, but also about broad issues of commercial policy, of labour policy, of public finance. If appointed in the manner we have suggested, it would no doubt report formally to the contemplated Economic and Social Council and through it to the Assembly. But occasions are likely to arise in which urgent action is required, and for this reason we feel that it should be empowered:

(i) to make its reports public or submit them to governments, when it felt such a course was desirable, prior to their consideration by the body to which they would normally report - a procedure which is in conformity with existing international practice;

(ii) to invite governments of countries whose policies on any occasion are likely to prove of vital importance to send representatives to participate in its discussions, with a view to formulating an agreed advisory opinion.

At the same time this body should, of course, keep in close touch with all specialized international agencies dealing with economic questions, whose action may have an effect on economic activity, with a view to securing a general coordination of policy and will no doubt derive much of its information from these specialized agencies. But this information will require careful centralization and coordination with that obtained directly from governments, and for this purpose it is important that the central international organization should have a fully equipped statistical and analytical service at its disposition."

Secretariat

It is clear that if the organization is to function efficiently in the field of International Economic and Social Cooperation it will require the services of an efficient Secretariat and this is provided for in IX D.1. The main question which arises in this connection is the transfer of personnel as well as activities from the League

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to the new Organization. Interim arrangements will no doubt be required for the transfer of certain League functions pending the winding up of the League. So far as staff is concerned, Mr. Loveday has proposed in a confidential mimeographed note on "The question of the transfer of the Economic and Financial Organization of the League to a new United Nations Organization" that a system should be adopted of seconding en bloc to the new Organization all officials willing to be seconded for a period of six months or a year. This would protect existing rights while giving both parties an opportunity to judge whether they desire transfer.

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CHAPTER X. THE SECRETARIAT.

1. "There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the Chief Administrative Officer of the Organization. He should be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter".

The Dumbarton Oaks proposals like the League Covenant provide for a Secretary-General and such staff as may be required. The proposals moreover specify that the Secretary-General should be the Chief Administrative Officer of the Organization, apparently with the intention of emphasizing the importance of this office.

The Covenant did not suggest any term. It did provide, however, that the Secretary-General would be appointed by the Council with the approval of the majority of the Assembly. Joseph Avenol was appointed in accordance with this procedure in 1933. Under the proposals, the Secretary General is to be elected from the beginning by the General Assembly with the recommendation of the Security Council for such term and under such conditions as are eventually specified in the Charter. Thus the Security Council is to have the initiative in the appointment of the Secretary-General, and each permanent member will have power of veto in respect of this appointment.

The effectiveness of the Secretariat of the Organization will depend largely on the extent to which it is genuinely international and consists of officials whose full allegiance is to the Organization which they serve. A recognition of the importance of this point led the League Assembly to require all League officials to

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make a declaration that they would discharge their functions in the interests of the League alone, and would not receive instructions from any government or authority outside the League. In case of the new World Organization it is likewise desirable that the Secretary-General and his Secretariat would be exclusively international in allegiance and impartial to the interests of any country or countries. It is a matter for consideration whether the strictly impartial character of the Secretariat General can be established if individual veto is to be exercised by each permanent member of the Security Council. In the election of this officer it would seem desirable therefore that each member of the Organization should be on an equal footing and that election would require simply a two-thirds majority of the Assembly to be effective, and would not be made on the recommendation of the Security Council.

2. "The Secretary-General should act in that capacity in all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council and should make an annual report to the General Assembly on the work of the Organization.

3. The Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security".

The proposals would give much broader powers to the Secretary-General than would the Covenant. They contemplate that he should have the right "to bring to the attention of the Security Council any matter which in their opinion may threaten international peace and security". The Covenant did not include a provision giving him this initiative. The equivalent clause in the

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Covenant reads as follows: "In case any such emergency, war or threat of war should arise, the Secretary-General shall, on the request of any member of the League, forthwith summon a meeting of the Council". Thus while under the Covenant the Secretary-General could act only at the request of a member of the League, under the proposals he would have the right to act on his own initiative, thus enabling him to play a leading role in guiding the new Organization in the discharge of its primary responsibility, the maintenance of peace and security.

As regards the other functions of the Organization exercised through the Assembly and the Economic and Social Council, the only definition given of his powers and duties is that he should act as Secretary-General at all meetings of the General Assembly and the Economic and Social Council, and that he shall make an annual report to the General Assembly on the work of the Organization.

The proposals, however, do not specify that the Secretary-General should exercise any initiative in bringing any matter up for discussion and decision in the General Assembly and in the Economic and Social Council as in the case of the Security Council. Such a provision might aid the operations of these bodies by focussing issues for their attention.

CHAPTER XI. AMENDMENTS

> "Amendments should come into force for all members of the Organization when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization".

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Under the Dumbarton Oaks proposals the Charter could be altered by amendment adopted by a two-thirds majority in the Assembly and ratified by the States with permanent Council seats and the majority of other members. If so adopted an amendment would bind each other member of the Organization, even without its specific consent. Under this procedure every permanent member of the Security Council would have a veto.

Under the League Covenant, amendments would become effective when ratified by all members of the Council and by a majority of the Assembly. Thus all members of the Council, permanent and non-permanent, had a veto under this arrangement. So far there is no fundamental difference between the two Instruments. However, under the League Covenant there was an additional provision for withdrawal from the League in the event that a member expressed dissent from a proposed amendment. There is no such provision under the draft Charter. The relevant clause in the League Covenant reads as follows:- "No such amendments shall bind any member of the League, which signifies its dissent therefrom, but in that case it shall cease to be a member of the League (League of Nations Covenant, Chapter 26, para.2).

Thus, under the Dumbarton Oaks proposals, apart from the inflexibility of the procedure for changing the Charter, a country which finds itself unable to accept any of its provisions cannot voluntarily withdraw from the Organization. The question, therefore, arises whether the amended provisions are satisfactory, whether the right of voluntary withdrawal should be included, and whether complete revision of the Charter after a trial period should be envisaged.

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On the first point, the proposals for amendment are likely to make amendment difficult for the two reasons which have been noted. First, that ratification by all the Great Powers and a majority of the rest of the members would be required following Assembly approval, and secondly, because the Great Powers would possess an individual veto on any changes. This procedure might be rendered more flexible, if provision were made for a two-reading procedure for amendments whereby amendments might be conditionally approved by one Assembly and then finally voted at the next. An alternative to this would be simply to require that no amendment should be voted on by the Assembly which had not been formally proposed at least six or eight months in advance. It might then be feasible to omit the requirement for later ratification as the interval would give plenty of time to secure preliminary approval by resolution in countries where this was desired. The veto of the Great Powers on the other hand might either be omitted altogether or reduced so as to require the concurrence of perhaps three of them instead of all those with Council seats.

As regards the right of voluntary withdrawal, there are good reasons to avoid the inclusion of such a right in the draft Charter which, under the League Covenant, gave trouble-making states an easy escape from their obligations. On the other hand, it would seem unreasonable to expect the Canadian or any other people to accept permanent membership in an admittedly imperfect Organization.

Revision of the Charter.

An alternative might be to provide for the general revision of the Charter after a term of years. If the

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latter course were adopted, the Charter would be an interim constitution only. At the end of an agreed term the whole Charter would be revised and a new agreement submitted once more to ratification of member States. In connection with this proposal the Prime Minister said in the House of Commons on March 20th, 1945:-"In view of the difficulty of planning a World Security Organization, especially while the world itself is still at war, it might be desirable to include in the Charter some provision for its general review after a term of years,"

CHAPTER XII. TRANSITIONAL ARRANGEMENTS

"1. Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, the states parties to that Declaration should consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Government having responsibility for such action."

Enforcement of Peace Treaties.

The question of special bilateral treaties directed against the recrudescence of German aggression cannot be considered apart from the question of the transitional arrangements for dealing with the enforcement of the peace treaties against Germany and Japan. According to information received from the Department of State it is intended that the machinery for the enforcement of the peace treaties should be separated from the Organization. It has been obvious that the Organization could not assume any responsibility for the control of

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Germany and Japan during the period of full military occupation, but it now appears, at least from the American point of view, that it is contemplated that this responsibility would not be transferred to the Security Council when military government was withdrawn from the defeated enemies. It may be that the Great Powers intend to maintain special engagements between themselves for a considerable period designed to prevent the recurrence of danger from Germany and Japan. There might thus be a military alliance against Germany pledged to enforce the peace treaty, to which at least the United States, the United Kingdom and Russia would be parties and this alliance might continue for not less than ten and perhaps for twenty years. There appears to be a difference in view, or at least a difference of emphasis, between the United Kingdom and the United States on this important question. The United Kingdom authorities seem to take the view that the machinery controlled by the Great Powers for the enforcement of the peace treaties would cover a shorter period and be more specifically associated with military occupation and control. While it is known that agreement was reached at Yalta on the general machinery of military government to be imposed on Germany for a period of perhaps two or three years, it seems that plans covering a longer period were not discussed and it is doubtful whether they will be agreed upon before the Conference at San Francisco. The United Kingdom view, in so far as it can be gathered at present, appears to be that while peace enforcement questions will have to be removed on a short-term basis from the sphere of the Organization, it would not be desirable if they were separated indefinitely. At a certain stage the Security Council would presumably step in and

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assume responsibility for keeping Germany and Japan in subjection. If, for instance, it was necessary after the termination of military occupation to take repressive action against one of these countries, the Security Council should direct such action. If a separate set of treaties were entered into for the purpose of holding down the beaten enemy, then in due course such treaties should be fitted into the framework of the World Organization.

The Vandenberg Proposals.

In this general connection, and particularly in view of the favourable attitude of the State Department towards special treaties for maintaining peace enforcement against Germany and Japan, it may be well to review the proposals put forward by Senator Vandenberg who has accepted an invitation from President Roosevelt to be a member of the United States delegation to the San Francisco Conference.

In a speech before the Senate on January 10th, and in an address in Detroit on February 5th, Senator Vandenberg argued that the fundamental reason for unilateral action in Europe by such countries as the U.S.S.R. and the United Kingdom was their uncertainty as to what course of action the United States might take in the event of "reborn German aggression". That fear is, in his view, "the heart of the immediate problem which bedevils our allied relationships." The problem should be met "conclusively and at once."

Senator Vandenberg's solution is an agreement on the part of the United States to promise military cooperation "in the peremptory use of force, if needed, to keep Japan and Germany permanently demilitarized." He favoured

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a treaty for that purpose with the principal allies of the United States, under which the Commander in Chief (i.e., the President) would have instant power to act without reference to Congress. The President would have such power of prompt action since the Constitution permits him to use his executive powers for the "national defence short of war". These executive powers have been used some seventy-six times in American history.

In return for this military guarantee against Germany and Japan, Senator Vandenberg argues that the United States should insist "that whatever immediate unilateral decisions have to be made in consequence of military need, and there will be such even in civil affairs, they shall all be temporary and subject to final revision in the objective light of the post-war world and the post-war peace league as they shall ultimately develop."

In support of his proposals, Senator Vandenberg argues that they will meet the resistance of many to the President's use of force without reference to Congress. In his opinion, once the President has been given unquestioned power to deal with Germany and Japan "the creation of such a power for use against our friends becomes almost an academic question from the standpoint of reality." Even if such a crisis should develop, it would not come rapidly but only after it has been made clear to members of the United Nations that "one of our present major Allies has turned brute beast and proposes to assault civilization." Faced by such a challenge, Senator Vandenberg is convinced that Congress would have no hesitation in responding promptly.

In analysing these proposals, it should be noted that the U.S.S.R. are not at war with Japan. For that

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reason, if Senator Vandenberg's proposals are to be adopted immediately, two treaties would be required, one including all the great powers against Germany and one including all the great powers but Russia against Japan. Otherwise, the proposed guarantees against Germany and Japan must be deferred until the U.S.S.R. have declared war upon Japan. Such a treaty to be effective would necessarily have to contain an elaborate definition of what constitutes rearming on the part of either of the Axis powers. The industrial potential of a state is an essential factor in its strength as an armed power. The second half of the Vandenberg proposals raises still more difficulties. If they imply the re-examination of the boundaries in Eastern Europe, and of Poland particularly, difficulty of a major character will be presented for the U.S.S.R. and the United Kingdom. On this point Senator Vandenberg has not offered clearcut proposals. He is, for instance, not consistent in his descriptions of how the United Nations will remove injustices from the peace settlement. In an article in the Saturday Evening Post for March 17th, he spoke of the United Nations reviewing and <u>correcting</u> the infirmities of a peace settlement. In a press statement of March 18th, published in the New York Times, he spoke of the United Nations having jurisdiction broad enough to "explore and <u>recommend</u> correction of errors and injustices in the peace itself. ....." On April 1st he forwarded to the State Department eight amendments to the Dumbarton Oaks proposals, of which the seventh and eighth are concerned with the question of treaty revision. The seventh amendment parallels the press statement on March 18th and reads as follows:

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> "If the Security Council finds that any situation which it shall investigate involves injustice to peoples concerned it shall recommend appropriate measures of adjustment which may include revision of treaties and of prior international decisions."

The eighth amendment goes somewhat further in exempting the Security Council from "freezing" the status quo when a state has ignored suggestions for an adjustment of an unjust situation. Section eight reads as follows:

> "The Security Council shall not act, nor shall any member be called upon to act, to perpetuate a status which has been created in disregard of recommendations of the Security Council under Section A, or a status the adjustment of which has been recommended by the General Assembly or by the Security Council."

The seventh amendment is consistent with the Dumbarton Oaks proposals which give the General Assembly power to make recommendations to adjust situations likely to impair the general welfare (Chapter V, Section B, paragraph 6). The Security Council, under Chapter VIII, Section A, may also deal with situations leading to international friction, although Senator Vandenberg contends that such a power would not become effective until a point has been raised when there is a specific threat of aggression. It still remains obscure whether the Vandenberg proposals would involve the imposition by either the General Assembly or the Security Council of peaceful change on states whose policies were thought unsatisfactory.

In spite of these obscurities in the Vandenberg suggestions, they have received a good deal of support in the United States. An informal poll of the Senate taken by the New York Times on February 4th shows that a majority of the Senators favoured the suggestions. The general trend of

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opinion, while critical of the proposals in detail, emphasized their importance as making possible a firm guarantee by the United States of action against Germany and Japan in the future.

Plans of this kind, if realized, may raise difficult questions about the position of Canada and other secondary states with regard to the peace enforcement machinery, but this is not the place to consider this problem. If special treaties of this kind are not fitted into the framework of the Security Council's authority, the Council would presumably have its activities narrowed to exclude disputes involving either Germany or Japan and adequate military forces would be pledged outside the scope of the Organization to ensure the execution of the peace treaties. At the same time, under the voting formula agreed upon at Yalta the application of sanctions against a Great Power inside the Organization is not contemplated. In any event, it is generally agreed that no system could be devised which would be strong enough to coerce a country as powerful as the Soviet Union, or the United States or the United Kingdom. If the Organization is not designed to deal with serious disputes between the Great Powers among its members or to enforce the peace against the chief enemies, the military obligations which might arise from Canadian membership might become both formal and contingent. But it seems unlikely that the special treaties aimed at meeting the German threat or the regional arrangements arising out of Mexico City will be excluded entirely from the scope of the World Organization. The problem of reconciling these local and specific agreements with the projected international Organization will come up for discussion at San Francisco.

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Under the proposals as they stand the Security Council would become responsible for dealing with disputes affecting Germany and Japan whenever the transitional arrangements for enforcing the peace settlements come to an end. It appears to be contemplated in Washington that this would be when the Allied countries are ready to readmit Germany and Japan to the comity of nations. Consideration is being given in Ottawa to a suggestion discussed above under Chapter XI that the Charter should itself contain a provision for its general review and amendment after the lapse of not less than ten and not more than twenty years (in addition to the provision for particular amendments incorporated in Chapter XI). Such a review might appropriately be made at the time when the Security Council would be entrusted with full responsibility on the termination of the transitional arrangements.

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UNITED NATIONS CONFERENCE

ON INTERNATIONAL ORGANIZATION

San Francisco
April 25, 1945.

SELECTED AMENDMENTS TO THE DUMBARTON OAKS PROPOSALS FOR THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION

DEPARTMENT OF EXTERNAL AFFAIRS, OTTAWA

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PREAMBLE TO THE DUMBARTON OAKS PROPOSALS SUGGESTED BY FIELD MARSHAL SMUTS AT THE BRITISH COMMONWEALTH MEETING.

We the United Nations, assembled in Conference to seek a new way of life for the nations, and to prevent a recurrence of the fratricidal strife which has now twice in our generation brought untold sorrow and losses on mankind, and to establish an international organisation to that end:

Do hereby declare in this Charter of the United Nations, our common faith and objects, and the principles on which we seek to found an organisation for the peace progress and welfare of mankind.

Chapter I - The Common Faith.

1. We declare our faith in basic human rights, in the sacredness, essential worth, and integrity of the human personality, and affirm our resolve to establish and maintain social and legal sanctions for safeguarding the same:

2. We believe in the practice of tolerance, in the equal rights of individuals and of individual nations large and small, as well as in their inherent right to govern themselves without outside interference, in accordance with their own customs and way of life:

3. We believe in the enlargement of freedom and the promotion of social progress, and in raising the standards of life, so that there may be freedom of thought and expression and religion, as well as freedom from want and fear for all:

4. We believe in nations living in peace and peaceful intercourse with each other as good neighbours, and in renouncing war as an instrument of national policy.

Chapter II - Purposes.

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Chapter III - Principles.

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PROJET D'AMENDEMENTS DU GOUVERNEMENT FRANCAIS

AUX PROPOSITIONS RELATIVES A L'ETABLISSEMENT D'UNE

ORGANISATION INTERNATIONALE GENERALE

CHAPITRE I

BUTS

Alinéa 1.- Maintenir la paix et la sécurité internationales conformément au droit et à la justice, et à cette fin, prendre en commun des mesures efficaces en vue de prévenir et éliminer les menaces à la paix et réprimer tout acte d'agression ou autre atteinte portée à la paix, et effectuer, par des moyens pacifiques, l'ajustement ou le règlement de différends internationaux susceptibles de troubler la paix, sans perdre de vue que les traités engagent ceux qui les ont signés, et que leur respect constitue une des conditions essentielles de l'ordre international.

Alinéa 3.- Réaliser la coopération internationale dans la solution des problèmes humanitaires internationaux d'ordre économique, social ou autre; et veiller au respect des libertés essentielles à l'égard de tous, sans distinction de race, de langue et de religion.

CHAPITRE III

MEMBRES

Devrait pouvoir être membre de l'Organisation tout Etat épris de paix et le prouvant par ses institutions, son comportement international et les garanties effectives qu'il donne de respecter ses engagements internationaux. La participation à l'organisation implique des engagements incompatibles avec le statut de neutralité.

CHAPITRE V

L'ASSEMBLEE GENERALE

Section B.- FONCTIONS ET POUVOIRS.-

Alinéa 1.- Remplacer la dernière phrase ainsi conçue:

"L'Assemblée générale ne devrait sur sa propre initiative, faire aucune recommandation relativement à toute question ayant trait au maintien de la paix et de la sécurité internationales dont le Conseil de Sécurité se préoccupe" par:

"L'Assemblée

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"L'Assemblée générale pourra toujours appeler l'attention du Conseil de Sécurité sur les situations capables de mettre en danger la paix."

CHAPITRE VI

LE CONSEIL DE SECURITE

Section A.- COMPOSITION.-

Le Conseil de Sécurité devrait être composé d'un représentant de chacun de onze membre* de l'Organisation. Les représentants des Etats-Unis d'Amérique, du Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord, de l'Union des Républiques Soviétiques Socialistes, de la République de Chine et (en temps voulu) de la France, devraient avoir un siège permanent. L'Assemblée générale devrait élire six Etats aux sièges non permanents, trois au moins de ces Etats étant choisis parmi ceux qui auront pris l'engagement et auront les moyens de participer dans une mesure appréciable, à déterminer par le Conseil, à la défense active de l'ordre international. Ces six Etats devraient être élus pour une période de deux ans, trois d'entre eux se retirant chaque année. Ils ne devraient pas être immédiatement rééligibles. A la première élection des membres non-permanents, trois devraient être choisis pour une période d'un an, et trois pour une période de deux ans.

Section C.- VOTATION.-

1) Pour maintenir et rétablir la paix et la sécurité internationales, le Conseil de Sécurité procèdera, selon les cas, par voie de "recommandations" ou par voie de "décisions". Les "recommandations" seront prises à la majorité (sans qualification) des 2/3 des membres du Conseil. Les décisions seront prises à la majorité qualifiée (comprenant l'unanimité des membres permanents) des 2/3.

Dans le cas où le Conseil ne réussit pas à prendre une résolution, les membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire dans l'intérêt de la paix, du droit et de la justice.

CHAPITRE VIII

ARRANGEMENTS RELATIFS AU MAINTIEN DE LA PAIX ET DE LA SECURITE INTERNATIONALES Y COMPRIS LA PREVENTION ET LA REPRESSION DE L'AGRESSION

Section A.- REGLEMENT PACIFIQUE DES DIFFERENDS.-

Alinéa 1.- Le Conseil de Sécurité, sans perdre de vue le respect dû aux traités, devrait avoir le pouvoir d'enquêter sur tout

* Copyist's footnote: Should probably read: "des onze membres"

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sur tout différend ou toute situation susceptible d'entraîner le désaccord entre nations ou d'engendrer un différend, afin de se rendre compte si sa continuation pourrait menacer le maintien de la paix et de la sécurité internationales.

Alinéa 7.- Les dispositions des paragraphes 1 à 6 ne devraient pas être applicables aux situations ou différends découlant de questions qui, en vertu du droit international, relèvent uniquement de la juridiction nationale de l'Etat intéressé, à moins que la violation manifeste des libertés essentielles et des droits des hommes ne constitue par elle-même une menace susceptible de compromettre la paix.

Section B.- DETERMINATION DES MENACES A LA PAIX OU D'ACTES D'AGRESSION ET MESURES A PRENDRE A CE SUJET.-

Alinéa 5.- Afin de pouvoir tous contribuer au maintien de la paix et de la sécurité internationales, les membres de l'Organisation devraient s'engager à mettre à la disposition du Conseil de Sécurité, sur la demande de celui-ci et en conformité avec un ou plusieurs accords spéciaux conclus entre eux, les forces armées, les facilités ou l'aide nécessaire en vue de maintenir la paix et la sécurité internationales, et notamment le droit de passage. Cet accord spécial ou ces accords spéciaux devraient fixer le nombre et le type de ces forces, le délai de leur mise à disposition du Conseil de Sécurité et, s'il y a lieu, la zone de leur stationnement normal, et préciser les facilités, l'aide et les moyens de communication à fournir. Un tel ou de tels accords spéciaux devraient être négociés aussitôt que possible et devraient, dans chaque cas, être soumis à l'approbation du Conseil de Sécurité et à la ratification des Etats signataires en conformité avec leurs procédures constitutionnelles.

Alinéa 6.- Afin de permettre à l'Organisation de prendre d'urgence des mesures d'ordre militaire, des contingents nationaux de forces de toutes armes stationnés ou dont le stationnement serait en permanence préparé, s'il y a lieu, dans des zones de sécurité appropriées, devraient pouvoir être en permanence à la disposition du Conseil de sécurité en vue d'une action coercitive conjointe. La puissance et le degré de préparation de ces contingents et les plans pour leur action conjointe devraient être déterminés par le Conseil de sécurité, avec l'assistance du Comité d'Etat-Major, dans les limites prescrites par l'accord spécial ou les accords spéciaux visés au paragraphe 5 ci-dessus.

Alinéa 9.- Il devrait être pourvu à l'établissement d'un Comité d'Etat-Major, dont les attributions seraient de conseiller et d'aider le Conseil de Sécurité relativement à toute question ayant trait aux besoins d'ordre militaire du Conseil de Sécurité en ce qui concerne le maintien de la paix et de la sécurité internationales, à l'emploi et au commandement des forces mises à sa disposition, à la réglementation des armements, au désarmement éventuel et à toute mesure de contrôle qui serait jugée opportune. Il devrait être responsable, sous l'autorité du Conseil de Sécurité de la direction stratégique de toutes les forces armées mises à la disposition du Conseil de Sécurité. Le Comité

devrait

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devrait être composé des Chefs d'Etat-Major des membres permanents du Conseil de sécurité ou de leurs représentants et d'un délégué des membres de l'Organisation s'étant engagés à mettre des forces consistantes à la disposition du Conseil de Sécurité. Tout membre de l'Organisation qui n'aurait pas de représentation permanente au Comité devrait être invité par le Comité à s'associer à lui lorsque la bonne exécution des tâches du Comité exige que cet Etat participe à sa tâche. Les questions relatives au commandement de ces forces devraient être décidées par la suite.

Section C.- ARRANGEMENTS REGIONAUX.

Alinéa 2.- Le Conseil de Sécurité devrait, chaque fois qu'il convient, faire usage de ces arrangements ou organismes régionaux en vue de l'application, sous son autorité, de mesures coercitives, mais aucune mesure coercitive ne devrait être appliquée en vertu d'arrangements régionaux ou par des organismes régionaux sans l'autorisation du Conseil de Sécurité.

Il est toutefois fait exception à cette règle dans le cas d'application des mesures d'urgence prévues par les traités d'assistance conclus entre Membres de l'Organisation et notifiés par eux au Conseil de Sécurité. En tout état de cause, les Etats signataires devraient lui rendre compte dans le plus bref délai des mesures qu'ils auraient été amenés à prendre en exécution des stipulations desdits traités.

CHAPITRE IX

ARRANGEMENTS RELATIFS A LA COOPERATION ECONOMIQUE ET SOCIALE SUR UN PLAN INTERNATIONAL

Section A - BUTS ET RELATIONS

Alinéa 1.- Dans le but de créer les conditions de stabilité et de bien-être qui sont nécessaires au maintien de relations amicales et pacifiques entre nations, l'Organisation devrait provoquer la solution des problèmes internationaux d'ordre humanitaire, social et autre et contribuer à assurer le respect des droits des hommes et des principales libertés. L'Assemblée Générale et, sous son autorité, le Conseil économique et social devraient collaborer avec le Conseil de Sécurité à l'accomplissement de cette fonction.

Section B.- COMPOSITION ET VOTATION.-

Le Conseil économique et social devrait être composé des représentants de dix huit membres de l'Organisation parmi lesquels figureraient obligatoirement, au moins pour moitié, les pays dont l'importance économique est la plus considérable. Les Etats devant être représentés à cette fin devraient être élus par l'Assemblée générale pour une période de trois ans. Chacun de ces Etats devrait avoir un représentant, qui aurait droit à une voix. Les décisions du Conseil économique et social

devraient

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devraient être prises à un vote de simple majorité des représentants présents à condition que les deux tiers au moins des membres du Conseil économique et social participent au vote.

Section C.- FONCTIONS ET POUVOIRS DU CONSEIL ECONOMIQUE ET SOCIAL.

Alinéa I.- Le Conseil économique et social devrait avoir le pouvoir:

.....

C bis) d'envisager la création et le contrôle d'organismes semblables en ce qui concerne en particulier la répartition des matières premières.

.....

f) d'aider le Conseil de Sécurité, sur la demande de celui-ci, et de le saisir directement en cas d'urgence de toute question humanitaire, économique, sociale ou autre qu'il juge de nature à mettre la paix en danger, à charge pour le Conseil économique et social de rendre compte à l'Assemblée.

Section D.- ORGANISATION ET PROCEDURE.

Alinéa I.- Le Conseil économique et social devrait instituer une commission économique, une commission sociale et toute autre commission ou sous-commission qu'il jugerait nécessaire d'établir en particulier au titre régional. Ces commissions devraient être composées d'experts. Il devrait y avoir un personnel permanent qui ferait partie du secrétariat de l'Organisation.

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AMENDEMENT TECHNIQUE

"Tout traité ou engagement international, ayant un caractère politique, conclu à l'avenir par un membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré."

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TRANSLATION

AMENDMENTS SUBMITTED BY THE FRENCH GOVERNMENT REGARDING THE PROPOSALS FOR THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANISATION

CHAPTER 1

PURPOSES

Para 1.- To maintain international peace and security in conformity with law and justice and, to that end, take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, adjustment or settlement of international disputes which may lead to a breach of the peace, without losing sight of the fact that treaties are binding upon those who have signed them, and that respect of these treaties constitutes one of the essential conditions of international order.
Para.3.- To achieve international cooperation in the solution of international economic, social and other humanitarian problems; and to see to the respect of essential liberties for all, without distinction of race, language or religion.

CHAPTER 111

MEMBERSHIP

Membership of the Organization should be open to all peace-loving States that would prove so by their institutions, their international behaviour and the effective guarantees they give to respect their international engagements. Participation in the Organization implies commitments inconsistent with the status of neutrality.

CHAPTER V

THE GENERAL ASSEMBLY

Section B.- FUNCTIONS AND POWERS

Para 1.- Substitute for the last sentence reading as follows: "The General Assembly should not, on its own initiative, make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council": "The General Assembly shall always have the right to draw the attention of the Security Council to situations that may endanger peace".

CHAPTER VI

THE SECURITY COUNCIL

Section A. COMPOSITION

The Security Council should consist of one representative

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of each of 11 members of the Organization. The representatives of the United States of America, of the United Kingdom of Great Britain and Northern Ireland, of the Union of Soviet Socialist Republics, of the Republic of China and (in due course) of France, should have permanent seats. The General Assembly should elect six States to fill non-permanent seats, at least three of these States being selected among those that will have undertaken to and will have the means of participating in an appreciable degree, to be determined by the Council, in the active defense of the international order. These six States should be elected for a term of two years, three of these retiring each year. They should not be immediately eligible for reelection. In the first election of the non-permanent members, three should be chosen for a one year term and three for a two year term.

Section C. VOTING

1) To maintain and restore international peace and security, the Security Council shall proceed, as the case may be, by way of "recommendations" and by way of "decisions". The "recommendations shall be adopted by a majority of 2/3 of the Council members (without regard to qualifications), the decisions shall be taken by a qualified majority of 2/3 of the members (including a unanimous vote of the permanent members).

In the case where the Council would not succeed in adopting a resolution, the members of the Organization retain the rights to act as they deem necessary in the interests of peace, law and justice.

CHAPTER VIII

ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION.

Section A.- PACIFIC SETTLEMENT OF DISPUTES.

Para. 1.- Without losing sight of respect for treaties, the Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

Para. 7.- The provisions of paragraphs 1 to 6 should not apply to situations or disputes arising out of matters which by international law, are solely within the domestic jurisdiction of the State concerned, unless manifest violation of essential liberties and rights of men constitutes in itself a menace calculated to jeopardize the peace.

Section B.- DETERMINATION OF THREATS TO THE PEACE OR ACTS OF AGGRESSION AND ACTION WITH RESPECT THERETO.

Para. 5.- In order that all members of the organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security, and in particular the right of passage. Such agreement or agreements should govern the number and types of forces, how soon they should be placed at the disposal of the Security Council, and, where appropriate, the zone in which they

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normally will be situated, and clearly state the facilities, the assistance and the means of communication to be provided. The special agreement or agreements should be negotiated as soon as possible and should be, in each case, subject to approval by the Security Council and to ratification by the signatory States in accordance with their constitutional processes.

Para. 6.- In order to enable urgent military measures to be taken by the Organization, national contingents of forces of all branches stationed, or, which would be permanently stationed if necessary in appropriate zones of security, should be held permanently available to the Security Council in view of a combined enforcement action. The strength and degree of readiness of those contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

Para. 9.- There should be established a Military Staff Committee, the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament, and to any measure of control which might be considered advisable. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives and of one delegate of the members of the Organization that have committed themselves to put definite forces at the disposal of the Security Council. Any member of the Organization not permanently represented on the committee should be invited by the committee to be associated with it when the efficient performance of the committee's responsibilities requires that such a state should participate in its work. Questions pertaining to the command of forces should be worked out subsequently.

Section C.- REGIONAL ARRANGEMENTS.

Para. 2.- The Security Council should, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

However an exception to this rule should be made in the case of application of urgent measures specified in mutual assistance treaties signed between members of the organization and reported by them to the Security Council. In any event, signatory States should inform the council as soon as possible of the measures which they may have been led to take in fulfillment of the above treaties' stipulation.

CHAPTER IX

ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Section A. - PURPOSES AND RELATIONSHIPS.

Para. 1. - With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the organization should bring

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about the solution of international problems of humanitarian, social and other natures and contribute to guarantee the respect of human rights and fundamental freedoms. The General Assembly and the Economic and Social Council, under its authority, should collaborate with the Security Council in the discharge of this function.

Section B.- COMPOSITION AND VOTING.

The Economic and Social Council should consist of representatives of eighteen members of the Organization, among which should necessarily be included to the extent of at least one half the countries whose economic importance is greatest. The States to be represented for this purpose should be elected by the General Assembly for terms of three years. Each such state should have one representative, who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present on the condition that at least two-thirds of the members of the Economic and Social Council participate in the voting.

Section C.- FUNCTIONS AND POWERS OF THE ECONOMIC AND SOCIAL COUNCIL.

Para. 1. - The Economic and Social Council should be empowered: . . . . . .

C bis) to consider the creation and control of similar agencies, especially in regard to the distribution of raw materials. . . . . .

F) to assist the Security Council upon its request, and submit to it in emergencies any humanitarian, economic, social or other questions which it believes of a nature susceptible of endangering the peace, the Economic and Social Council having the responsibility of reporting to the assembly.

Section D. - ORGANIZATION AND PROCEDURE.

Para. 1. - The Economic and Social Council should set up an Economic Commission, a Social Commission and such other Commissions or Sub-commissions which it may consider necessary to establish particularly from a regional standpoint. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

TECHNICAL AMENDMENT

"Any treaty or international agreement of a political character concluded in the future by a member of the Organization shall be immediately registered by the Secretariat and published by it as soon as possible. No such treaty or international agreement shall be binding before being registered".

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AMENDMENTS TO THE PROPOSALS FOR THE MAINTENANCE OF PEACE AND SECURITY AGREED ON AT THE FOUR POWERS CONFERENCE OF DUMBARTON OAKS SUPPLEMENTED AS A RESULT OF THE CONFERENCE OF YALTA, SUBMITTED BY

THE NETHERLANDS DELEGATION
TO THE SAN FRANCISCO CONFERENCE.

In January 1945, the Netherlands Government have presented certain suggestions to the Governments of the United Nations and the Governments associated with them in the present war, concerning the Proposals for the maintenance of peace and security agreed on at the Four Powers Conference of Dumbarton Oaks as published on October 9, 1944. Having taken cognizance of the results of the Yalta Conference with regard to these Proposals and of a number of observations made by various Governments and in the course of public discussion, the Netherlands Government have instructed their Delegation to submit the following amendments for consideration by the Conference. Whilst some of these amendments are of a largely technical nature, others concern matters of principle to which the Netherlands Government attach the greatest importance.

I

CHAPTER I (PURPOSES) AND II (PRINCIPLES)

Alternative Amendment

A (in case B is not accepted)

Insert in Chapter I sub 1 after the words "To maintain international peace and security";

"in conformity with the elementary principles of morality and justice and on the basis of due regard for international law",

or

B (in case A is not accepted)

Insert in or add to the Chapter a statement setting forth the fundamental rights and duties of States.

Comment:

The Proposals state that one of the purposes of the Organisation should be: to maintain international peace and security. They do not state on which basis international peace and security should be maintained. The Netherlands Government consider the express indication of that basis as being indispensable. In the opinion of the Netherlands Government, this could be done by adopting either amendment A or B.

It is observed in this connection that the proposed voting procedure in the Security Council gives the permanent members of that Council special rights

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which tend to weaken the position of the other members of an Organisation based on the principle of the sovereign equality of all peace-loving states. The adoption of either of the amendments mentioned under A and B would afford these other members some reasonable compensation for and correction of this inequality.

As an example of a statement setting forth the fundamental rights and duties of states as mentioned sub B, the annex to this document reproduces "The principles for the International Law of the Future", formulated by a number of American and Canadian lawyers and published by the Carnegie Endowment for International Peace in its "International Conciliation" - Bulletin of April, 1944.

II

CHAPTER III

(MEMBERSHIP)

Insert in paragraph 1 after the words "Membership of the Organization should be open "to all peace-loving states":

"which may be expected on account of their institutions and by their international behaviour faithfully to observe and carry out international commitments."

Comment:

The insertion of this rule, however important, would not appear to be necessary in so far as the States represented at the San Francisco Conference are concerned. The insertion would, however, seem to be useful in view of the admission into the Organisation at some future date of other States who, in order to qualify for admission, would thus be required to have given conclusive proof of their firm adherence to the rule "pacta sunt servanda".

III

CHAPTER V SECTION B

(FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY)

Insert at the end of the first sentence of par. 3:

", and to raise the suspension of that member".

IV

CHAPTER V SECTION B

(FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY)

Insert at the end of par. 5:

"A member of the Organisation which has not in due time paid its portion of the expenses loses its right to vote in the Assembly and, if a member of the Security Council, forfeits its seat thereon".

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Comment:

A rule of this nature would tend to minimize the accumulation of arrears.

V

CHAPTER VI SECTION C

(VOTING)

Paragraph 3 to read:

"Decisions of the Security Council on all other matters should be made by an affirmative vote including the concurrent votes of the permanent members and of one half of, or - in cases in which the number of non-permanent members entitled to vote is uneven - the majority of the non-permanent members, provided that in decisions under Chapter 8, Section A and under the second sentence of paragraph 1 of Chapter 8, Section C, a party to a dispute should abstain from voting".

Comment:

It seems desirable, if the interests of the non-permanent members of the Security Council are to be duly safeguarded, to prevent that a decision of the Security Council can be taken by a majority consisting of the votes of the permanent members plus that of only two non-permanent members.

VI

CHAPTER VIII

(ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION)

1. Section A (Pacific Settlement of Disputes and Determination of Threats to the Peace or acts of aggression)

Add two new paragraphs at the end of this Section, reading as follows:

8. "Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should determine the existence of such a threat".

9. "In general the Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression".

2. Section B (Action with respect to the existence of Threats to the Peace or Acts of Aggression)

Paragraph 1 and 2 to read as follows:

"1. Should the Security Council under paragraph 8 of Section A determine the existence of a threat to the maintenance of international peace and security, it should take

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any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organisation".

"2. Should the Security Council in general, under paragraph 9 of Section A determine the existence of any threat to the peace, breach of the peace or act of aggression, it should decide upon the measures to be taken to maintain or restore peace and security".

3. In connection with sub 1 and 2 above, Section A should bear the following title:

"Pacific Settlement of Disputes and Determination of Threats to the Peace or Acts of Aggression";

and Section B the title:

"Action with respect to Existence of Threats to the Peace or Acts of Aggression".

Comment:

A distinction should be made, so far as voting is concerned, between the quasi-judicial function of the Security Council in promoting the pacific settlement of disputes and its executive function in taking action for the maintenance of peace and security. It would seem desirable to treat the function of the Security Council in determining the existence of any threat to the peace, breach of the peace or act of aggression, as part of its quasi-judicial function and to stipulate therefore that in such cases also, a party to a dispute should abstain from voting.

VII

CHAPTER VI SECTION D

(PROCEDURE)

Insert at the end of paragraph 5:

", and shall enjoy the same position with regard to discussion and voting as the other party to the dispute".

Comment:

The adoption of this rule appears necessary if, as seems desirable, the position of parties to a dispute mentioned in this paragraph is to be equal.

VIII

CHAPTER VII

(AN INTERNATIONAL COURT OF JUSTICE)

Insert a new paragraph reading as follows:

"The Court shall give an advisory opinion of any legal question referred to it by the General Assembly or the Security Council".

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Comment:

If this Amendment is adopted the second sentence of paragraph 6 of Section A of Chapter VIII should be deleted.

In connection with Chapter XII (Transitional Arrangements) the Netherlands Delegation has been instructed to propose that an international commission be appointed by the General Assembly in its first meeting to determine to what extent and in what manner rights and duties of the League of Nations laid down in various international conventions should be transferred to the new Organisation or otherwise dealt with.

The Netherlands Government recommend that the provisions of the League of Nations Covenant with regard to the registration of Treaties as a condition for their validity be retained in the Charter of the New Organisation.

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ANNEX

PRINCIPLES FOR THE INTERNATIONAL LAW OF THE FUTURE

PRINCIPLE 1

Each State has a legal duty to carry out in full good faith its obligations under international law, and it may not involve limitations contained in its own constitution or laws as an excuse of a failure to perform this duty.

PRINCIPLE 2

Each State has a legal duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind.

PRINCIPLE 3

Each State has a legal duty to refrain from intervention in the internal affairs of any other State.

PRINCIPLE 4

Each State has a legal duty to prevent the organisation within its territory of activities calculated to foment civil strife in the territory of any other State.

PRINCIPLE 5

Each State has a legal duty to cooperate with other States in establishing and maintaining agencies of the Community of States for dealing with matters of concern to the Community, and to collaborate in the work of such agencies.

PRINCIPLE 6

Each State has a legal duty to employ pacific means and none but pacific means in seeking to settle its disputes with other States, and failing settlement by other pacific means to accept the settlement of its disputes by the competent agency of the Community of States.

PRINCIPLE 7

Each State has a legal duty to refrain from any use of force and from any threat to use force in its relations with another State, except as authorized by the competent agency of the Community of States; but subject to immediate reference to and approval by the competent agency of the Community of States, a State may oppose by force an unauthorized use of force made against it by another State.

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PRINCIPLE 8

Each State has a legal duty to take, in cooperation with other States, such measures as may be prescribed by the competent agency of the Community of States for preventing or suppressing a use of force by any State in its relations with another State.

PRINCIPLE 9

Each State has a legal duty to conform to the limitations prescribed by the competent agency of the Community of States and to submit to the supervision and control of such an agency, with respect to the size and type of its armaments.

PRINCIPLE 10

Each State has a legal duty to refrain from entering into any agreement with another State, the performance of which would be inconsistent with the discharge of its duties under general international law.

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SUGGESTIONS DU GOUVERNEMENT BELGE CONCERNANT LES PROPOSITIONS POUR LE MAINTIEN DE LA PAIX ET DE LA SECURITE ELABOREES A LA CONFERENCE DES QUATRE PUISSANCES, TENUE A DUMBARTON OAKS, ET PUBLIEES LE 9 OCTOBRE 1944.

I. Les propositions formulées par les représentants des Etats-Unis, du Royaume-Uni, de l'URSS et de la Chine, à la suite de leurs délibérations à Dumbarton Oaks au sujet de l'Organisation Internationale à créer en vue d'assurer le maintien de la Paix et de la Sécurité, ont été rendues publiques et soumises à l'examen de l'opinion de tous les pays. Le Gouvernement belge croit répondre aux intentions de ceux qui ont pris l'initiative de ces propositions, en essayant de dégager les premières impressions de l'opinion belge à leur sujet.

II. La Belgique a toujours manifesté un profond intérêt à l'égard des efforts accomplis en vue de consolider la paix. Un tel objectif n'est pas moins important pour les petits ou moyens Etats que pour les Grandes Puissances: la guerre peut imposer d'énormes charges à celles-ci, elle peut mettre en jeu l'existence même de ceux-là et leur causer des dommages sans remède. Aussi, les suggestions ou les observations que le Gouvernement belge serait amené à formuler seront-elles conçues dans un esprit constructif et inspirées par le désir d'apporter une contribution utile à l'oeuvre entreprise. Il tient en même temps à exprimer sa sincère gratitude aux Grandes Puissances pour l'initiative qu'elles ont prise dans l'intérêt commun de toutes les Nations.

III. La Paix ne peut être maintenue que par un effort commun et constant des Etats pacifiques. En particulier, la paix ne saurait être assurée si les grandes Puissances ne parvenaient pas à s'entendre sur les principaux problèmes d'intérêt commun.

Elles ont, vis-à-vis d'elles-mêmes, comme vis-à-vis des autres Etats, la responsabilité de réaliser et de maintenir cette entente. Si l'efficacité du plan de Dumbarton Oaks en dépend, inversement celui-ci peut contribuer à assurer cet accord indispensable. Il est permis de se demander si ce n'est pas là le résultat le plus important qu'une organisation semblable à celle qui est projetée puisse réaliser.

IV. Quelles que soient les limites que la nature des choses trace à l'efficacité d'une organisation générale de la sécurité, le Gouvernement belge est convaincu que la Belgique pourra apporter son concours à la réalisation de l'oeuvre entreprise à Dumbarton Oaks. Il doit cependant attirer l'attention sur deux questions qu'il considère comme essentielles à cette fin.

a) La première est de savoir quels seront les principes sur lesquels seront fondées les décisions de l'organisation. Le projet ne les définit pas. A leur défaut, quelle garantie auront les Etats

exposés

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exposés aux entreprises de la force, que leur cause sera entendue dans un esprit de justice? Le projet devrait fournir l'assurance que certaines normes seront observées: que les décisions s'inspireront des règles de l'équité et qu'elles respecteront l'indépendance politique et les autresdroits vitaux des Etats.

Au cas où un différend constituant, de l'avis du Conseil de Sécurité, une menace pour la paix et la sécurité internationales, ne serait pas réglé par les moyens indiqués au paragraphe 3 Section A, Chapitre VIII, le rôle du Conseil de Sécurité devrait principalement avoir pour objet de mettre en oeuvre les procédures ou les méthodes d'ajustement les plus susceptibles de provoquer un règlement pacifique. Le Conseil pourrait aussi avoir le droit d'imposer au besoin aux Parties les mesures provisoires qui lui paraîtraient requises.

Enfin, au cas où les procédures recommandées par lui seraient inopérantes, où il jugerait la situation ainsi créée comme dangereuse pour le maintien de la paix et de la sécurité internationales, le Conseil de Sécurité aurait à prendre toute décision équitable de nature à régler pacifiquement le différend. Cependant, avant qu'un projet de règlement du différend élaboré par le Conseil ou par toute autre instance n'acquière un caractère définitif, chacun des Etats en cause devrait pouvoir demander à la Cour de Justice un avis consultatif sur le point de savoir si ce règlement respecte son indépendance et ses droits vitaux.

b) La seconde question considérée comme essentielle par le Gouvernement belge concerne les relations entre les Grandes Puissances et les autres Etats.

Il conviendrait tout d'abord de donner dans une large mesure accès aux sièges non permanents du Conseil à des Etats qui, comme la Belgique, sont en mesure, en raison de leur position géographique et de leurs ressources économiques, d'apporter une contribution substantielle au maintien de la paix, et sont prêts à consentir de larges sacrifices à cette fin.

Il semble d'autre part, au Gouvernement belge, que plusieurs dispositions du plan sont en contradiction avec les principes de l'égalité de droits souverains (Sovereign Equality) dont il procède, abstraction étant faite des règles - cependant essentielles - qui n'ont pas encore été énoncées et suivant lesquelles le Conseil de la Sécurité prendrait ses décisions.

Le Gouvernement belge suggère que les règles suivantes soient adoptées en ce qui concerne les décisions de l'Organisation:

1) chacun

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1) chacun des membres permanents du Conseil pourrait se voir reconnaître un droit de veto, mettant obstacle à ce qu'une décision du Conseil soit rendue exécutoire; mais ce veto devrait être restreint au seul cas où la décision aurait pour objet de mettre en oeuvre des mesures de coercition prévues par un accord spécial régional auquel ce membre permanent du Conseil serait partie. (Chap. VIII, Section B 5). Il se conçoit, en effet, qu'un membre permanent du Conseil sur lequel reposerait en grande partie l'exécution des mesures de coercition d'un accord régional ne puisse admettre de se trouver soumis à des charges considérables par une décision qu'il n'aurait pas approuvée. Par contre, les décisions du Conseil seraient obligatoires pour les Etats qui ne sont pas membres permanents du Conseil, conformément aux dispositions de l'accord spécial régional dont ils font partie (Chap. VIII, Section B 5).

2) Toute décision du Conseil de Sécurité pour laquelle une majorité qualifiée serait requise, devrait également comporter le vote de la majorité des membres non permanents.

V. A ces remarques de portée générale, le Gouvernement belge désire ajouter quelques observations visant des points particuliers:

a) il approuve dans l'ensemble les dispositions qui placent les ententes régionales sous la dépendance de l'Organisation Internationale. Cependant dans le cas où une action immédiate serait nécessaire, l'application des mesures de coercition prévue par des arrangements spéciaux régionaux ne devrait pas être tenue en suspens en attendant l'autorisation du Conseil de Sécurité; il appartiendrait évidemment au Conseil de Sécurité de garder à tout moment le contrôle de l'action entreprise et il aurait le droit d'en suspendre l'exécution;

b) Il suggère que chacun des Membres ait la faculté de conférer avec le Comité d'Etat-Major au sujet de toute question de la compétence de celui-ci et que ce Membre jugera opportun de lui soumettre.

c) Les Membres de l'Organisation devraient reconnaître la compétence obligatoire de la Cour Permanente de Justice Internationale à l'égard de toute question de droit pour laquelle ils n'ont pas fait usage d'un autre mode de règlement pacifique: ils devraient se reconnaître liés par les décisions de la Cour.

d) La

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d) La création d'un Conseil Economique et Social paraît hautement opportune. Ce Conseil devrait disposer de services d'étude dont les travaux devraient contribuer à l'information de l'opinion publique dans tous les pays.

VI. Telles sont les observations et suggestions que le Gouvernement belge croit devoir formuler en ce moment, en vue de contribuer autant qu'il le peut au succès de la grande oeuvre entreprise dont les Gouvernements des Etats-Unis, de la Grande-Bretagne, d'URSS et de Chine ont pris l'initiative. Il se réserve de les compléter quand auront été formulées les règles suivant lesquelles interviendront les décisions du Conseil de la Sécurité.

5 février 1945.

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SUGGESTIONS OF THE BELGIAN GOVERNMENT REGARDING THE PROPOSALS FOR THE MAINTENANCE OF PEACE AND SECURITY FORMULATED AT THE FOUR POWERS' CONFERENCE HELD AT DUMBARTON OAKS AND PUBLISHED ON OCTOBER 9, 1944.

I. The proposals formulated by the representatives of the United States, the United Kingdom, the U.S.S.R. and China, following their talks at Dumbarton Oaks concerning the International Organization to be set up in order to ensure the maintenance of Peace and Security, have been made public and submitted for the examination of all countries. The Belgian Government believes that it is acting in conformity with the intentions of those who have initiated those proposals, in trying to define the first impressions of the Belgian people regarding these proposals.

II. Belgium has always shown deep interest in the efforts made to achieve an enduring peace. Such an aim is not less important to small or medium States than it is to the Great Powers: War can impose heavy responsibilities upon the latter and may put at stake the very existence of the former and cause them irretrievable damage. Therefore, the suggestions or observations which the Belgian Government would be led to formulate will be made in a constructive spirit and will be inspired by the wish to bring some useful contributions to the task undertaken. At the same time, the Belgian Government wishes to express its sincere gratitude to the Great Powers for taking this initiative in the common interest of all Nations.

III. Peace can be maintained only through a common and constant effort on the part of the peace-loving States. In particular, peace cannot endure unless the Great Powers agree upon the main problems of common interest.

They owe it to themselves and to the other States to achieve and maintain such an understanding. If the efficiency of the Dumbarton Oaks plan depends upon it, inversely the said plan may contribute to ensure this essential understanding. One may wonder if that is not the most important result which such an organization as that proposed could achieve.

IV. Whatever limitations may be imposed by the nature of events upon the efficiency of a general security organization, the Belgian Government is convinced that Belgium will be able to help carry out the work undertaken at Dumbarton Oaks. However, the Belgian Government must draw attention to two points which it considers essential to that end:

a) The first one is to know what principles will serve as a basis for the decisions of the Organization. The project does not define them. Without them, how would the States subject to attacks by force be sure that their case will be heard in a spirit of justice? The project should give the assurance that certain rules will be followed: that the decisions will be made according to rules of equity and that they will respect the political independence and other vital rights of the States.

In the case where a dispute constituting, in the opinion of the Security Council, a threat to international peace and security, would not be settled by the means mentioned in chap. VIII, Section A, Para. 3, the main duty of the Security Council would be to put into effect the procedures or methods of adjustment most likely to bring about a peaceful settlement. The Council could also have the right to impose upon the Parties, if required, such provisional measures as it may deem necessary.

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TRANSLATION

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Finally, in the case where the procedures recommended by it would be ineffective, where it would consider the situation thus created to be dangerous for the maintenance of international peace and security, the Security Council would have to make any equitable decision likely to settle the dispute peacefully. However, before a proposal of settlement formulated by the Council or any other body should become final, each of the States concerned should have the right to ask for an advisory opinion to the Court of Justice on the question of knowing whether the proposed settlement respects its independence and vital rights.

b) The second point which the Belgian Government considers essential concerns the relations between the Great Powers and the other States. In the first place, it would be advisable to give, to a large extent, access to the non permanent seats in the Council to States which, like Belgium, are in a position, in view of their geographical situation and their economical resources, to bring a substantial contribution to the maintenance of peace, and are willing to make great sacrifices for that purpose.

On the other hand, the Belgian Government believes that several provisions of the plan are inconsistent with the principles of Sovereign Equality from which it proceeds, apart from the rules - although essential - which have not yet been set forth and according to which the decisions of the Security Council would be made.

The Belgian Government suggests that the following rules be adopted insofar as the decisions of the Organization are concerned:

1) Each permanent member of the Council could be granted a right of veto, preventing a decision of the Council from coming into force; but such veto should be limited only to the case where the object of the decision would be put into effect coercive measures provided for by a special regional agreement to which the said permanent member of the Council would be party (chap.VIII, Section B 5). It is easily understood that a permanent member of the Council, upon which would rest to a large extent the execution of the coercive measures of a regional agreement, cannot accept the heavy responsibilities laid upon it by a decision which it would not have approved. On the other hand, the decisions of the Council would be compulsory for States which are not permanent members of the Council, in accordance with the provisions of the special regional agreement to which they are parties (Chap.VIII, Section B.5).

2) Any decision of the Security Council for which a qualified majority would be required should also involve the vote of the majority of the non-permanent members.

V. To those remarks of general interest, the Belgian Government wishes to add a few comments concerning special points:

a) It approves on the whole the provisions which place the regional agreements under the International Organization. However, in the case where immediate action would be necessary, the application of the coercive measures provided for by the special regional agreements should not be deferred pending the approval of the Security Council; it evidently would be the duty of the Security Council to keep control at all times over the action undertaken and it would have the right to suspend its enforcement;

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b) It suggests that each member be permitted to confer with the Chiefs of Staff Committee regarding any question within its jurisdiction and which the said member may deem advisable to refer to it.

c) The members of the Organization should recognize the compulsory jurisdiction of the International Permanent Court of Justice over any question of right for which they have not used another peaceful means of settlement: they should accept the decisions of the Court as binding.

d) The establishment of an Economic and Social Council appears to be highly advisable. The said Council should have at its disposal investigation services whose work should contribute to the information of public opinion in all countries.

VI. Those are the remarks and suggestions which the Belgian Government deems advisable to submit at this time, in order to contribute as much as possible to the success of the great work undertaken on the initiative of the Governments of the United States, Great Britain, the U.S.S.R. and China. It reserves the right to complete them when the rules governing the decisions of the Security Council have been established.

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SUMMARY OF THE AMENDMENTS TO THE DUMBARTON OAKS PROPOSALS PUT FORWARD BY THE MEXICAN MINISTRY OF FOREIGN AFFAIRS

Name of the Organization

1. To change the name proposed for the General International Organization to "Permanent Union of Nations" or other similar appellation not implying discrimination against any State.

Principles and Purposes

2. To invert the order in which the purposes and the principles of the Organization are stated in the Dumbarton Oaks proposals so that the principles should be stated first.

3. To complete the principles set forth in Chapter II of the Dumbarton Oaks proposals by 1, and to include in them a Declaration of the Rights and Duties of States, which should figure as an Annex to the Charter.

4. To set forth the essential human rights in a Declaration of the International Rights and Duties of Man, which should take the form of a further Annex to the Covenant.

5. To set up an international body to watch over the observance of the principles contained in the Declarations to which the preceding paragraphs refer.

6. To reaffirm the principles already internationally sanctioned with regard to dependent peoples, and to organize an appropriate system for the practical application of such principles.

7. To include in the Charter of the General International Organization an undertaking by all States in regard to the incorporation of International Law in their respective domestic legislation.

Membership

8. To adopt a system of universal and compulsory membership, even though the rights of the vanquished States may temporarily be restricted.

Organs of the Organization

9. To include among the essential organs of the General International Organization, an Economic and Social Council, and to exclude the Permanent Court of International Justice from list of organs, on the grounds that the Court would be an autonomous body although connected with the Organization.

10. To specify the principal subjects with which the Specialized Economic Social and other Organizations should deal.

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Assembly

11. To bestow upon the Assembly the powers that should belong to it under a democratic system. Both the Assembly and the Council should be competent "to deal with any problems affecting, or liable to affect, the political independence, the territorial integrity and the general welfare of the members of the Organization." Moreover, "the Assembly should have the power on the request of one-half plus one of the Members of the Organization to examine any resolution adopted by the Council, such resolutions would become definitely binding if approved by three-quarters of the delegates present in the Assembly, and provided that the votes of all members of the Council be included in this majority."

Voting Procedure in the Assembly

12. To substitute a majority of three-fourths for the two-thirds majority provided for voting within the Assembly.

Council

13. To bring the functions of the Council into line with the enhanced powers of the Assembly.

14. To give the Assembly power over the appointment of all members of the Council. The Council would consist of six semi-permanent delegates and six delegates to be elected according to a procedure to be determined by the Assembly. The semi-permanent members would represent those States whose responsibility for the maintenance of peace is greatest within the international community. The Assembly would decide each eight years which these States are to be,

15. To stipulate clearly that the right of any member of the Organization to take part in the deliberations of the Council, whenever the latter shall examine a question directly interesting said member, is not dependent upon what the Council may decide,

16. To state that although the Council should be so composed as to be able to function constantly, in principle it would meet quarterly,

Voting Procedure in the Council

17. Should the procedure of unanimity for the decisions of the Council be adopted, to stipulate that whenever any of its members shall be charged with aggressive intentions or acts, the vote of such member shall not be counted in arriving at unanimity.

18. On the same assumption as to adoption of the rule of unanimity for voting within the Council, to provide that whenever any member of the Council shall be a party to an International dispute, its vote shall not be counted.

Competence of the Organization under Chapter VIII of the Dumbarton Oaks Proposals

19. To suppress all restrictions on the competency of the Organization in cases of international disputes, so that one of the procedures for peaceful solution provided in Chapter VIII of the proposals may always be applied.

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Regional Arrangements

20. To state clearly that the General International Organization is compatible, not only with existing regional organizations but also with any such that may be established in the future, provided, of course, that their objectives be not inconsistent with the principles and purposes of the former.

Transitional Arrangements

21. To separate from the Charter of the General International Organization, the questions dealt with in Chapter XII of the Dumbarton Oaks Proposals (Transitional Arrangements) which questions should, in transitional period exclusively, be regulated by a separate protocol.

22. To stipulate the conditions required to enable the Charter of the General International Organization to come into force.

23. To decide who shall convene the Constituent Assembly of the General International Organization.

Amendments

24. To provide for ratification of amendments of the Charter by three-fourths of the majority of the members of the Organization, all members having permanent seats in the Council being included in this majority.

Transfer of the Functions of the League of Nations

25. To provide a procedure for the dissolution of the League of Nations and for the disposal to be made of its assets and liabilities,

Peaceful Change

26. To set up an efficient machinery to enable "peaceful changes" to be effected without this being left to the will and pleasure of the parties.

Diplomatic Immunities and Privileges

27. To include an article granting diplomatic privileges and immunities to the officials of the Assembly, of the Council and to such members of the General Secretariat as may be deemed advisable.

Registration of Treaties

28. To stipulate registration of all treaties with the Secretariat of the General International Organization as an indispensable requirement for the validity of such treaties.

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FINAL ACT

of the

INTER-AMERICAN CONFERENCE ON

PROBLEMS OF WAR AND PEACE

Mexico, D.F., Mexico
February 21 to March 8, 1945

Resolution XXX

On Establishment of a General International Organization

WHEREAS:

The American Republics have at all times demonstrated their attachment to the principles of peaceful international relationships based on justice and law;

The tradition of universal cooperation, that has consistently inspired the inter-American system into which such principles have by now been definitely incorporated, has struck deeper roots and gained in strength due to the interdependence of the nations of the modern world which makes peace indivisible and the welfare of one country conditional upon that of all the others;

The Proposals for the Establishment of a General International Organization formulated at Dumbarton Oaks by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China were made available on October 9, 1944, to all countries for their full study and discussion;

These Proposals are capable of certain improvements with a view to perfecting them and to realizing with greater assurance the objectives which they enunciate;

The Organization to be created must reflect the ideas and hopes of all peace-loving nations participating in its creation;

In the present inter-American Conference, the Republics here represented which did not take part in the Dumbarton Oaks Conversations have formulated a certain number of suggestions which in their opinion would contribute to the perfecting of the above-mentioned Proposals;

It would undoubtedly be useful for the United Nations not represented in this Conference to have a synthesis of the views expressed in it, and it would also be very valuable if those nations were to communicate to the Governments of the American Republics here present, prior to the Conference at San Francisco, their views regarding the Dumbarton Oaks Proposals,

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THE INTER-AMERICAN CONFERENCE ON PROBLEMS OF WAR AND PEACE,

DECLARES:

1. That the American Republics represented in this Conference are determined to cooperate with each other and with other peace-loving nations in the establishment of a General International Organization based upon law, justice, and equity;

2. That those Republics desire to make their full contribution, individually and by common action in and through the Inter-American System, effectively coordinating and harmonizing that system with the General International Organization for the realization of the latter's objectives;

3. That the Dumbarton Oaks Proposals constitute a basis for, and a valuable contribution to the setting up of, a General Organization which may permit the achievement of a just peaceful order and the welfare of all nations, which the American Republics are striving to attain; and

RESOLVES:

1. That the Secretary General of the Conference transmit to the states which formulated the Dumbarton Oaks Proposals, to the other nations invited to the forthcoming Conference at San Francisco, and to that Conference itself, this resolution, and the report with the documents hereto attached containing the views, comments, and suggestions which, in the judgment of the American Republics presenting them, should be taken into consideration in the formulation of the definitive Charter of the projected Organization, especially the following points regarding which a consensus exists among the American Republics represented in this Conference that did not participate in the Dumbarton Oaks Conversations:

a) The aspiration of universality as an ideal toward which the Organization should tend in the future;

b) The desirability of amplifying and making more specific the enumeration of the principles and purposes of the Organization;

c) The desirability of amplifying and making more specific the powers of the General Assembly in order that its action, as the fully representative organ of the international community may be rendered effective, harmonizing the powers of the Security Council with such amplification;

d) The desirability of extending the jurisdiction and competence of the international tribunal or court of justice;

e) The desirability of creating an international agency specially charged with promoting intellectual and moral cooperation between nations;

f) The

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f) The desirability of preferably solving controversies and questions of an inter-American character in accordance with inter-American methods and procedures, in harmony with those of the General International Organization; and

g) The desirability of giving an adequate representation to Latin America in the Security Council.

2. To express to the other United Nations invited to participate in the San Francisco Conference the common desire of the American Republics to receive from them before that Conference the views, comments, and suggestions which they on their part may deem it convenient to transmit.

The Governments signatory to the present resolution retain full liberty to present and support in the San Francisco Conference, as representatives respectively of sovereign states, all the viewpoints which they may consider pertinent, many of which may be found in the annexed documents.

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CANADIAN DELEGATION

Washington Press Summary

April 25 - 27, 1945

C234382

THE SAN FRANCISCO CONFERENCE

NEWS TREATMENT

Despatches from San Francisco skipped from side to side of the front pages, nudging dramatic war reports from Europe for first place. Even the junction of the Russian and American armies failed to displace the parley which still headed the news in some internationalist papers (e.g., Washington POST).

Lapping up events and rumors with terrifying avidity, and scattering predictions, the press went to town on its first full-dress international conference. During the first few days, voluminous descriptive articles on the "atmosphere" of the crowded city and human interest sidelights paralleled the serious discussion of events. It was the universal topic with columnists of every complexion. Result was a confusion of details and conflicting reports. It was evident from the abounding interest that fireworks were expected and would be given full play.

Banner headlines greeted the President's opening speech. "Just Peace versus Chaos" was the leading note in predominantly favorable despatches. There were some hints that he was prodding Russia on the Polish dispute in his repetition of the great powers' obligation "to serve and not to dominate". The opening session was described as a dignified if not particularly inspiring ceremony. Quickly the first conflicts came to the fore. Papers of such divergent tone as the New York TIMES and Chicago TRIBUNE both headlined the chairmanship dispute - the latter true to form with a two-inch 'Molotov Balks Stettinius". Early currents, reflected in editorial comment, dwelt almost entirely on the U.S. policy and Russia's demands. Molotov's speech completely outshone those of Eden, Soong, Stettinius, which were reported in routine fashion on the same day. Mr Attlee's interview attracted momentary interest but again the most emphasized angle was his casual assurance that Britain and the Dominions would back up Russia's request for three Assembly votes.

It became obvious that for press purposes at least the parley was to be a trial of strength between Russia and the U.S., with Britain (in the words of the Washington POST) squeezed between the two. Absence of comment so far on the small nations' amendments indicated that their clamor was in abeyance awaiting the outcome of the first tests.

Canada figured very modestly. A Chicago TRIBUNE story by Arthur Evans gave favorable emphasis to the idea of "functional representation" advanced by Mr King and added brief biographies of the members of our delegation. Casual mention of Mr King's refusal to take an intransigeant stand at the outset, embodied in despatches, supported hopes of a spirit of compromise ensuring conference success. Frederick Kuh (CHICAGO SUN) dispelled fears of an Empire bloc, as did General Letson speaking in Baltimore, who reasserted Canada's independence and willingness to support whatever emerged from San Francisco "to keep the team together".

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EDITORIAL COMMENT

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General Trends

Immediate pre-conference comment continued to stress the momentous nature of the occasion, the vast responsibilities of the delegates, the urgency of their agreement on some basic formula, however wide, to ensure firm measures against aggressors. The terrors of a future war were frequently evoked as the most commanding pressure on the delegates (e.g. New York TRIBUNE).

Beside the universal confidence that some machinery would be produced ran an insistent note of warning - against perfectionism on the one hand and, on the other, against the over-confident assumption that the beginning made at San Francisco could itself preserve the peace. Similes ranging from "architects of a better world" having to supervise the building, to the toil and patience necessary for a "successful marraige" (MONITOR) showed a noticeable shift in emphasis from the hopeful beginning to the struggle ahead. Sustained co-operative effort, they insisted, was the only hope of preserving the most perfect organization and making it effective. Indicative was a growing support in the more intelligent liberal papers for periodic revision of the charter and treaties (Washington POST, St Louis POST-DISPATCH). Growth in the direction of strengthening the authority of the Assembly, softening the big power veto as faith between nations increased, and the evolution of a body of international law to which the world organization would be subject, were widely-expressed desires.

A few skeptics (Dallas MORNING NEWS) feared the loss of war-sharpened co-operation and inspired leadership; McCormick-Patterson chain was still frankly obstructive with a cynicism which bordered on silliness in John O'Donnell's malicious columns; Scripps-Howard (Cleveland PLAIN DEALER) and other arch-conservatives harped on Big Three division over Poland as an ominous sign; the WALL STREET JOURNAL's William Chamberlin was over-zealous in his efforts to disabuse the public whom he considered over-sold on the possibilities of the conference. But the main body was hopeful and constructive, subordinating preipheral disputes to the central purpose. There was considerable stress on the public's responsibility for keeping a level head and focussing attention on the major issue despite alarming reports.

The President's Address

More than perfunctory comment treated this as a "keynote" speech. Approval was universal and in some cases enthusiastic. Truman's "simple" and "homely" eloquence was felt to be an expression of humanity's aspirations in "understandable language"; the "earnestness" and "moving sincerity" of the speech testified to his own faith and hope and were in keeping with the greatness of the event. He had set the goal of the conference high, given the delegates a "sense of direction and cohesiveness in their great task". (Washington POST).

Stress on "justice" as the keystone of the peace structure appealed particularly to the right-wingers. Cleveland PLAIN DEALER, for example, gave him unqualified praise with prideful stress on his "Missouri realism". All the conservative-internationalists patted him on the back for going beyond expediency to moral standards (MONITOR, NEW YORK TRIBUNE, EVENING STAR, BOSTON TRAVELER, etc.). Liberals differed only slightly in emphasis, echoing his practical stress on a single aim, the necessity for hard work and whole-hearted co-operation, and reaffirmation of Roosevelt's ideals. (ATLANTA JOURNAL, CHICAGO DAILY NEWS, etc.) Some, like Stokes, evoked the lost leader, but with sober determination to carry through his unaccomplished task.

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Minor Trends

In the slight discussion of the Chinese amendments so far seen, only the Knight papers (DETROIT FREE PRESS, CHICAGO DAILY NEWS) have openly resisted the lure of the "magic words" justice and international law. With admirable realism they pointed out that they are opening to different and even conflicting interpretations; that no large body of international law exists with the support of all peoples necessary to implement it; and that incorporation of the words alone would be a "noble and worthwhile" but ineffective gesture if the peoples of the world failed to cherish and labor for them.

More characteristic of the general reaction was the MINNEAPOLIS TRIBUNE's hope that the phrase would do much to remove the widespread fear that power alone was to be the dominating force.

Holland's stand found limited support in the Cleveland PLAIN DEALER, which approved in principle but recommended a more positive approach to strengthening the small nations' power than the negative one of extending the veto. France's defection as leader of the small powers was here attributed to either Russian pressure or nervousness about her colonial empire.

Even the big - vs small - power struggle took on the tone of a U.S.- Russian controversy. The WASHINGTON POST and some others pointed out Moscow's adherence to the view that security rested on dominance of the major powers; while the somewhat confused American stand would clarify itself, it was to be hoped, in the direction of a democratic law of equality, based on justice, for all nations in the international set-up.

Poland

Though the tenor of general comment was to play down the importance of conflicts, discussion of the Polish problem was still in a serious vein. It was plain that this was the first real test of U.S.- Russian co-operation. Neither side gave signs of weakening; indeed, some hinted at a stiffening of Truman's attitude (Lawrence, WASHINGTON POST), and while Molotov's speech did much to allay suspicion of Russian disinteredness in the whole idea of world organization, it gave no indication that she would loosen up on the Poles. The DENVER POST alone voiced outright synicism about Stalin's intentions viewed from the angle of his European alliances. WALL STREET JOURNAL's Chamberlin was almost as denunciatory in his support for the London Government. There were many more timidly expressed fears that Molotov would be difficult to deal with. The MONITOR, however, thought this conflict ~~would~~ be a healthy one, bringing the delegates down out of rosy clouds of idealism by the revelation that we live still in an era of power politics and are merely engaged in tentative steps towards something better. The BUFFALO EVENING NEWS, too, was hopeful that bringing the conflicts to the fore early in the game would prepare the ground for compromise.

Almost unanimous conclusion was that the dilemma would be solved; even Scripps-Howard could not quite believe that the "stiff-necked" Russians meant to wreck the conference. Moreover, even if Poland were not seated it was felt that the conference could still achieve its major aim.

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DEPARTMENT OF EXTERNAL AFFAIRS

CONFERENCE SERIES, 1945

No. 2

REPORT
ON THE
UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION
HELD AT SAN FRANCISCO, 25th APRIL - 26th JUNE, 1945.

OTTAWA

1945

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To His Excellency

The Governor General in Council.

Your Excellency:

As chairman of the delegation appointed to represent Canada at the United Nations Conference on International Organization, which was held in San Francisco from April 25 to June 26, 1945, I have the honour to lay before Your Excellency the attached report on the proceedings of the Conference.

I have the honour to be, Sir,

Your Excellency's Obedient Servant,

W. L. MACKENZIE KING,

Secretary of State for External Affairs.

OTTAWA, August , 1945.

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Report on the

San Francisco Conference, 1945

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B. Statute of International Court of Justice - Statute of the Permanent Court of International Justice (parallel texts).

C. Interim arrangements concluded by the Governments represented at the United Nations Conference on International Organization (text).

D. Extracts from the joint statement of the five Great Powers on the Yalta voting formula.

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SECTION 1

THE BACKGROUND OF THE CONFERENCE

The Moscow Conference which ended on November 1, 1943, was the first step by the Great Powers towards the development of plans for the new international security organization forecast in the Atlantic Charter, and endorsed by the United Nations Declaration of 1942. In the Declaration issued at the conclusion of the Moscow Conference the Governments of the United Kingdom, the Union of Soviet Socialist Republics, the United States of America, and China, which were later represented at Dumbarton Oaks, Washington, declared that they recognized "the necessity of establishing at the earliest practicable date a general international organization based on the principle of the sovereign equality of all peace-loving states and open to membership by all such states, large and small, for the maintenance of international peace and security."

The Prime Ministers' Meeting in London in May, 1944, discussed proposals framed by the United Kingdom Government. The United Kingdom Government, after revising these proposals in the light of the discussions, submitted them to the Governments of China, the Union of Soviet Socialist Republics, and the United States of America. Corresponding papers prepared by these three Governments were also circulated among the four Great Powers.

Following a study of the revised United Kingdom memoranda, the Canadian Government gave the United Kingdom Government a considered expression of its views on some of the more important questions which were about to be discussed between the four powers.

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The documents prepared by the four powers constituted the basis of the Dumbarton Oaks conversations which took place in Washington from August 21 to October 7, 1944, between the representatives of the four powers. The Dumbarton Oaks Proposals resulted from these conversations.

Canada was not represented at Dumbarton Oaks, but the United Kingdom delegation met every day with representatives of the diplomatic missions in Washington of Canada, Australia, New Zealand, South Africa and India. Thus the Canadian Government received day-by-day reports on the progress of the discussions and, in return, made its own views known to the United Kingdom delegation, both at the daily Commonwealth meetings and by telegrams to the United Kingdom Government.

Several questions on which agreement at a high political level was necessary were left open at Dumbarton Oaks. The most important of these related to the voting procedure in the Security Council. Agreement on this was reached between the Governments of the Soviet Union, the United States, and the United Kingdom at the Crimea Conference at Yalta in February, 1945. The Yalta Conference also agreed that the question of the treatment of non-self-governing territories, and particularly the possible functions of the projected new international organization in the field of trusteeship responsibility with respect to some of these territories, should be included on the agenda of the general United Nations Conference on International Organization. It was also agreed that the three powers would support the admission to the new organization of the Byelorussian Soviet Socialist Republic and the

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Ukrainian Soviet Socialist Republic. These decisions were subsequently concurred in by China.

On March 5, 1945, invitations were extended to Canada and the other United Nations to attend at San Francisco a United Nations Conference on International Organization. The invitations were extended by the United States on its behalf and on behalf of the other three Sponsoring Powers, China, the Soviet Union, and the United Kingdom. The invitation suggested that the Conference should consider, as affording a basis for the Charter of the new organization, the proposals which had been agreed upon by the four Governments. The Canadian Government accepted this invitation.

The Parliament of Canada, after full debate, approved by an overwhelming majority a Resolution endorsing the Government's acceptance of the invitation. It recognized "that the establishment of an effective international organization for the maintenance of international peace and security is of vital importance to Canada, and, indeed, to the future well-being of mankind; and that it is in the interests of Canada that Canada should become a member of such an organization." It approved "the Purposes and Principles set forth in the proposals of the four Governments", and considered "that these proposals constitute a satisfactory general basis for a discussion of the Charter of the proposed international organization". It agreed "that the representatives of Canada at the Conference should use their best endeavours to further the preparation of an acceptable Charter for an international organization for the maintenance of international peace and security". The Resolution concluded with the statement that "the Charter establishing the international organization should, before ratification, be submitted to Parliament for approval".

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During the period between the Dumbarton Oaks conversations and the San Francisco Conference, the Canadian Government had been giving serious consideration to the Dumbarton Oaks Proposals. Canadian diplomatic representatives abroad, especially those accredited to the Great Powers and to leading secondary states, informally exchanged views with the Governments to which they were accredited. These informal exchanges of views were supplemented by a formal memorandum submitted on January 12, 1945, to the Governments of the five Great Powers, making a number of suggestions for improving the effectiveness of the proposed international organization.

The Prime Minister, Mr. Mackenzie King, on his visit to Washington in March, 1945, had an opportunity for personal conversations with the late President Roosevelt in which they discussed the main features of the Dumbarton Oaks Proposals and the suggestions which had been put forward by the Canadian Government.

From April 4 to 13 a meeting of representatives of Commonwealth Governments took place in London to discuss the Dumbarton Oaks Proposals. The Prime Minister was unable to be present and the Canadian Government was represented by Mr. Vincent Massey, the Canadian High Commissioner in London, and Mr. Hume Wrong, the Associate Under-Secretary of State for External Affairs. This meeting led to a useful exchange of information and a clarification of the views of the nations of the Commonwealth, all of which were deeply interested in the success of the San Francisco Conference.

Thus through a gradual process of discussion and development the ground was prepared for the San Francisco Conference.

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SECTION 2

THE CANADIAN DELEGATION

COMPOSITION

It was considered essential that Canadian representation at the San Francisco Conference should be assured of the widest possible measure of support from the Parliament and people of Canada. It was important that the Canadian representatives should speak with a clear, strong and united voice. For these reasons it was desirable that Canada's delegation to the San Francisco Conference should be broadly representative. The Government therefore decided to select representatives from both Houses of Parliament, and from both sides of each House. The Government itself, of course, assumed its constitutional responsibility both for the selection of the delegation and for the decisions agreed to at San Francisco.

The following delegates were appointed:

The Rt. Hon. W. L. Mackenzie King, Prime Minister of Canada, President of the Privy Council and Secretary of State for External Affairs, Chairman of the Delegation;

The Hon. L. S. St. Laurent, K.C., M.P., Minister of Justice and Attorney General of Canada, Deputy Chairman of the Delegation;

Senator the Hon. J. H. King, M.D., Leader of the Government in the Senate;

Senator Lucien Moraud, K.C.;

Mr. Gordon Graydon, M.P., Leader of the Opposition in the House of Commons;

Mr. M. J. Coldwell, M.P., President and Parliamentary Leader, Co-Operative Commonwealth Federation; and

Mrs. Cora T. Casselman, M.P.

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The senior advisers and alternate delegates were:

Mr. N. A. Robertson, Under-Secretary of State for External Affairs;

Mr. H. H. Wrong, Associate Under-Secretary of State for External Affairs;

Mr. L. B. Pearson, Canadian Ambassador to the United States of America;

Mr. Jean Desy, K.C., Canadian Ambassador to Brazil;

Mr. L. D. Wilgress, Canadian Ambassador to the Union of Soviet Socialist Republics;

Mr. W. F. Chipman, K.C., Canadian Ambassador to Chile; and

Major-General M. A. Pope, C.B., M.C., Military Staff Officer to the Prime Minister, Military Secretary to the Cabinet War Committee and Member of the Chiefs of Staff Committee.

Six special advisers were appointed:

Mr. P. E. Renaud, Department of External Affairs;

Mr. L. Rasminsky, Assistant to the Governor of the Bank of Canada;

Mr. Escott Reid, Canadian Embassy, Washington;

Mr. C.S.A. Ritchie, Department of External Affairs;

Miss Elizabeth MacCallum, Department of External Affairs; and

Mr. R. Chaput, Department of External Affairs.

The press and information officers of the delegation were:

Mr. A. D. Dunton, General Manager of the Wartime Information Board;

Mr. Hugh Campbell, Wartime Information Board, Canadian Embassy, Washington; and

Mr. N. J. Anderson, Wartime Information Board.

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Mr. R. G. Robertson of the Department of External Affairs was secretary of the delegation. The assistant secretaries were Mr. J. L. Delisle and Miss M. Bridge, both of the Department of External Affairs.

The Prime Minister was accompanied to the Conference by his secretariat consisting of his principal secretary, Mr. W. J. Turnbull, and of Mr. J. W. Pickersgill, Mr. J. A. Gibson, Lieutenant Colonel C. S. Wallace and Mr. J. E. Handy.

The Minister of Justice was accompanied by his secretary, Mr. M. Bernier; Mr. Graydon by his secretary, Mr. M. Jack; and Mr. Coldwell by his secretary, Mr. A.B. Macdonald.

Because of the general election the Prime Minister had to be absent from the Conference from May 14th to June 23rd, the Minister of Justice from May 16th to June 23rd, Senator King from June 6th to June 23rd. Likewise Senator Moraud had to leave the Conference on May 25th, Mr. Graydon on May 23rd, Mr. Coldwell on May 19th, and Mrs. Casselman on May 16th . Senator King was acting chairman of the delegation from May 16th to June 6th and Mr. N. A. Robertson from June 7 to June 23rd. The delegation was assisted by a competent and hard-working group of stenographers, cypher officers and messengers.

APPROACH TO THE PROBLEMS OF THE CONFERENCE

The approach of the Canadian delegation to the problems which the San Francisco Conference had been called together to face was outlined by the Prime

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Minister of Canada at the second plenary meeting of the Conference on April 27, 1945.

Mr. King said:

The Canadian delegation comes to this Conference with one central purpose in view. That purpose is to cooperate as completely as we can with the delegations of other nations in bringing into being, as soon as possible, a Charter of world security.

This Conference is meeting at a time without parallel in the history of human affairs. The present is one of those moments of transition when an old order is passing away. As representatives of the United Nations, we are all here to help lay the foundations of a new world order. The ends that we seek to serve transcend the limits of race and the bounds of nationality.

We would do well to seek to match our deliberations to the rapid movement of events. While the fires of war are still burning fiercely, the opportunity is given to this Conference to forge and fashion from those fires an instrument for world security. In the execution of this great task, there should be no avoidable delay. It is ours to give to grief-stricken humanity a hope of which it is in greater need today than it has ever been before. It is ours to help to bring into being a world community in which social security and human welfare will become a part of the inheritance of mankind.

The support we owe to the fighting forces of the United Nations must extend beyond the theatres of war. It must look beyond the end of hostilities. We owe it to all who have borne the heat of the strife; we owe it to the memory of those who have given their lives, to do all in our power to ensure that their services and their sacrifice shall not have been in vain.

In the past, the sacrifices of human life in war have been commemorated in monuments of stone or bronze. The only memorial worthy of the service and sacrifice of this war is one which will help to secure to peoples everywhere the opportunities of a more abundant life.

Perhaps this great gathering would permit me, as one who represents a country which has such close ties with the United States, to say how deeply Canada felt and will continue to feel the loss of so close a friend and so good a neighbour as President Roosevelt. To many here who enjoyed his friendship, his death was a deeply moving, personal bereavement.

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To the United States, in its national bereavement, I should like again to express our sympathy.

But the passing of Franklin Roosevelt was more than a loss to neighbouring countries. It is a loss to the whole freedom-loving world. That loss places upon each and every one of us a greater responsibility. If the spirit of Franklin Roosevelt pervades the deliberations of this Conference, its success will be assured. The highest tribute which we, of the United Nations, can pay to his memory is, by our united efforts, to build a world organization which will express his life's aims and his life's ideals -- a system of international cooperation which will banish from the world the threat of war, and the fear of war. To those who have come to this continent from other lands I can express no higher hope for the future of mankind than that out of the instrument we are now fashioning there may develop relations among all nations similar to those which for generations have been the common possession of Canada and the United States.

May I add a further personal reference. All present will join with Mr. Stettinius in the hope he expressed that, before the Conference concludes, Mr. Cordell Hull will be sufficiently restored in health to join in our deliberations. Mr. Hull's name will always be associated with the origins of the world security organization. His years of devoted service to the cause of world freedom, his great political wisdom, his fortitude, at his age, in making the arduous journey to Moscow in 1943, and the large share he has had in shaping the proposals we are now considering have earned for him an enduring place among the founders of the United Nations.

The proceedings of this Conference have been greatly facilitated by the preparatory work already done at Dumbarton Oaks and at Yalta by the inviting powers. We may all rejoice that the Great Powers have achieved unified proposals for a world security organization. That is a great step forward, a mighty contribution already made toward the establishment and maintenance of world peace.

The rapid movement of events on the battle-fronts and the heavy demands on all who are represented here at San Francisco make it most desirable to begin as early as possible the detailed consideration of the proposals before the Conference.

It is not the intention of the Canadian delegation to put forth in plenary session special amendments to the proposal. Our delegation will express its point of view at an appropriate time and place on specific questions as they arise. Our sole preoccupation in any amendment which we may put forward or support at a later stage will be to help in creating an organization which over the years and decades to come will be strong enough and flexible enough to stand any strains to which it may be subjected.

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We shall not be guided by considerations of national pride or prestige and shall not seek to have changes made for reasons such as these. We recognize the principle that power and responsibility must go hand in hand and that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace. Power, however, is not exclusively concentrated in the hands of any four or five states, and the Conference should not act on the assumption that it is. Such a position would not only be contrary to the facts as they have been demonstrated in the past five years, but it would also be dangerous to the cause of security itself, for it would foster in many smaller countries the development of a new type of isolationism, a feeling that the task of preserving the peace could be left exclusively to Great Powers. Such a habit of thought would make it difficult for the smaller powers to make their contribution. Experience has shown that the contribution of smaller powers is not a negligible one, either to the preserving of the peace or to its restoration when peace has been disturbed.

The people of Canada are firm in their resolve to do whatever lies in their power to insure that the world will not be engulfed for a third time by a tidal wave of savagery and despotism. That is why our Parliament overwhelmingly endorsed the acceptance of the invitation to Canada to participate in this Conference. That is why our Parliament accepted the proposals of the inviting powers as a satisfactory general basis for the discussion of the proposed Charter. That is why the delegation from Canada received from Parliament a mandate to use its best endeavours at this Conference to further an agreement to establish a world security organization. The measure of the unanimity of our country is to be found in its delegation to this Conference. The delegates were selected while our Parliament was in session. They were chosen from both Houses and from both sides of each House. They represent all important shades of opinion in Canada.

In conclusion, may I express my firm conviction that the spirit in which we approach the great task of this Conference will determine the measure of its success. It is for each nation to remember that over all nations is humanity. It is for all to remember that justice is the common concern of mankind. The years of war have surely taught the supreme lesson that men and nations should not be made to serve selfish national ends, whether those ends be isolated self-defence or world domination. Nations everywhere must unite to save and to serve humanity.

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SECTION 3

THE ORGANIZATION OF THE CONFERENCE

MEMBERS

The four Sponsoring Powers invited to the Conference forty-six states which had signed the Declaration by United Nations. Poland was the only state which had signed the Declaration and which was not invited. This was because the Sponsoring Powers did not reach agreement on the recognition of a Polish Provisional Government of National Unity until after the Conference had ended.

After the Conference had met, it invited four states: the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic, Argentina and Denmark. Thus the Conference consisted of delegations from the following fifty states:

Argentina	Denmark
Australia	Dominican Republic
Belgium	Ecuador
Bolivia	Egypt
Brazil	El Salvador
Byelorussian Soviet Socialist Republic	Ethiopia
Canada	France
Chile	Greece
China	Guatemala
Colombia	Haiti
Costa Rica	Honduras
Cuba	India
Czechoslovakia	Iran

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Iraq	Philippine Commonwealth
Lebanon	Saudi Arabia
Liberia	Syria
Luxembourg	Turkey
Mexico	Ukrainian Soviet Socialist Republic
Netherlands	Union of South Africa
New Zealand	Union of Soviet Socialist Republics
Nicaragua	United Kingdom
Norway	United States of America
Panama	Uruguay
Paraguay	Venezuela
Peru	Yugoslavia

AGENDA

The Conference agreed that its agenda would be the Dumbarton Oaks Proposals supplemented by the Yalta voting formula, certain proposals of China which had been agreed to by the four Sponsoring Powers, and amendments to these submitted by May 4 by any member of the Conference. A large number of amendments were submitted, among them being a series of important amendments submitted jointly xxxMayx by the four Sponsoring Powers. These took account of suggestions which had been made by various Governments, including the Canadian, since the Dumbarton Oaks Proposals had been made public.

The appendix to this report contains the text of the Dumbarton Oaks Proposals as supplemented by the Yalta formula and modified by the four-power amendments.

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TECHNICAL COMMITTEES

The agenda was divided between twelve technical committees on each of which each member of the Conference could be represented. These committees met in private, but the minutes of their meetings have now been made public.

The Conference also held a number of plenary public sessions and a number of public sessions of its four Commissions, at which there was an opportunity for public discussion of the reports of the technical committees before submission of the Charter to the plenary sessions of the Conference. In practice, however, the most important work of the Conference was done in the technical committees.

Canada was represented as follows on the technical committees:

Preamble, Purposes and Principles

Senator King,
Mrs. Casselman,
Mr. N. A. Robertson,
assisted by
Mr. C.S.A. Ritchie.

Membership, amendment and secretariat

The Hon. L. S. St. Laurent,
Mr. N. A. Robertson,
assisted by
Mr. L. B. Pearson,
Mr. L. Rasminsky,
Mr. Escott Reid.

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Structure and procedures of the General Assembly

Mr. M. J. Coldwell,

assisted by

Mr. Escott Reid.

Political and security functions of the General Assembly

Mr. Gordon Graydon,

Mr. W. F. Chipman,

assisted by

Mr. Escott Reid.

Economic and social co-operation

Mr. Gordon Graydon,

Mr. M. J. Coldwell,

Mr. L. B. Pearson,

assisted by

Mr. L. Rasminsky.

Trusteeship system

Senator Lucien Moraud,

Mr. L. D. Wilgress,

assisted by

Mr. P. E. Renaud,

Miss Elizabeth MacCallum.

Structure and procedures of the Security Council

The Hon. L. S. St. Laurent,

Mr. L. B. Pearson,

assisted by

Mr. C.S.A. Ritchie.

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Pacific settlement of disputes

Mrs. Cora T. Casselman,

Mr. L. D. Wilgress.

Enforcement arrangements

The Rt. Hon. W. L. Mackenzie King,

Mr. H. H. Wrong,

assisted by

Major-General M. A. Pope,

Mr. C.S.A. Ritchie.

Regional arrangements

Mr. Gordon Graydon,

Mr. Jean Desy,

assisted by

Major-General M. A. Pope.

The International Court of Justice

The Hon. L. S. St. Laurent,

Mr. W. F. Chipman,

assisted by

Mr. R. Chaput.

Legal problems

Mr. Jean Desy,

assisted by

Mr. P. E. Renaud,

Mr. R. G. Robertson.

STEERING, EXECUTIVE AND CO-ORDINATION COMMITTEES

The committee in charge of the general organization of the Conference was the Steering Committee consisting of the chairmen of all d elegations. The Steering Committee

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was assisted by a fourteen-member Executive Committee elected by it. This consisted of the chairmen of the delegations of the following states: Australia, Brazil, Canada, Chile, Czechoslovakia, France, Iran, Mexico, the Netherlands and Yugoslavia. The Canadian member of both Committees was The Rt. Hon. W. L. Mackenzie King. Mr. N. A. Robertson was his adviser and alternate.

The Executive Committee was assisted by a Co-ordination Committee consisting of fourteen members, one representing each member of the Executive Committee. As soon as the twelve technical committees approved of a paragraph of the Charter, it was sent to the Co-ordination Committee whose duty it was to revise it if it did not clearly express the intent of the technical committee. The Co-ordination Committee was also required to review all the paragraphs to make sure that they were consistent with each other in form and in substance, and to arrange them in logical sequence by articles and chapters. It also made certain changes in the language of the Statute of the International Court of Justice to bring its use of terms into conformity with those used in the Charter.

Because many technical committees did not finish their work until a few days before the date set for signature of the Charter, the Co-ordination Committee did not have sufficient time in which to complete its review of certain important sections of the Charter, with the result that both the Charter and the Statute suffer from faults of drafting which might usefully be remedied by constitutional amendments adopted at the first session of the General Assembly. The Canadian member of the Co-ordination Committee was Mr. N. A. Robertson. He was assisted by Mr. Escott Reid.

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ADVISORY COMMITTEE OF JURISTS

The Executive Committee was also assisted by the Advisory Committee of Jurists consisting of one jurist from each of the following six delegations: China, France, Mexico, the Soviet Union, the United Kingdom and the United States. This Committee reviewed the text of the Charter from the point of view of its legal terminology.

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SECTION 4

THE CHARTER -- CHAPTER BY CHAPTER

THE NAME OF THE ORGANIZATION

The name "United Nations" was suggested by President Roosevelt and was taken from the Declaration by United Nations of January 1, 1942.

Some of the delegations at the San Francisco Conference were opposed to this title on the ground that it was too narrowly connected with a war-time alliance and that it would, therefore, not be appropriate for a permanent Peace Organization in which in due course nations which had been neutral in this war might come to be included. On the other hand, however, it was argued that the title "United Nations" would preserve continuity with the existing United Nations and would emphasize both their military unity and the declarations regarding peace aims to which they were already committed. The United States delegation were firmly attached to the title "United Nations". To quote the report of the Secretary of State of the United States on the results of the San Francisco Conference, the United States delegation "took the position that the war had been successfully prosecuted under the banner of the United Nations; that good fortune attaches to this name; and that we should go forward under it to realize our dreams of the peace planned by the President who conceived the phrase." In the event the title "United Nations" was adopted at San Francisco unanimously and by acclamation.

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PREAMBLE

The preamble to the Charter was not drafted at Dumbarton Oaks, but it was felt at San Francisco that the Charter should be introduced by a preamble which would give expression in simple language to the motives which had inspired the peoples of the United Nations in coming together to set up an international organization, and which should contain a declaration of the human rights and the common faith which inspired the United Nations. The preamble as it stands is based upon a draft drawn up by Field Marshal Smuts. It is an integral part of the Charter, although the precise obligations of the member states are indicated in the succeeding chapters.

The preamble reaffirms the faith of the peoples of the United Nations in those standards of civilized life which were attacked by our enemies in this war.- the worth and dignity of the individual, the rule of law and justice among nations and respect for the pledged word. We in Canada, in common with the other United Nations who have set their names to this preamble and to the Purposes and Principles contained in the Charter, are persuaded that men and nations can by their joint and sustained efforts live together as good neighbours, free from fear and want, and with liberty of thought and worship. We are resolved to save ourselves and our children from the scourge of war which twice in our time has brought us untold loss and sorrow. Therefore we unite our strength to keep the peace.

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PURPOSES AND PRINCIPLES OF THE ORGANIZATION
(CHAPTER I OF THE CHARTER)

The importance of the Purposes and Principles lies in the fact that they are not intended to be merely a collection of pious aspirations for the better behaviour of states, but that they are the basis of the Organization itself and are specifically made binding on all its Members. The first Purpose of the Organization is the prevention of war and the maintenance of security. The immediately succeeding Purposes recognize that the Organization is to be concerned not merely with the prevention of war, but with constructive activities directed towards the development of friendly relations between Members and international co-operation in the economic and social spheres. These two aims run through the whole Charter -- on the one hand, the maintenance of peace, and on the other, positive action to bring about the conditions which make for peace and prosperity in the world.

While most of the Purposes and Principles of the Organization still remain in the form in which they were studied and approved by the Parliament of Canada when they formed part of the Dumbarton Oaks Proposals, there have been some important changes and additions as a result of the discussions at San Francisco.

PURPOSES

Justice and International Law

It soon became apparent during the debates at San Francisco that many of the delegations felt that greater emphasis should be placed on the idea that the preservation of peace must always be linked with the maintenance of

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justice and international law. It was strongly felt that this should be stated in the very first Purpose of the Organization. There was some latent anxiety among the smaller states lest at a future date their vital national interests might be sacrificed to a temporary peace founded on expediency rather than on the rule of justice. It was with the object of giving new emphasis to the fact that justice and international law are to be the bases of the Organization that the phrase "in conformity with the principles of justice and international law" was added to the first paragraph of Article 1. The Canadian delegation was in full sympathy with this objective and voted in favour of the amendment to add these words to the Charter. The result of the adoption of this amendment is that Article 1 now begins as follows:

> The Purposes of the United Nations are:
>
> 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

A number of delegations, however, were not completely satisfied and proposed further changes in the language of the paragraph to strengthen the reference to justice and international law. They argued that it was

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not sufficient to mention justice as a condition of maintaining peace, but rather that the attainment of justice in international relations should be stated as one of the Purposes of the Organization. The United Kingdom and United States delegations who led the opposition to further change in the language of the paragraph made it plain that they were not opposing the general principle involved. In their view, however, the adoption of more rigid language might offer a dangerous opportunity for delaying procedures and for the discussion of the meaning of abstract phrases at a juncture when speed and decisiveness might be essential to the maintenance of peace. It was on these grounds that the Canadian delegation voted for the paragraph as it is now incorporated in the Charter and against further change in its language.

Human Rights and Fundamental Freedoms

The Dumbarton Oaks Proposals contained a statement in the chapter on economic and social co-operation that the Organization should promote respect for human rights and fundamental freedoms. It was agreed by the Conference that the reference to human rights should be given greater emphasis. Accordingly it was placed in the first chapter of the Charter where it takes its place among the Purposes for which the Organization has been brought into existence. The Conference also decided that the wording of this Purpose should be amplified and made more explicit so that it now states that the Organization shall seek to achieve international co-operation in "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

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Another change introduced in the language of the Article was that it should be a Purpose of the United Nations to develop friendly relations among nations on the basis of "respect for the principle of equal rights and self-determination of peoples".

PRINCIPLES

The Principles contained in the Charter are for the most part self-explanatory, and Article 2 of the Charter remains largely as it was drafted at Dumbarton Oaks. Several changes were, however, made at San Francisco.

Territorial Integrity and Political Independence

The Conference felt that there should be in the Charter a clear reference to the obligation of states to respect each other's territorial integrity and political independence. As a result there has now been included as the fourth Principle that "all Members [of the United Nations] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". Except for the reference to territorial integrity and political independence, this Principle was included in the Dumbarton Oaks Proposals. The result of this paragraph is that force may be used only under the authority of the Organization and only in order to prevent and to remove threats to the peace, and to suppress acts of aggressors. The Members have assumed a definite and specific obligation to renounce the use of force in all other circumstances, except that under

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Article 51 they may use force for individual or collective self-defence "until the Security Council has taken the measures necessary to maintain international peace and security".

The Canadian delegation had, of course, no hesitation in voting in favour of the amendment to respect the territorial integrity and political independence of other states.

The fourth Principle as it now stands was not, however, considered satisfactory by some delegations. New Zealand proposed an amendment to the effect that all Members of the Organization should undertake collectively to resist any act of aggression against any Member. They argued that a positive guarantee of collective action was the minimum obligation which would ensure the success of the Organization in the maintenance of peace and security. The New Zealand amendment was opposed by the delegations of the United States and the United Kingdom, as well as by other delegations, partly on the grounds of the difficulty of defining "an act of aggression", but also because it was already laid down in the Charter that the Security Council was to determine whether an act was a threat to the peace, and would also decide what contribution each Member should make to peace enforcement. The Canadian delegation shared this view and considered it to be consistent with the underlying plan of the Organization, which places the obligation for collective action on the Organization, whereas the New Zealand amendment, had it been adopted, would have placed the obligation directly on the individual Members. On these grounds Canada voted against the New Zealand amendment which was defeated as it failed to receive the requisite two-thirds majority.

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Domestic Jurisdiction

One of the most important questions before the Conference was that of the line to be drawn between the very extensive powers granted to the Organization and the domain of domestic or internal jurisdiction of the Members. The Conference was generally agreed that the Organization must not interfere in the internal affairs of its Members, and with this view the Canadian delegation was fully in accord.

The domestic jurisdiction of Members was safeguarded in the Dumbarton Oaks Proposals by a statement that nothing in that section of the Proposals which dealt with the pacific settlement of disputes should apply to situations or disputes arising out of matters within the domestic jurisdiction of the state concerned. At San Francisco it was decided that this statement should be reworded and placed in the first chapter as one of the Principles of the Organization so that it would apply to all the provisions of the Charter other than those specifically excepted. The Principle as adopted by the Conference provided, therefore, that nothing in the Charter "shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state". It was further provided that Members are not required to submit such domestic matters to settlement under the Charter. One exception is then stated. The Principle is not to "prejudice the application of enforcement measures under Chapter VII".

The debate in the Conference was concerned with the character and extent of this exception. In its original form as proposed by the Sponsoring Powers, the exception applied not merely to enforcement measures under

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Chapter VII, but to any action taken under Chapter VII. It was felt by many delegations, and particularly by those of Australia and New Zealand, that this might imply the possibility of serious encroachment on the internal jurisdiction of Members. No objection was taken by them to the power granted to the Security Council to impose sanctions once it had determined the existence of a threat to the peace, a breach of the peace, or an act of aggression. What concerned them was that under Chapter VII the Security Council has not only the power to impose sanctions but also the power to "make recommendations". Their fear was that this might empower the Security Council to interfere in the domestic affairs of a state and dictate terms to it over a dispute arising out of a matter of internal jurisdiction. They also argued that it might encourage aggressor states to use or threaten force in any dispute arising out of a matter of domestic jurisdiction in the hope of inducing the Security Council to extort concessions from the state that was threatened. Accordingly, after considerable debate, the exception to the principle of non-interference in domestic questions was limited to "the application of enforcement measures under Chapter VII", and in this form it appears in the Charter. The Canadian delegation, in common with the delegations of the United Kingdom and the United States, although anxious to avoid any restriction which might limit the primary object of the Organization to maintain peace and security, came to the conclusion that there was much force in the Australian contention and therefore voted in favour of the Australian amendment. The protection accorded to the domestic jurisdiction of member

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states is now very complete as it is clear that there can be no interference in the domestic economy or internal legislation of Members.

The seventh Principle, as adopted at the Conference, reads as follows:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

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MEMBERSHIP
(CHAPTER II OF THE CHARTER)

ORIGINAL MEMBERS AND ADMISSION OF NEW MEMBERS

The Conference found no difficulty in agreeing that all the states represented at the Conference, together with Poland, should have the right to become original Members of the Organization by signing the Charter and ratifying it. (Article 3).

There was, however, a substantial difference of opinion on the principles which should be followed in admitting other states to membership. A number of Latin American representatives championed the doctrine of universality, holding that all states should, because of the mere fact of their existence as states, be Members of the Organization, although for some time, either because of their own reluctance to commit themselves or because they were not considered fully trustworthy, certain of them would not enjoy active membership or be represented in the General Assembly or the Security Council. A number of European representatives, on the other hand, contended that definite criteria for membership should be established. The Netherlands delegation, for example, proposed that there should be added to the statement in the Dumbarton Oaks Proposals that "membership of the Organization should be open to all peace-loving states", the words "which may be expected on account of their institutions and by their international behaviour faithfully to observe and carry out international commitments".

After considerable discussion the Conference agreed that any peace-loving state which accepts the obligations contained in the Charter and, in the judgment of the

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Organization, is able and willing to carry them out, could be admitted to membership by a two-thirds vote of the General Assembly upon the recommendation of the Security Council with the concurring votes of all five of the permanent Members. (Article 4, supplemented by the voting provisions of Articles 18 and 27)

This decision was supplemented by an interpretative resolution adopted by acclamation by Commission I at a public plenary meeting designed to bar Spain from membership in the Organization so long as the present regime continues in power.

Canada was opposed to granting any one of the five Great Powers a veto over the admission of new Members to the Organization and therefore voted for the alternative Australian proposal under which the concurrence of the Security Council would be required only for the admission of enemy states and Spain. Had this proposal been adopted, any other state could have been admitted by a two-thirds vote of the General Assembly. The Australian proposal was, however, defeated.

SUSPENSION AND EXPULSION

The Dumbarton Oaks Proposals provided for the suspension of Members against which preventive or enforcement measure had been taken by the Security Council and for the expulsion of Members who persistently violated the Charter.

Canadian delegates were among those who opposed the expulsion clause on the ground that suspension was preferable in each of the contingencies mentioned. Expulsion would release a recalcitrant Member from its

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obligations to the Organization, while suspension would not. Moreover, when the occasion for discipline had passed, a suspended Member could be reinstated more easily than one which had been expelled, and it was desirable to keep the membership to as high a total as considerations of safety and solidarity permitted.

The Sponsoring Powers and a number of other delegations disagreed with this view. They held it to be important that the Organization should have power to deal drastically with an incorrigible Member who gravely violated the Principles of the Charter or who acted in collusion with non-Members to obstruct the Organization and its Purposes. If such states were to be merely suspended, the Organization might hesitate to take really effective action against them. It was preferable that from the outset the Organization should make clear its intention to deal effectively with a persistent violator of the Principles of the Charter.

The first decision, reached on May 25, went against the Sponsoring Powers, who were not able to muster the required two-thirds majority in favour of retaining the Dumbarton Oaks formula providing for both suspension and expulsion. It was assumed for some time, therefore, that suspension rather than expulsion would be the penalty for persistent violation of the Charter. In the second week of June, however, the Executive and Steering Committees, acting on a request of the Soviet delegation, asked the committee concerned to reconsider the question. The committee agreed to insert in the Charter the Dumbarton Oaks provision for expulsion; Canada abstained from voting on the motion. The sub-

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stance of the Dumbarton Oaks provisions on expulsion and suspension was accordingly written into the Charter as the Sponsoring Powers desired. (Articles 5 and 6)

WITHDRAWAL

In the Dumbarton Oaks Proposals no provision was made for withdrawal from the Organization. At San Francisco this deliberate omission was discussed, along with the possibility of either prohibiting or limiting withdrawal by a specific clause of the Charter. Uruguay championed the doctrine of universality and asked for direct prohibition of withdrawal. It was argued, however, that this would necessitate the application of sanctions against any state which tried to withdraw and that this would make it difficult for many Governments to secure ratification of the Charter. The Uruguayan proposal, moreover, ignored the risk that the United Nations might fail to provide security.

On May 23 the committee adopted a declaration to the following effect: withdrawal should be neither provided for nor regulated in the Charter itself; if the Organization fulfilled its function in the spirit of the Charter, it would be inadmissible that its authority could be weakened by withdrawals; on the other hand, if the Organization proved unable to maintain peace, or could do so only at the expense of law and justice, withdrawal would become inevitable.

The whole question of withdrawal was reopened in mid-June when it became apparent that the Great Powers would insist that each of them have the right to veto the

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coming into force of any amendment to the Charter, whether the amendment had been adopted in accordance with the ordinary process of amendment or at a General Revisionary Conference, whether it was an important amendment or an unimportant amendment, and whether or not it had been ratified by all the other Members of the Organization, including the other four Great Powers.

The unlimited extent of this veto over amendments met with strong opposition from the middle and small powers. They argued that they were agreeing to an imperfect Charter in the expectation that its imperfections would in course of time be remedied by constitutional amendment. It was quite a different thing for them to ask their countries to commit themselves to perpetual membership in an Organization whose defects might also be perpetual. The decision of the Great Powers thus left the other states with no alternative but to insist on a right to withdraw from the Organization.

The Canadian Position

The Canadian representative at the meeting of the committee on June 16 urged the committee not to make withdrawal from the Organization too easy.

Approval by the Conference of a broad right of withdrawal would make it easier to get out of the new Organization than out of almost any previous international organization. It would nullify the suspension provisions of the Charter because a state would resign rather than be suspended. /It would likewise nullify the expulsion provisions of the Charter but, at the time the Canadian representative made his statement, the draft Charter did not contain a provision for expulsion/ It would also have

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a serious effect on those two attributes of the Organization which the Sponsoring Powers had themselves so consistently and so rightly emphasized - permanence and universality.

It was obvious, however, that if the Great Power veto over amendments stood, there would have to be written into the Charter or into the report of the committee a more explicit right of withdrawal than otherwise would have been necessary. This situation would not have arisen if the Great Powers had accepted the proposal that the question whether each Great Power should have the right to veto an amendment adopted by the General Revisionary Conference should not be decided now but should be decided at the Revisionary Conference itself.

The Canadian delegation therefore argued that the right of withdrawal should not be too easy. It should be restricted to a right of any Member to withdraw from the Organization if it were dissatisfied with the results of the General Revisionary Conference.

Decision of the Conference

On the following day the discussion on withdrawal was concluded. The only difference of opinion in the committee was on whether the right of withdrawal should be written into the Charter or set forth in an agreed commentary to be incorporated in the rapporteur's report. The Ecuadorean delegation proposed that the following Article be inserted in the Charter:

> Nothing in this Charter should preclude the right of a Member to withdraw from the Organization if its rights and obligations as such were changed by Charter amendments in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

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The Canadian representative stated that the Canadian delegation did not favour mentioning the right of withdrawal in the Charter. He suggested that before voting on the Ecuadorean motion, the committee decide the simple question of principle - whether or not withdrawal should be mentioned in the Charter.

This suggestion was accepted and, after discussion, a vote was taken showing 19 in favour of mentioning withdrawal in the Charter and 24 against. The committee then approved of a commentary on withdrawal. This commentary was embodied in the report of the rapporteur of Commission I to the Conference. The relevant section of the rapporteur's report reads as follows:

> The Commission does not recommend any text on withdrawal for inclusion in the Charter. However, the absence of such a clause is not intended to impair the right of withdrawal, which each state possesses on the basis of the Principle of the sovereign equality of the Members. The Commission would deplore any reckless or wanton exercise of the right of withdrawal but recognizes that, under certain exceptional circumstances, a state may feel itself compelled to exercise this right. Consequently, Commission I has included the following commentary on withdrawal, as recommended by Committee I/2, with some changes in its wording:
>
> > The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their co-operation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its co-operation in the Organization.
> >
> > It is obvious, particularly, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice.

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> Nor would a Member be bound to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.
> It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal.

The precise legal validity and the meaning of this commentary on withdrawal have been discussed at some length before the Committee on Foreign Relations of the United States Senate. Mr. Green H. Hackworth, the Legal Adviser of the Department of State, stated in answer to a question that the commentary "had equal dignity as if it had been put in the Charter", it was "something that would stand on an equal footing with the Charter itself". Mr. Hackworth went on to say that the list of legitimate reasons for withdrawal given in the commentary was not exclusive. "I think there is abundant authority here /in the commentary/ for the proposition that a state may withdraw at any time it sees fit."(i)

Senator Vandenberg, at the previous meeting of the Foreign Relations Committee, advanced the following statement of the United States position in the event that the United States wishes to withdraw:

> First, the United States can withdraw at its own unrestricted option. Its only obligation is to state the reasons.
> Second, the only penalty is in the adverse public opinion if our reasons do not satisfy the conscience of the world, and the action of the San Francisco Conference simply suggests certain criteria upon this score.
> Third, when we withdraw, we are simply in the same position as if we had never joined; namely, we are subject to the Organization's discipline if we threaten the peace and security of the world.

(i) Hearings, July 10, 1945 (unrevised) pp.394-7

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Dr. Leo Pasvolsky, the State Department's chief expert on the Charter, agreed with Senator Vandenberg's statement of the position. (1)

(1) Hearings, July 9, 1945 (unrevised) p. 129

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ORGANS
(CHAPTER III OF THE CHARTER)

The principal organs of the United Nations listed in the Dumbarton Oaks Proposals were a General Assembly, a Security Council, an International Court of Justice, and a Secretariat. To these were added at San Francisco an Economic and Social Council and a Trusteeship Council. (Article 7)

The Uruguayan delegation proposed that the following Article be added to Chapter III of the Charter:

> Representation and participation in the organs of the Organization shall be open both to men and women under the same conditions.

After prolonged discussion this was rephrased to read:

> The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. (Article 8)

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THE GENERAL ASSEMBLY
(CHAPTER IV OF THE CHARTER)

THE CANADIAN POSITION

The general position of the Canadian delegation on the role of the General Assembly in the Organization was clearly defined by the Canadian representative on the committee on the political and security functions of the General Assembly, at one of the early meetings of the committee, and was maintained throughout the Conference. It can be summarized as follows:

The powers of the General Assembly should be as wide as possible. The responsibility for settling disputes between states must, however, be put squarely on the shoulders of the Security Council. In order to place responsibility where it belongs and to avoid divided or concurrent jurisdiction and jurisdictional disputes which will play into the hands of trouble-making states, it is necessary to place one important limitation on the powers of the General Assembly. The General Assembly should not, on its own initiative, be able to make recommendations on a matter relating to the maintenance of international peace and security which is being dealt with actively and effectively by the Security Council. If because of the use of the Great Power veto or for some other reason the Security Council is unable to act, provision must be made to ensure that the General Assembly can take over as quickly and effectively as possible the task of maintaining order and restoring peace.

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FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY

The two most important provisions in the chapter of the Charter on the functions and powers of the General Assembly (Articles 10-17) are Article 10 and the first paragraph of Article 12. To a great extent the remaining provisions of this chapter do little more than make the implications of these two key provisions more precise.

Article 10 reads as follows:

> The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

The first paragraph of Article 12 reads as follows:

> While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

Since these are key provisions in the Charter, agreement was reached on their final form only after much debate.

The Canadian position with regard to the role of the General Assembly in the Organization logically resulted in the Canadian representative casting his vote in favour of the limitation on the powers of the General Assembly set forth in the first paragraph of Article 12. The vote was 26 in favour of the limitation and 16 against.

The logic of the Canadian position likewise resulted in the Canadian representative supporting proposals to amplify the powers of the General Assembly

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beyond those set forth in the Dumbarton Oaks draft, provided that any amplification of powers was subject to the limitation contained in Article 12.

The most important of these proposals was that the section in the Dumbarton Oaks draft which corresponds to Article 10 should be reworded to give a wider powers to the General Assembly. The Dumbarton Oaks Proposals had spoken of the right of the General Assembly to discuss and make recommendations on "any questions relating to the maintenance of international peace and security". It was proposed at the San Francisco Conference that there be substituted for this phrase the words "any matters affecting international relations". The Great Powers opposed this proposal, but it was carried by a vote of 29 to 11. Canada voted with the majority.

Towards the end of the Conference, as the result of a request of the Soviet delegation, the language was changed to that which now appears in Article 10 of the Charter.

CONVENTIONS

Among the other proposals to amplify the powers of the General Assembly which Canada supported was one to give the General Assembly explicit power to submit general conventions to states for their approval. Owing to Great Power opposition, this failed to secure the necessary two-thirds majority, the vote being 25 in favour and 13 opposed. But though this proposal was defeated, it is clear that the General Assembly possesses an implied power to propose conventions. This follows

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not only from the general grant of power in Chapters IV and IX, but also from the grant of power in Article 62 to the Economic and Social Council to propose draft conventions for submission to the General Assembly. The purpose of this Article would be frustrated if the General Assembly, in its turn, could not propose to the Members of the Organization that they adopt these conventions.

RELATIONSHIP OF THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL

The Security Council is not a creature of the General Assembly. It is not responsible to the General Assembly. It is not an executive committee of the General Assembly. It is a coordinate body whose powers, like those of the General Assembly, stem from the Charter itself.

One of the main problems before the committee on the political and security functions of the General Assembly was how to maintain this equality of status and difference in function while at the same time providing for cooperation between the two bodies.

It was clear on the one hand that the Security Council ought to be under an obligation to make reports to the General Assembly, and the Canadian delegation successfully moved an amendment to this effect (Article 24.3). On the other hand, it seemed to the Canadian delegation unwise and even dangerous to put into the Charter provisions under which the General Assembly would be granted power to subject the Security Council to a sort of inquisition. Such provisions would imply a lack of confidence between the Security Council and the General

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Assembly and were out of place in a Charter which could succeed only if the two bodies had confidence in each other.

The Canadian representative therefore spoke strongly against a proposal that the Canadian amendment providing that the Security Council should submit annual and special reports to the General Assembly should have added to it a provision that these reports should "set forth a detailed account, with reasons, of all of its /the Security Council's/ acts and decisions". The vote on the proposal was 21 in favour and 16 against. It therefore failed to secure the necessary two-thirds majority, and the provision in the chapter on the General Assembly (Article 15.1) which corresponds to the Canadian amendment in the chapter on the Security Council (Article 24.3) was, at the end, drafted in neutral language. It now reads that the Security Council's reports to the General Assembly "shall include an account of the measures that the Security Council had decided upon or taken to maintain international peace and security".

The General Assembly may not make a recommendation on a dispute or situation while the Security Council is dealing with it, unless the Security Council requests it to do so. Hence fears were expressed at the Conference that the Security Council might, while doing nothing about a dispute or situation itself, keep it on its agenda in an effort to prevent the General Assembly from making a recommendation on it. It was therefore proposed that the Secretary-General should be required to notify the General Assembly, or the Members of the United Nations if

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the General Assembly was not in session, immediately the Security Council ceased to deal with a matter relative to the maintenance of international peace and security. Canada supported this proposal. The Great Powers agreed to it on condition that the Secretary-General should not act under it without the consent of the Security Council. In this modified form it was included in the Charter as paragraph 2 of Article 12.

This qualification to the provision, however, seems to make little real difference. The question whether the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the Charter, is a question of fact which the General Assembly or the Members of the Organization are presumably capable of deciding by themselves.

PEACEFUL ADJUSTMENT AND TREATY REVISION

One of the most important amendments made to the Dumbarton Oaks Proposals gives the General Assembly power, subject to the limitations of paragraph 1 of Article 12, to "recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations" (Article 14). This amendment was submitted to the committee on the political and s ecurity functions of the General Assembly by Senator Vandenberg on behalf of the five Great Powers.

Several amendments were submitted to the Conference to provide explicitly that the General Assembly should have

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the right to recommend the revision of treaties. A long debate followed which revolved around the meaning of the phrase "any situation, regardless of origin", as used in Article 14. The United States delegation took the position that explicit reference to the revision of treaties would throw the weight of the Organization too heavily on the side of revision and encourage changes beyond the necessity of the situation. It was, moreover, inconsistent to launch an international organization based on international integrity and at the same time intimate any lack of respect for treaties. The subject of treaty revision was not, however, foreclosed to the General Assembly. A threat to the general welfare or to friendly relations among nations might arise from a treaty or from a situation having no relation to a treaty. In either event, the threat would be a matter of concern to the General Assembly which could, therefore, under Article 14, make a recommendation on it.

A motion was made that the amendments providing for an explicit mention of treaty revision should be withdrawn from debate. The Canadian representative supported this motion, urging that the question of revision was more widely and wisely covered by Article 14 than it could be by a specific reference, and that any attempt to make the language of Article 14 more precise might well result in weakening the Article. The motion was adopted by a vote of 37 to 1.

Apportionment of Expenses and Approval of the Budget of the Organization

Canada supported the view of the majority of the committee that the Charter should not specify the method of apportioning expenses, but that this should be left to

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the General Assembly to determine. (Article 17)

Australia moved that the Dumbarton Oaks Proposals should be extended to provide that the General Assembly should direct the preparation of the budget of the Organization by the Secretary-General and provide for the examination of the budget by a qualified advisory agency. Canada voted in favour of this proposal which was rejected on the ground that the Charter should be held as much as possible to a description of fundamental powers and functions and that the General Assembly could safely be left to take care of details by adopting regulations to supplement the Charter.

VOTING

Loss of Voting Rights in the Assembly

Canada voted in favour of the proposal that a Member of the Organization which was two years in arrears in the payment of its financial contributions should automatically be deprived of its vote in the General Assembly unless the General Assembly waived the penalty on the ground that the failure was due to conditions beyond the control of the Member. No opposition was expressed to this proposal which was adopted. (Article 19)

Canada spoke against an Australian proposal to deprive a state of voting rights in the General Assembly if it failed to make a special military agreement with the Security Council under Article 43. At the time Australia made its proposal, the text of Article 43 had not been finally established. The basis of the Canadian opposition was that the Australian proposal could not usefully be discussed until this had been done. Subsequently, Australia withdrew its amendment.

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The Costa Rican delegation proposed that no Member of the Organization to which acts of aggression had been attributed should vote in its own case in the Assembly. This was opposed on the ground that questions relating to the determination of aggression were to be decided by the Security Council and were, therefore, outside the competence of a Conference committee dealing with the Assembly. The Costa Rican proposal was rejected by a vote of 5 to 20, the Canadian representative abstaining from voting. A Chilean proposal that parties to a dispute being considered by the Assembly should abstain from voting was likewise rejected by a vote of 7 to 21, the Canadian representative abstaining.

PROCEDURE

Place of Meeting of the General Assembly

The committee was apparently almost unanimous in its belief that the General Assembly should, save in exceptional circumstances, meet at the headquarters of the Organization. But no change was made in the Dumbarton Oaks Proposals which made no mention of the place of meeting of the Assembly. A Brazilian amendment specifying that the headquarters of the General Assembly should be the seat of the Organization, but that the General Assembly could meet in another place if it so desired, was rejected by a vote of 19 to 13. The voting on this amendment was confused since some of those who voted in favour, including the Canadian representative, did so on the ground that it would establish the general principle that the Assembly should meet at the headquarters of the Organization, and some who voted against did so on the ground that the

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implication in the Brazilian amendment was that sessions of the General Assembly at places other than its permanent headquarters would be considered to be normal.

Open Sessions of the Assembly

The delegate of Peru moved on June 8 that the following provision be inserted in the chapter on the General Assembly:

> The sessions of the General Assembly shall be open to the public and to the press of the world. In exceptional cases the General Assembly may determine whether it is prudent to modify this rule.

The representatives of all five Great Powers spoke against this amendment. They expressed their full agreement with the principle contained in it, but objected to its inclusion in the Charter on the ground that it was a procedural matter which should be dealt with in the regulations of the General Assembly. Since the Peruvian motion appeared to have the support of a majority of the other delegations, there was danger that a vote on it would be misinterpreted outside the Conference. The Canadian representative, therefore, made the following statement:

> It is essential that this committee make clear its belief in the principle that the sessions of the General Assembly be open to the press and public of the world. It is likewise essential that this committee make its belief clear by a unanimous vote. From the speeches which have already been made, it is obvious that the Peruvian proposal to incorporate the principle in the Charter will not receive unanimous approval. The public of the world will not understand this. Therefore, as a substitute for the Peruvian motion I propose the following motion:
>
> That the Rapporteur of this Committee be instructed to state in his report that this Committee is of the opinion that regulations to be adopted at the first session of the General Assembly shall provide that, save in exceptional cases, the sessions of the General Assembly shall be open to the public and the press of the world.

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The Chairman decided to put the Peruvian motion first and, if it were rejected, then the Canadian motion. This enabled many delegates to vote against the Peruvian motion on the ground that it would be better to adopt the Canadian motion by unanimity than the Peruvian motion on a split vote. The Peruvian motion was defeated by a vote of 15 to 22 and the Canadian motion adopted by a vote of 34 to 0 with the U.S.S.R. abstaining. The delegate of the U.S.S.R. stated that his delegation had abstained from voting on the Canadian motion since such a resolution would be without force or effect unless it were ratified by the Governments of the participating countries and that it would not be submitted to them for ratification.

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THE SECURITY COUNCIL
(CHAPTER V OF THE CHARTER)

Both the wide powers given to the Security Council and the special position of the Great Powers on the Council are based on the recognition at the Dumbarton Oaks meeting that the foundation of any permanent security system is the continued collaboration of the greatest military powers. The overriding necessity for unity of action among the Great Powers determined the approach of the authors of the Dumbarton Oaks Proposals to the problem of setting up a Security Council charged with the "primary responsibility for the maintenance of international peace and security". It is the purpose of the Security Council to achieve the peaceful solution of international disagreements and only as a last resort to apply economic and armed force.

This conception of the Security Council's composition and functions was very generally accepted by the states participating in the San Francisco Conference. It was common ground that without united action by the Great Powers the Organization could not be made to function. That was one of the lessons learned from the experience of the League of Nations, but difficult and delicate problems still remained to be solved by the Conference in connection with the powers and organization of the Security Council.

The debate on these questions at San Francisco involved three principal issues. In the first place, the smaller states pointed out that under the voting formula adopted at Yalta, any one Great Power was in a position

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to paralyze the activities of the Council. It was widely acknowledged that unanimity among the Great Powers would be necessary before the Council could take enforcement action, but it was urged that the power of the permanent members of the Council to make use of the veto should not apply to the provisions for the peaceful settlement of disputes. It was in this form that the major controversy over the veto power developed.

In the second place, the smaller states pointed out that although the Organization was founded on the sovereign equality of all its Members, in practice the Great Powers who were permanent members of the Council possessed, by virtue of the veto, a privileged position which was not shared by other Members of the Organization.

In the third place, the states of middle power but with wide international interests, such as Canada, considered that some distinction in function would have to be made between these middle states, which had a considerable and indeed essential contribution to make to the Organization, and the smallest and weakest states.

The issues involved in the consideration of this chapter of the Charter thus affect the relations both of the Great Powers among themselves and of the Great Powers with the other Members of the United Nations.

COMPOSITION OF THE SECURITY COUNCIL

The composition of the Security Council had been laid down in the Dumbarton Oaks Proposals. It is to consist of eleven members, of which the permanent members are to be China, France, the Soviet Union, the United Kingdom, and the United States. The position of France had not been finally regulated at the time of the Dumbarton Oaks meeting. The Dumbarton Oaks Proposals,

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therefore, contained a reference to the permanent membership "in due course" of France on the Security Council. At San Francisco Canada took the initiative in proposing that the words "in due course" should be eliminated from this paragraph of the Charter so that France should be restored to her rightful place among the Great Powers, and the Canadian proposal received the unanimous support of the Conference.

Non-Permanent Members of the Council

Article 23, paragraph 1, provides that the General Assembly shall elect the six non-permanent members of the Security Council. The circumstances of the election of these non-permanent members was of particular interest to Canada, and indeed to a number of other states which like Canada were in the middle position between the great~~s~~ and the small~~s~~ states. The Canadian delegation felt that the position as stated in the original Dumbarton Oaks Proposals was unsatisfactory in that there was no qualification for eligibility for election to the Council. The principle that power was to be combined with responsibility was recognized in the permanent membership of the Great Powers on the Council. It was suggested that the application of this principle should be carried a step further, and that among the six elected to the Council there should be several states which could make a really substantial contribution to the purposes of the Organization.

Accordingly, the Canadian delegation pressed strongly in the Conference committee which dealt with this question for the adoption of some qualifying rules for election to the Council which would recognize the need for a functional approach to the problem. This

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attitude was warmly supported by a number of other delegations at the San Francisco Conference. As a result the Sponsoring Powers introduced an amendment which now finds its place as the final phrase of the first paragraph of Article 23 of the Charter. This paragraph, while it does not lay down detailed rules for the election of non-permanent members, directs that in the election of non-permanent members of the Security Council, due regard should be "specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution". It was explained by the representative of the Sponsoring Powers who introduced this amendment that the phrase "in the first instance" at the beginning of the amendment, applied to the first criterion for the election of non-permanent members; that is, "to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization", whereas "equitable geographical distribution" was a secondary consideration.

Temporary Membership in the Security Council

Article 31 of the Charter provides for the participation of any Member of the United Nations not a member of the Security Council in the discussion of any question brought before the Security Council which the Security Council considers specially to affect the interests of that Member. But on the occasions when the Member is invited to participate, it does not possess the right to vote.

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The Canadian delegation, in common with many other delegations at the Conference, attached considerable importance to this provision and would have preferred to see it strengthened so that temporary membership with full voting power would have been accorded as a matter of right to all Members of the Organization when the Security Council was considering matters specially affecting their interests. A provision along these lines was included in the Covenant of the League of Nations and in practice did not give rise to any difficulties. A Canadian amendment drawn up with this object in view was, however, opposed in the Conference committee by the representatives of the Great Powers on the grounds that it would destroy the principle of the permanent composition of the Security Council and would undermine the voting formula agreed to at Yalta. The Canadian delegation therefore decided to withdraw this amendment.

However, the extremely important Canadian amendment now incorporated in the Charter as Article 44 was adopted. (See below, pages to) This Article insures that in the most important case in which a state's interests could be involved, that is, the contribution of its armed forces to peace enforcement action, that state, even though not a member of the Security Council, should have the right to sit and vote as a member in the decisions concerning the employment of its own forces. (See below, pages to)

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Article 32 provides that the Security Council shall invite any Member of the Organization not having a seat on the Council and any state not a Member of the Organization, to participate in discussion if it is party to a dispute

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under consideration in the Council. States not members of the Security Council participating in discussions would not have the right to vote.

This Article was also the subject of a good deal of discussion at San Francisco. The Canadian and Netherlands delegations, among others, favoured certain changes in the text on the grounds that it was not desirable that a member of the Security Council, when a party to a dispute, should be a judge in its own case while the other party to the dispute was not accorded the same voting rights. It seemed to the Canadian delegation to be a matter of justice and fair play that both parties to a dispute should have equality in voting status.

Proposals for changing the wording of the paragraph to meet these criticisms failed of acceptance. They were opposed on the grounds, that their adoption would upset the balance of voting in the Security Council and would give a party to a dispute not a member of the Security Council greater privileges than other Members of the Organization, and finally, would have the effect of altering the composition of the Security Council itself.

VOTING IN THE SECURITY COUNCIL

No part of the work of the Conference aroused so much controversy or received so much publicity as the great series of debates over the voting formula in the Security Council which had been adopted by the United States, the United Kingdom and the Soviet Union at Yalta, and which was submitted to the full Conference at San Francisco for discussion and approval.

In order fully to appreciate the nature of the

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question involved in the controversy over the "veto question", it is necessary to have in mind the broad outlines of the voting system which eventually emerged from Yalta as a compromise between the divergent views of the Great Powers themselves. Under that system, when a question under consideration is one of procedure, the vote of any seven members, whether permanent or non-permanent, is decisive. On all matters other than procedural questions, decisions of the Security Council must be made by an affirmative vote of seven members, including those of all of the permanent members, except that in decisions with respect to the peaceful settlement of disputes (Articles 33-38) and under paragraph 3 of Article 52, a party or parties to a dispute must abstain from voting.

It clearly results from the adoption of this voting formula that any one permanent member of the Security Council has wide powers of veto over the many and varied activities of the Organization which depend upon decisions taken in the Security Council. As will be seen from the other chapters of this report, the veto power of the permanent members of the Council extends into many fields and affects the entire character of the Organization.

It was not to be expected that an arrangement of this kind would be received with any great enthusiasm by states other than the Great Powers, and in fact the special voting rights of the permanent members were attacked with vigour, persistence and eloquence by the representatives of many of the middle and smaller states at San Francisco. While most of these states were prepared to admit the necessity for the unanimity of the Great Powers in applying coercive measures for the maintenance of peace, they were

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opposed to many other aspects of the veto power and, in particular, to its extension to cover the field of peaceful settlement of disputes (Chapter VI of the Charter).

In the course of the debate, the critics of the Yalta voting formula put forward a series of questions as to its application in the form of a questionnaire addressed to the Sponsoring Powers. The Sponsoring Powers thereupon undertook the preparation of a joint statement designed to afford an official interpretation of the voting arrangement. While the preparation of this statement was proceeding, a difference of interpretation arose between the Great Powers themselves. They had reached agreement that the rule of unanimity of the permanent members must apply to decisions of the Security Council during the stage of peaceful settlement as well as during enforcement. But the difficulty arose over the question as to whether under the formula any one permanent member not a party to a given dispute could prevent the consideration and discussion of this dispute by the Council. The United Kingdom, the United States, China and France shared the view that no one member could prevent such discussion. The delegation of the Soviet Union, on the other hand, took the attitude that the discussion and consideration of a dispute in the Security Council should be treated as a substantive rather than as a procedural matter, and would therefore require the unanimous vote of all the permanent members. After prolonged discussion the Soviet Government agreed to accept the view that full discussion and consideration of any situation brought before the Security Council should be permitted before any one permanent member could prevent further action by the Security Council with respect to the dispute. The principal portion of the joint statement of the Sponsoring

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Powers with which France associated itself will be found in Appendix D .

The presentation of the joint statement to the Conference left many delegations unsatisfied as they still could not approve the application of the rule of unanimity of the Great Powers to the peaceful settlement provisions of the Charter. Many delegations had proposed amendments to alter the voting procedure, several of them with the object of removing the process of pacific settlement from the requirement of unanimity of the permanent members. Among these was an Australian amendment which had enlisted considerable support, and which was put forward again in a revised form after the issuance of the Sponsoring Powers' statement. This amendment was finally and after long debate rejected by the Conference.

The attitude of the Canadian delegation throughout the controversy over the veto power was governed by two main considerations. In the first place, it felt that the veto power, particularly insofar as it applied to the peaceful settlement provisions of the Charter, was undesirable and unnecessary. It feared, moreover, that the position taken by the Sponsoring Powers over this question would seriously weaken the Security Council itself. The Canadian delegation therefore supported the original Australian amendment to except the peaceful settlement chapter from the veto power of the permanent members. At the same time it was recognized clearly that this was a question which went to the root of co-operation between the Great Powers, and that the decision involved was an essentially political decision as to what was possible of achievement in the way of compromise both between the

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Great Powers themselves and between the Great Powers and the other United Nations. When it became apparent that the joint statement of the Sponsoring Powers interpreting the voting formula represented the greatest possible measure of agreement which could be attained among them at this time on this subject, the Canadian delegation took the view that, while they could not accept the interpretation of the voting procedure as satisfactory, it was not too high a price to pay for a world organization which was good in other respects. Accordingly, when the Australian amendment was brought forward in its revised form after the Sponsoring Powers' statement had been presented to the Conference, the Canadian delegation did not oppose the adoption of the Yalta voting formula and abstained from voting on amendments to that text.

The Canadian delegation were influenced in their decisions in this matter by the statements of the Great Powers that their special voting position would be used with a sense of responsibility and consideration for the interests of the smaller states, and that therefore the veto would be used sparingly. The Canadian delegation also trusted that in due course the decisions of the Council might build up a kind of common law which would eventually be incorporated in the Charter itself, and that in this way more satisfactory procedures might come to be established. There was the further consideration that it is possible to exaggerate the importance of formal voting arrangements in the Council. For example, during the whole course of the Conference the Great Powers had been able to work together without taking formal votes.

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THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY

One of the most marked and novel features of the ground plan for a Security Organization as it was contained in the Dumbarton Oaks Proposals was the special position given to the Security Council and the relationship established between it and the General Assembly. Under the League Covenant the Assembly and the Council had concurrent jurisdiction over the peaceful settlement of disputes and the taking of enforcement action, whereas under the new system, as finally incorporated in the Charter, the primary responsibility for the maintenance of peace is concentrated in the Security Council and within certain well-defined limits the Council has the power to direct Members to take action to enforce peace. Moreover, the Council will have behind its decisions an overwhelming superiority of armed force.

This conception of the role and functions of the Security Council was accepted by most of the states represented at San Francisco as both more realistic and more likely to prove effective in deterring aggression than the League system. On these grounds the Canadian delegation fully approved the special functions accorded to the Council in dealing with disputes. They realized that such a pattern of responsibility would be incompatible with the assignment of primary responsibility to the General Assembly in dealing with disputes, or to the granting of a negative veto to the General Assembly over the decisions of the Security Council. On the other hand, they felt that clarification was needed at certain points of the relationship between the Security Council and the General Assembly. The Canadian delegation therefore put forward an amendment to the effect that the Security Council should submit annual and, when necessary,

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special reports to the General Assembly for its consideration. This Canadian amendment was adopted unanimously and now appears as Article 24, paragraph 3, in the Charter. (See above under General Assembly - Chapter IV of the Charter.)

OBLIGATIONS OF MEMBER STATES

The general obligation of Members to carry out the decisions of the Security Council "in accordance with the present Charter" is contained in Article 25. The Canadian delegation was anxious to clarify as far as possible the nature of the obligations implied by this general clause. Their view was shared by many delegations who naturally wished to have as precise as possible a definition of the obligations which their countries were called upon to assume. The Conference decided, and this view was shared both by the great and smaller states, that the precise extent of the obligations of Members under Article 25 was to be determined by reference to the specific obligations assumed by Members in other parts of the Charter. The debates at San Francisco and the statements made by the Sponsoring Powers at the Conference emphasized that the general provisions of the Charter must be read in conjunction with the specific definitions of rights and obligations contained in the various parts of the Charter. It is also clear that decisions of the Security Council are binding only insofar as they relate to the prevention or suppression of breaches of the peace. With respect to the pacific settlement of disputes, the Council's powers are limited to recommendation. So far

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as enforcement measures are concerned, the character and extent of the military obligations which Members assume will, of course, be determined by the special agreements to be negotiated under Article 43.

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PACIFIC SETTLEMENT OF DISPUTES
(CHAPTER VI OF THE CHARTER)

Chapter VI gives the Security Council power to encourage the peaceful settlement of international disputes. The Security Council is also given certain powers to deal with situations likely to endanger the maintenance of international peace and security. Under this chapter it has no coercive powers; a state is not bound to carry out its recommendations. Nevertheless, this chapter can, if its provisions are fully utilized, become the most important part of the Charter.

The possibility of its effective use depends on four things. The first is a willingness by the Security Council to employ its powers; or put in a different way, the willingness of each of its five permanent members to refrain from vetoing the use by the Security Council of its powers.

The second is a wise use by the Security Council of its large discretion under this chapter. It is, for example, empowered in certain circumstances to recommend the actual terms of settlement of a dispute. The nature of the principles which the Security Council should follow in arriving at its recommendations is left to its discretion. The Security Council will have to demonstrate that in its capacity as conciliator it can keep the balance between practical political considerations and regard for world opinion and the principles of justice and fair dealing.

The third is that states act on the recommendations which the Security Council makes to them.

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The fourth is that, so far as possible, the Security Council should deal with potential threats to the peace while they are still "situations" and before they become "disputes".

Pacific Settlement and the Veto

So far as the pacific settlement of disputes is concerned, the main question which the Conference had to face was how far a Great Power should have the right to veto the use of the provisions of Chapter VI. The Canadian representative on the Conference committee urged that the Charter should provide in clear and unambiguous language that a Great Power should not have the right to veto the application of any of the provisions of the chapter. (See above, pages to for discussion of the veto question.) Page No 5

Obscurities in the Dumbarton Oaks Proposals

The Dumbarton Oaks Proposals on the pacific settlement of disputes were far from clearly drafted. Many delegations expressed concern about this and some clarification in the provisions was made at San Francisco. The language of the chapter, however, still requires further clarification and the Articles could be arranged in more logical order. In view of the continuing obscurities in the chapter, it would seem useful to explain its provisions as read in the light of other provisions of the Charter.

Provisions of Pacific Settlement

The Members of the United Nations undertake to do two things. The first is that if they are parties to any international dispute, they will seek a solution by peaceful means of their own choice so that the maintenance of international peace and security will not be endangered. (Article 2, paragraph 3; Article 33, paragraph 1) The

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second is that if they are parties to a dispute which endangers international peace and security and they fail to settle it by peaceful means of their own choice, they will refer it to the Security Council. (Article 37, paragraph 1).

These are the two undertakings of Members. The rest of the chapter is concerned with ways in which disputes or situations can be brought to the attention of the Security Council other than by the parties to them, and what the Security Council does once it decides to consider a dispute.

Any Member, or the Secretary-General or the General Assembly, may bring to the attention of the Security Council any dispute or any situation, provided that the situation is one which might lead to international friction or give rise to a dispute. (Article 11, paragraph 3; Article 35, paragraph 1; Article 99). A state which is not a Member may bring to the attention of the Security Council any dispute to which it is a party if it accepts in advance for the purposes of the dispute the two undertakings of Members. (Article 35, paragraph 2).

Whether or not a dispute or situation has been brought to its attention, the Security Council must deal with it if it is one likely to endanger the maintenance of international peace and security, for the Members, under the Charter, have given the Security Council "primary responsibility for the maintenance of international peace and security". (Article 24, paragraph 1).

Apart from one exception(1) the only disputes

(1) Under Article 38 the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

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or situations which the Security Council can deal with are the disputes which it must deal with. Under this chapter it can deal only with disputes or situations which are likely to endanger international peace and security. Under Article 24 it must take action with regard to such a dispute or situation or fail to discharge the responsibility conferred on it.

The first step the Security Council must take, once it decides to consider a dispute or situation, is to determine whether the dispute or situation is one which it must deal with. This may require an investigation by the Security Council. (Article 34). Having decided that the dispute is one which it must deal with, the Security Council may do one or more of three things in any order it sees fit. It may remind the parties to a dispute of their undertaking to settle it by peaceful means of their own choice (Article 33, paragraph 2), It may recommend to the states concerned in a dispute or situation that they adopt those particular peaceful means which, in the opinion of the Security Council, seem to be most likely to succeed (Article 36, paragraph 1). It may recommend terms of settlement to the parties to a dispute (Article 37, paragraph 2).

Powers of the General Assembly

The General Assembly also has powers to deal with a dispute or situation. Disputes or situations may be brought to the attention of the General Assembly either by Members or by non-Members just as they can be brought to the attention of the Security Council (Article 35, paragraphs 1 and 2). The General Assembly's powers are to some extent even wider than the Security Council's since it is not limited to disputes or situations likely

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to endanger international peace and security, but can deal with any dispute or situation provided that it relates to the maintenance of international peace and security. The General Assembly can do all these things that the Security Council can do: it can discuss the dispute or situation at open public meetings and at small private committee meetings; it can investigate the dispute by calling witnesses before it and by sending a committee to make an enquiry on the spot; it can publish the recommendations submitted to it by its committee of enquiry. The only thing the General Assembly cannot do is to make a recommendation on a dispute or situation which is being dealt with by the Security Council. As soon as the Security Council ceases to deal with the dispute or situation, the General Assembly can make a recommendation on it. It can send its recommendation to the state or states concerned or to the Security Council or to both.

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ENFORCEMENT ACTION
(CHAPTER VII OF THE CHARTER)

When the Dumbarton Oaks Proposals were first published, public attention was concentrated on that section of the Proposals which subsequently became Chapter VII of the Charter, and which provides for the use of the combined forces of the United Nations against a peace-breaking state.

This section, however, had to be read along with the chapter on voting procedure in the Security Council (See pages to). Under this procedure any one of the five Great Powers could veto the observation of the enforcement arrangements. Thus the Organization could not in practice use force against a Great Power or indeed against any other state if one of the Great Powers exercised its veto.

The peace enforcement proposals were limited not only by the Yalta voting formula, but also by the Dumbarton Oaks Proposals on transitional arrangements. It was apparent from these Proposals that the Organization's enforcement powers were not to be used against enemy states.

The actual use of force under the Dumbarton Oaks Proposals was thus a remote contingency since the mere willingness of all the Great Powers to use force would ordinarily be sufficient to bring any conceivable combination of middle and small powers to heel.

In spite of this, to dismiss the enforcement section of the Dumbarton Oaks Proposals as unimportant would have been unrealistic and superficial. In course of time the Organization would assume responsibility for preventing

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renewed acts of aggression by the ex-enemy states. Moreover, the Charter to be constructed on the basis of the Dumbarton Oaks Proposals was to be a beginning and not an end. It was to be the foundation of a new structure to create and preserve peace, not the whole vast completed edifice. If the Organization is to free the peoples of the world from the fear of war, it would eventually have to be given the right and the power to restrain any disturber of the world's peace.

THE CANADIAN POSITION

In the view of the Canadian delegation it was therefore most important, in the light of long-run considerations, that the enforcement provisions to be agreed upon at San Francisco should be as effective as possible.

The possibilities of making any far-reaching changes in the Dumbarton Oaks Proposals dealing with peace enforcement were limited. The Canadian delegation, therefore, decided to concentrate on three objectives: it would resist efforts to weaken the provisions of Dumbarton Oaks; it would try to secure the inclusion of an effective provision under which the armed forces of a state not a member of the Security Council could not be used by the Security Council without that state having been consulted in the matter; it would try to secure a clarification of the provision on special military agreements.

The Concentrated Authority of the Security Council

Under the Dumbarton Oaks Proposals the power to enforce peace was concentrated in the Security Council. Proposals were made at San Francisco that the Security Council's decisions should not become effective until

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ratified by the General Assembly. These proposals failed of acceptance. Other proposals were made to limit the discretion of the Security Council as, for example, by providing definitions of aggression which would be binding on it. These also failed.

"No Taxation without Representation"

The insistence by the Canadian delegation on the attainment of its second objective arose in large part out of disparity between the obligations of Great Powers and of other powers under the Dumbarton Oaks Proposals providing for the use of economic and armed force by the Security Council. The Yalta voting formula meant that the economic and armed forces of a Great Power could never be used by the Organization without the consent of its Government given through its representative on the Security Council, whereas the economic or armed forces of any other Member of the Organization could be used by the Organization without that state's consent provided that the five Great Powers and any two of the other six members of the Security Council decided to use these forces.

The Canadian delegation therefore proposed the following amendment to the Dumbarton Oaks Proposals:

> Any Member of the United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council which is discussing under paragraph 4 above [Article 42] the use of the forces which it has undertaken to make available to the Security Council in accordance with the special agreement or agreements provided for in paragraph 5 above [Article 43].

Speaking to this amendment at the meeting of the committee on enforcement arrangements on May 10, The Rt. Hon. W. L. Mackenzie King said:

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The purpose of this amendment is clear - to provide that there shall be effective consultation between the Security Council and a Member not represented on the Council before that Member is called upon to despatch outside its own territories forces which it has undertaken to make available under the military agreements contemplated in paragraph 5. It seems certain that consultation would, in fact, have to take place, and we feel that a requirement of consultation should be included in the Charter itself.

The powers which the proposals would vest in the Security Council to call upon all Members to join in the imposition of sanctions - military, economic and diplomatic - raise especially difficult problems for secondary countries with wide international interests. It is likely that if sanctions have to be imposed against an aggressor, the active collaboration of some states not on the Security Council will be needed. Let me contrast the position in this respect of the Great Powers on the one hand and of the secondary countries with world-wide interests on the other. Each Great Power is assured not only of full participation in the consideration of the dispute from the beginning, but it can itself prevent any decision to impose sanctions, even if it be in a minority of one in the Security Council. All the other Members of the Organization are asked to obligate themselves in the Charter to carry out any decision of the Security Council, including decisions which might require them to send into action the forces which they are all expected to place at the Council's disposal, as well as decisions which might gravely disrupt their economic life. The Council could call upon any Member to do these things, and there is no assurance that the Member would be consulted rather than ordered to take action. I feel sure that whenever a particular Member was desired to take serious enforcement action, consultation would be a practical necessity. Therefore, the amendment which the Canadian delegation has proposed would not delay action, since it would only incorporate in the Charter itself a step towards action which would probably have to be taken in any event. Unless this need for consultation is recognized in some manner in the Charter, the process of securing public support for the ratification of the Charter will be made considerably more difficult in a number of countries other than the Great Powers.

This matter is obviously closely related to the contents of the military agreements which all Member states would be expected to conclude as soon as possible. I should like to ask whether any state not assured of a seat on

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> the Security Council could reasonably be expected to place at the Council's disposal a substantial contingent of its armed forces unless it knows that it will have some say in the use to which these forces are put. It is likely, indeed, that the adoption of the amendment which I have proposed will tend to increase considerably the forces made available for military sanctions by countries other than the Great Powers. I regard this amendment, therefore, as strengthening the authority of the Council by giving it a larger assured backing. I need scarcely say that no suggestion from the Canadian delegation is intended to imply any action which would lessen the contribution which Canada or any other country similarly situated would be expected to make under any of the provisions of the Charter. ....
>
> In closing I should like to raise a general question which, it seems to me, has a bearing on all the discussions in this committee. Against what states would it be likely that the Security Council could take enforcement action under this chapter? Not against the Great Powers, since they are protected by their individual veto on Council decisions. Perhaps not against Germany and Japan, since the final paragraph of the Proposals seems to provide a means whereby a special system of sanctions against enemy states can be established in the event of their violation of the peace settlement. Is it correct to assume that what is really before this committee is the creation of an enforcement procedure which can only be employed against smaller states? I suggest that as much light as possible should be thrown on these matters in the course of our discussions.

The proposal thus brought forward by The Rt. Hon. W. L. Mackenzie King gave rise to much discussion and received general support. Its substance was finally incorporated in the Charter in Article 44 which reads as follows:

> When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

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Mr. Stettinius, the chairman of the United States delegation to the Conference, in his formal report to the President on the results of the Conference, had the following to say about the Canadian amendment: (1)

> One significant and constructive change resulted from the debate, in the adoption of a wholly new Article 44, which contains the substance of an amendment submitted at the Conference by the delegation of Canada and strongly supported by the other "middle powers". It gives realization on the level of international security arrangements to the cherished axiom of American history: "No taxation without representation". Once the Security Council has determined on the employment of armed forces, it must give to each state asked to contribute contingents a voice in the decisions concerning the employment of its own forces. For the purpose of such decisions, in other words, the voting membership of the Security Council may be increased by one -- but by no more than one -- for each decision.
>
> Here is the way Article 44 will work: If four states not represented on the Security Council are to be asked to furnish armed forces to cope with an emergency, they may, if they desire, send representatives to sit temporarily with the Council; but each of these four ad hoc representatives would participate only in the decision which concerns the use of the armed forces of his own country. No similar right is given to states when the contribution involved is only the use of facilities and assistance they have agreed to provide, and an amendment to give such a right was rejected. The Conference felt that there is a substantial difference between sending men to fight and, for example, making an airfield available.
>
> It is particularly important to notice that the membership of the Security Council remains unchanged for all decisions leading up to and including the decisions to impose military sanctions. Thus the operation of the security machinery will not be dangerously slowed by the new provision. Moreover, the provision will not affect the use of the contingents of the Great Powers, which will doubtless constitute the bulk of the forces used to carry out the Council's decisions. Even the process of consulting the states that are not members of the Council should not appreciably delay the effective functioning of their contingents.

(1) Charter of the United Nations: Report to the President on the results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State. Page 94.

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Agreements with the Security Council

The third objective of the Canadian delegation was to try to secure a clarification of the provision in the Dumbarton Oaks Proposals on special military agreements. This provision contemplated that all Members of the Organization should conclude agreements to supply the Security Council with forces, facilities and assistance in order that the Security Council might impose military sanctions. These agreements were to be concluded "among" Members of the Organization; they were to be "negotiated as soon as possible" and each of them was to be "subject to approval by the Security Council and to ratification by the signatory states".

The Canadian delegation did not itself propose an amendment to this provision but supported the amendment proposed by Australia under which the agreements would not be concluded among Members but would be concluded "between the Security Council and Members or groups of Members" and under which a duty would be placed on the Security Council to initiate the negotiation of the agreements.

At the meeting of the committee on May 28 the Canadian representative seconded the Australian amendment. He said:

> This is a very important Article of the Charter. It is designed to give the Security Council the means of enforcing its decisions by military action if a dispute has proved incapable of settlement by peaceful methods or by the application of sanctions short of the use of armed force. It is also designed to make clear to any country tempted to violate the provisions of the Charter and threaten the peace of the world that the organized forces of all the Members of the Organization would be brought against it if the need arose. Its purpose, therefore, is both deterrent and operational...

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It is certainly in full accord with the central purpose of the Organization that an obligation should be imposed on all Members to do their share in maintaining or restoring peace. This paragraph lays down the procedure whereby the obligation would be fulfilled. It is a complicated procedure and also in some respects an obscure procedure. The intention is sound - to prescribe the methods whereby every Member undertakes to make available to the Security Council the military forces, facilities and assistance which the Council may require in the event of a breach of the peace. As the paragraph is drafted, it would seem that each Member in concluding its special agreement or agreements would have to pursue the matter through four successive stages.

In the first place, the agreements are to be made by Members among themselves and not with the Security Council. Each Member would, therefore, have to discover with what other Members it ought to make its special agreement or agreements and secure the consent of these other Members to enter into negotiations. Secondly, the agreements would have to be negotiated in a form acceptable to all the parties. Thirdly, the agreements would have to be submitted to the Security Council for its approval. Presumably if the Security Council failed to approve, the whole process might have to be started again. Finally, the agreements would have to be ratified by the signatory states in accordance with their constitutional processes. If ratification was not approved by the legislature of any country, it would be necessary again to start from the beginning.

I am not aware of the reasons which have led to the inclusion of the words "between themselves" in the first sentence of this paragraph and it would appear that the process of completing the agreements might be considerably simplified if they were to be made with the Security Council either by individual states or by groups of states. The Australian amendment would eliminate two stages and leave only the necessary stages of negotiation and ratification. Its adoption would seem to lead to a more practicable scheme likely to result in a far more uniform and also stronger plan. There may, however, be strong reasons, as yet unrevealed, for the use of the terminology in the paragraph. The Canadian delegation would welcome an explanation from the Sponsoring Powers.

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The Australian amendment, together with two amendments proposed by the French delegation were accepted by the committee and the Article as finally incorporated in the Charter reads as follows:

> 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
> 2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
> 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes. (Article 43).

OTHER CHANGES MADE AT THE CONFERENCE

In addition to the changes discussed above, only three other important changes were made in the Dumbarton Oaks Proposals on enforcement action. The old first paragraph of the Dumbarton Oaks Proposals was eliminated as redundant. A new Article [Article 40] on provisional measures was inserted on the initiative of the four Sponsoring Powers.

"The Inherent Right of Individual or Collective Self-Defence"

Another new Article [Article 51] was also inserted. This declares that a Member of the Organization which is attacked by armed force, has the right to defend itself, and other Members have the right to come

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to its defence. These rights, however, cease as soon as the Security Council takes "the measures necessary to maintain international peace and security".

This Article was inserted on the initiative of the American Republics. They contended that the Act of Chapultepec embodied the wholly desirable concept of the collective self-defence of the American Republics against aggression by any state, American or non-American; that Part II of this Act contemplated the conclusion of a permanent treaty integrating this concept of collective self-defence into the inter-American system; and that the Charter of the United Nations should not prevent this from being done.

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REGIONAL ARRANGEMENTS
(CHAPTER VIII OF THE CHARTER)

DUMBARTON OAKS PROPOSALS

The Dumbarton Oaks Proposals on regional arrangements were brief. They stipulated that "nothing in the Charter should preclude the existence of regional arrangements or agencies" provided that they and their activities were "consistent with the Purposes and Principles of the Organization". The Security Council was instructed to encourage the settlement of "local disputes" through these arrangements or agencies "either on the initiative of the states concerned or by reference from the Security Council".

No instruction was given to the Security Council to use regional arrangements or agencies for enforcement action under its authority, but it could use them at its discretion. It was further provided that no enforcement action should be taken under regional arrangements or by regional agencies "without the authorization of the Security Council". This meant that any one of the five Great Powers could, by the exercise of its veto, prevent enforcement action under a regional arrangement or by a regional agency.

Finally, the Security Council was to be "kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security".

Three sorts of amendments to these proposals were submitted to the Conference. Australia, Belgium

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and Venezuela wanted to limit the right of a Great Power to veto regional enforcement action. Other delegations, chiefly those of the Latin American Republics and of the League of Arab States, wanted to increase the autonomy of regional arrangements. The purpose of the third group of amendments was to ensure that the Charter did not interfere with the operation of pacts of mutual assistance directed against enemy states.

AMENDMENTS APPROVED AT SAN FRANCISCO

Four amendments affecting the Dumbarton Oaks Proposals on regional arrangements were adopted at the Conference.

Two of them are not of great importance. One adds regional agencies or arrangements to the list of peaceful means for settling disputes set forth in Article 33. The other related amendment contains an undertaking by Members of the Organization who are parties to regional arrangements or agencies to try to solve their local disputes through these arrangements or agencies before referring them to the Security Council.

One, however, is of great importance. It has already been mentioned in another connection. (See pages to above). This was the inclusion of a new Article [Article 51] on the "inherent right of individual or collective self-defence". This recognizes the rights of all Members of the Organization to defend themselves and each other by individual action or by collective action. It means that the parties to regional arrangements or agencies, such as the Inter-American system

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and the League of Arab States, can come to each other's defence without any prior authorization by the Security Council. Since this Article begins with the words, "Nothing in this Charter shall impair the inherent right of individual or collective self-defence", its provisions over-ride those of Article 53 in the event of conflict between them. (Article 53 prohibits regional arrangements or agencies from taking enforcement action without the authorization of the Security Council.) The only limitation on the right of individual or collective self-defence set forth in Article 51 is that it ceases as soon as the Security Council takes the "measures necessary to maintain international peace and security".

This amendment completely alters the situation so far as enforcement action under regional arrangements and by regional agencies is concerned. Under the Dumbarton Oaks Proposals any one of the Great Powers would have been able to veto enforcement action taken as a result of regional arrangements or by regional agencies, whereas under Article 51 of the Charter any one of the five Great Powers can veto any action by the United Nations Organization if enforcement action is already being taken under a regional arrangement or by a regional agency.

The other important amendment which was adopted by the Conference affects the operation of mutual assistance pacts directed against enemy states. The Dumbarton Oaks provision that "no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council", was declared not to apply to measures against any enemy state provided

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for not only in a subsequent Article of the Charter (Article 107) on transitional security arrangements (see below, pages to), but also "in regional arrangements directed against renewal of aggressive policy on the part of any such /enemy/ state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state". (Article 53).

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ECONOMIC AND SOCIAL CO-OPERATION
(CHAPTERS IX AND X OF THE CHARTER)

CANADIAN AMENDMENTS

Among the amendments submitted by the Canadian delegation to the Conference was a complete revision of the important chapter in the Dumbarton Oaks Proposals on international economic and social co-operation. One of the main purposes of the proposed revision was to increase the authority and position of the Economic and Social Council without, however, attempting to extend its functions beyond the scope of studies, reports and recommendations. Another purpose was to clarify the character of the relationship to be established between the Organization and the various specialized inter-governmental agencies and by so doing to strengthen the position of the Economic and Social Council as the body charged with co-ordinating the activities of the agencies. The Canadian proposals were also an effort to clarify the language of the Dumbarton Oaks draft and to arrange its provisions in a more logical order.

Increased Authority for the Council

The following five proposals put forward by the Canadian delegation to strengthen the position of the Economic and Social Council were adopted:

(1) One of the purposes of the Organization should be to attain higher standards of living and economic and social progress and development; (Article 55).

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(2) The Members of the Organization should undertake to co-operate fully with the Organization and with each other in order to achieve the economic and social purposes of the Organization; (Article 56).

(3) The Economic and Social Council should be authorized not only to make recommendations on matters falling within its competence, but also to make or initiate studies and reports on such matters. The Council should be authorized to address its recommendations to the General Assembly, to the Members of the Organization and to specialized intergovernmental agencies. Recommendations must be addressed to all Members or to those Members concerned with the particular subject matter of the recommendation. (Article 62). It was not the intent of the committee that they should be addressed to any one single state.

(4) In order to lessen the danger that the recommendations of the General Assembly on economic, social and related matters should remain ineffective, the Council should be authorized to receive reports from the Members of the Organization on the steps they had taken to give effect to the recommendations of the General Assembly and to communicate its observations on these reports to the General Assembly. (Article 64).

(5) The Council should be given explicit authority to perform services at the request of Members of the Organization and of related intergovernmental agencies, subject to the approval of the General Assembly. (Article 66).

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Composition of the Council

Under the original Dumbarton Oaks Proposals the functions of the Economic and Social Council were limited to economic and related social problems. In the light of these Proposals the Canadian delegation suggested that the General Assembly, in electing the eighteen members of the Economic and Social Council, should "have due regard to the necessity of arranging for the adequate representation of states of major economic importance". Early in the San Francisco Conference, however, the scope of the activities of the Council was extended beyond the strictly economic and social fields to include cultural and educational co-operation, public health and the promotion of respect for, and observance of, human rights and fundamental freedoms. This weakened the argument for the Canadian proposal and after it had been discussed in committee, the Canadian delegation withdrew it. The discussion, however, demonstrated a general belief that if the Council were to discharge its duties effectively, it would in fact be necessary to have the states of major economic importance continuously represented on it. This belief was reflected in the provision that retiring members of the Council should be eligible for immediate re-election. (Article 61).

Relationship between the Organization and Specialized Intergovernmental Agencies

The following five proposals put forward by the Canadian delegation for the purpose of clarifying the relationship between the United Nations and specialized intergovernmental agencies were adopted:

(1) Only those specialized agencies which had "wide international responsibilities"should

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necessarily be brought into relationship with the United Nations. It was not thought possible to define precisely the meaning of the phrase "wide international responsibilities", but it was clear that international agencies established by bilateral agreement need not be brought into official relationship with the Organization. (Article 57).

(2) One of the duties of the Organization should be to initiate negotiations among the states concerned for the creation of any specialized agency required for the accomplishment of the economic and social purposes of the Organization. The purpose of this Canadian proposal was to develop a practice under which the initiative for the creation of any new specialized agency will come from the Economic and Social Council. This Council will be receiving reports from the existing agencies and from its examination of these reports as well as from the work done by its own staff, it will be in a strong position to determine whether any new work which comes up can best be carried on by itself, by an existing agency, or by the creation of a new agency. The proposal is designed to prevent the unnecessary multiplication of specialized agencies. (Article 59).

(3) The Economic and Social Council should be empowered to co-ordinate the activities of the various intergovernmental agencies brought into relationship with the Organization through

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consultation with them and also through recommendations to them and to the General Assembly and the Members of the Organization. (Article 63).

(4) The Economic and Social Council should be empowered to obtain reports from the specialized agencies on the steps they have taken to give effect to its own recommendations and to those of the General Assembly and to communicate its observations on these reports to the General Assembly. (Article 64).

(5) In addition to the representation on the Economic and Social Council of the specialized agencies brought into relationship with the Organization which was provided for in the Dumbarton Oaks Proposals, the Economic and Social Council should make arrangements for its own representatives to participate in the deliberations of these agencies. (Article 70).

OTHER AMENDMENTS

The following is a summary of the more important amendments which were proposed by other delegations and accepted by the committee:

(1) A Four-Power amendment stating one of the Purposes of the Organization as being the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" (Article 55) and a corresponding power given to the Economic and Social Council "to make recommendations for

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the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". (Article 62).

(2) A United States proposal which had previously been supported by many delegations including particularly those of France, China and many Latin American countries, for the inclusion of the promotion of "international cultural and educational co-operation" as one of the Purposes of the Organization. (Article 55).

(3) An Australian proposal authorizing the Economic and Social Council "to prepare draft conventions, for submission to the General Assembly, with respect to matters falling within its competence" and to "call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence". (Article 62).

(4) A French proposal authorizing the Economic and Social Council to furnish information to the Security Council directly rather than through the Secretary-General as provided for in the Dumbarton Oaks Proposals. It was felt desirable to provide this direct link between the Economic and Social Council and the Security Council. (Article 65).

(5) A United States proposal requiring the Economic and Social Council to set up a commission for the promotion of human rights. It is expected that this commission on human rights will work out an international bill of rights for submission to the Members of the Organization for their approval. (Article 68).

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(6) A proposal originating in the Ethiopian delegation to the effect that the Economic and Social Council should invite any Member of the Organization to participate, without vote, in its deliberations on matters of particular concern to that Member. (Article 69).

(7) A Four-Power proposal authorizing the Economic and Social Council "to make suitable arrangements for consultation with non-government organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned". The Soviet delegation attached particular importance to this proposal. (Article 71).

MAIN ISSUES OF POLITICAL SIGNIFICANCE

During the course of the discussions of the committee which drafted the two chapters on economic and social co-operation, a number of questions of general international significance were raised.

The International Labour Organization

The relationship of the International Labour Organization to the new Organization came up directly in the committee as a result of two amendments proposed by the United Kingdom delegation. The first of these was that the Charter should state that the new Organization was to pursue its

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Purposes in the field of economic and social co-operation "in association with the International Labour Office and other bodies concerned". The second was for the addition of a new paragraph stating that "in view of its tripartite constitution the International Labour Office should be brought into special relation with the Organization and should be an important instrument through which should be pursued the object of securing for all improved labour standards, economic advancement and social security".

These United Kingdom amendments were very vigorously combatted by the Soviet delegation, which pointed out that it was not itself a member of the ~~International Labour Office~~ I.L.O., that the I.L.O. constitution was in process of revision, that it was impossible to decide now whether the I.L.O. would or would not be the representative labour body which should be brought into official relationship with the Organization, and that in any case it was undesirable to mention any single specialized agency in the Charter.

A long debate took place on this subject. It was of a somewhat unsatisfactory character since the first United Kingdom amendment appeared to give the I.L.O. a status of equality with the Organization and therefore made it difficult for the delegations which supported the I.L.O. but did not feel that it should have such a status to support the United Kingdom proposal. Moreover, certain delegations, though supporting the I.L.O., agreed with the Soviet contention that it was undesirable to mention any particular specialized agencies in the Charter before agreements governing their relationship with the Organization had been successfully negotiated. Had a vote been taken,

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therefore, it would have been wrongly interpreted as a division between those who were in favour of and those who were opposed to the I.L.O. In view of this, the United Kingdom decided not to press their amendments but to leave them in abeyance for the time being. In the course of the debate many speeches were made in favour of the I.L.O., and the Canadian delegation took occasion to express its support of that institution without, however, supporting the United Kingdom amendments.

At a late stage in the Conference the United Kingdom delegation withdrew their amendments on the understanding that the report of the rapporteur of the committee would contain a statement to the effect that there had been a wide measure of agreement that the I.L.O. should be brought into relationship with the Organization and that the committee welcomed the statement of the chairman of the Governing Body of the I.L.O. to the effect that the I.L.O. realized that it would be necessary to alter its constitution in order to provide the appropriate links with the United Nations Organization. This declaration by the United Kingdom representative was put to a vote and was approved by the committee, with the Soviet delegation and certain others abstaining. Immediately afterwards the Soviet delegation stated that it reserved its position on this question.

<u>The World Trade Union Congress</u>

A meeting of the World Trade Union Congress had been arranged to take place in Oakland, across the bay from San Francisco, at the same time as the San Francisco Conference. When the question of the participation in the San Francisco Conference of intergovernmental agencies,

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and particularly the I.L.O., was raised, the Soviet delegation linked this with the participation of the World Trade Union Congress. After a somewhat heated debate in the committee on economic and social co-operation, the committee decided by a large majority to invite the World Trade Union Congress to have representatives present at its meetings. This decision was, however, challenged in the Steering Committee on the ground that the terms of invitation to the Conference were confined to Governments and intergovernmental agencies, and if the door were opened to non-governmental agencies, it would be impossible to draw the line anywhere. The decision of the technical committee was accordingly reversed.

Full Employment. (Article 55).

In the drafting committee it was proposed by the Mexican delegation that the statement of Purposes of the Organization regarding the promotion of "higher standards of living, and conditions of economic and social progress and development" should also contain a reference to full employment. The drafting committee decided by a narrow margin that "full employment" was a technical and somewhat ambiguous phrase, and that it would be preferable to refer to "high and stable levels of employment". The report of the drafting committee to the main committee contained both versions and when the matter was discussed in the main committee, strong support was given to the words "full employment". The Canadian delegation expressed its preference for language such as "the highest possible level of stable employment". The final unanimous decision of the committee was that the phrase "full employment" should be used.

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The Pledge. (Article 56).

The question of the pledge was one of the most hotly debated and difficult issues of the Conference. As noted above, the amendment submitted by the Canadian delegation incorporated after the statement of Purposes an undertaking on the part of member states to "co-operate with the Organization through separate and through joint action to achieve these Purposes". The Australian delegation had a form of undertaking which went very much further than the Canadian. It was in part as follows:

> All Members of the United Nations pledge themselves to take action, both national and international, for the purpose of securing for all peoples, including their own, improved labour standards, economic advancement, social security and employment for all who seek it ... All Members of the United Nations undertake to report annually to the General Assembly upon the action they have taken in fulfilment of this pledge.

The question was referred three times from drafting committee to main committee and back to drafting committee, and a very large number of versions of the undertaking were considered. The most vigorous contestants were the Australian delegation on the one hand and the United States delegation on the other. In the end the following text was unanimously adopted by the committee:

> All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the Purposes set forth in Article 55.

DECLARATIONS FOR THE RECORD

Declarations were made by several delegations on various subjects. According to the procedure decided by the Steering Committee, no resolutionsof a general character

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were to be put to a vote. Following the formal declarations, however, it was open to delegations to support or oppose any particular declaration, with the understanding that the rapporteur, in his report, would note the declaration made and the degree of support which it received.

Cultural Co-operation

The French delegation made a declaration on cultural co-operation in which they stressed the necessity of facilitating international co-operation in the field of letters, the arts and research, and recommended that "the Member Governments should convene within the next few months a general conference to draw up the statute of an International Organization on Cultural Co-operation. All Governments Members of the Organization should be invited to take part in this conference in which the existing international organizations specialized in the study of the same problems should participate in an advisory capacity". This declaration received a substantial measure of support, particularly from the delegations of the Latin American republics.

Health Co-operation

The delegations of Brazil and China made a joint declaration regarding international health co-operation. They recommended that a general conference be convened within the next few months for the purpose of establishing an international health organization to be brought into relationship with the Economic and Social Council. This declaration, too, received a wide measure of support. In supporting it, the Canadian representative on the committee said:

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> ... We feel that there are few fields in which there is a more urgent need for effective international co-operation than that of public health.
>
> It has been a source of gratification to the Canadian Government that, even though it has not been possible during the war years to maintain the work of the health organization of the League on the same comparative scale as the work of the economic and financial organization and that connected with the control of the drug traffic, nevertheless this work has been continued albeit on a restricted scale. ....
>
> The Canadian delegation believes that there is a pressing need for the immediate review of the existing institutions and for the establishment of effective and co-ordinated international machinery in the field of public health. We feel that the Brazilian and Chinese delegations have performed a great service in bringing forward their proposal at this time.

Reconstruction

The Greek delegation made a declaration regarding reconstruction. They stated that they considered the reconstruction of countries devastated by the war to be one of the principal aims of the future world organization, but that it was imperative that a start should be made at once before the world organization began to function. They therefore recommended that the Governments of the United Nations concert action as quickly as possible with a view to organizing effective international action in this field. A large number of delegations, including the Canadian delegation, supported the Greek proposal.

Dangerous Drugs

The United States delegation made a formal statement on the control of dangerous drugs. The Canadian delegation had also, in the drafting committee of the committee on economic and social co-operation, taken the initiative in arranging for a statement by the drafting committee to the effect that the reference to social and

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health problems in the Charter was to be interpreted broadly enough to include international activity connected with the suppression of the traffic in and abuse of dangerous drugs. The United States delegation wished to go on record as hoping that the Organization would be entrusted with the supervision over existing or future international agreements for the suppression of the illicit traffic in and the abuse of opium and other dangerous drugs; and that there should be established an advisory body to advise the Economic and Social Council directly on these matters; and that the existing agencies be regarded as autonomous agencies to be brought into relationship with the Economic and Social Council. The Chinese, Indian and Canadian delegations supported this proposal, the Canadian delegation in these words:

> The Canadian delegation wishes to support this declaration of the United States delegation. It has been our privilege to be associated with the important work carried out by the League of Nations for the suppression of ~~the~~ illicit traffic in dangerous drugs. We attach great importance to the continuance of international control in this field and we think it proper that the Conference should go specifically on record in favour of the establishment of effective international machinery for this purpose.

Migration

The Panamanian delegation made a declaration advocating that the Economic and Social Council study the problem of migration and that the Governments of the United Nations concert action as soon as possible to consider effective international action in this field. This declaration was supported by several countries, notably those of Latin America.

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Status of Women

The Brazilian delegation made a declaration drawing attention to the necessity of improving the status of women in different countries and recommending that the Economic and Social Council should set up a special commission of women to study conditions and prepare reports on the political, civil and economic status and opportunity of women, with special reference to discrimination and limitations placed upon them on account of their sex. This declaration received the widest measure of support of any declaration made in the committee. Thirty-five countries, including Canada, associated themselves with the Brazilian declaration.

Raw Materials

The French delegation which, to begin with, had proposed an amendment directing the Economic and Social Council to set up a specialized agency to deal with the question of access on equal terms to the raw materials of the world, withdrew this amendment, being satisfied to have the rapporteur of the committee note in his report that their declaration had received support from many other delegations.

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DEPENDENT TERRITORIES
(CHAPTERS XI, XII AND XIII OF THE CHARTER)

At San Francisco there was evolved an agreement whereby the great majority of colonial powers undertook four obligations: first, to recognize that the interests of the inhabitants of all non-self-governing territories are paramount; second, to promote the well-being of the inhabitants of these territories by methods specified in an international Charter; third, to see that dependencies are so administered as to contribute toward international peace and security; and fourth, to set up a United Nations trusteeship system, differing in many respects from the mandate system of the League of Nations, to be applied to selected territories only.

When the Conference opened, it had before it no draft proposals on the subject of trusteeship. At Dumbarton Oaks the question had not been discussed. At Yalta it was referred to a Five-Power meeting to be held prior to the San Francisco Conference. This meeting, however, did not take place, and the Five-Power talks had to be held in San Francisco concurrently with the Conference itself.

The delegations of the United States and the United Kingdom submitted to the Conference separate sets of proposals, the result of careful study by their respective Governments. The delegations of France, China and the Soviet Union each issued proposals based mainly on those of the United States. The United States delegate on the trusteeship committee then presented for the use of the committee a working paper, to which no Government

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was committed, covering what seemed at the time to be the maximum area of foreseeable agreement among the Five Powers. Discussions of this paper in the committee had to be interrupted frequently to enable the Five Powers to come to actual agreement, or to facilitate the settlement of differences which arose in the committee itself.

The committee had before it, also, two sets of proposals submitted by the Australian delegation. The Canadian delegation, because of the lack of any direct responsibility on the part of the Canadian Government for the administration of colonial dependencies, took no active part in the discussions, but followed them with close attention.

The declaration regarding the responsibilities of colonial powers toward the people of all dependent territories was embodied in Chapter XI of the Charter. The committee gave its attention first, however, to the subjects dealt with in Chapters XII and XIII - the creation of the United Nations trusteeship system, and of the Trusteeship Council which is a principal organ of the United Nations.

INTERNATIONAL TRUSTEESHIP SYSTEM
(CHAPTER XII)

Scope

At the Crimea Conference it had been stipulated that only three categories of territory should be placed under trusteeship: first, those under League of Nations mandate; second, those detached from the enemy during the Second World War; and third, those placed voluntarily under trusteeship by the administering powers.

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There was to be no discussion at San Francisco of the actual territories involved. The selection of these would be a matter for subsequent decision.

The Australian delegation at San Francisco felt that without some element of compulsion there was a danger that territories which ought to be given the benefit of international supervision might not be placed under trusteeship. The Australian proposals therefore included a suggestion that authority to name territories to be placed under trusteeship should be given to the General Assembly, which should consider the recommendations in this respect of a conference or conferences of colonial powers. This suggestion, however, was not adopted.

There was considerable discussion of territories to which the trusteeship system should not apply. A clause was inserted in the Charter specifying that it should not include territories which have become Members of the United Nations (Article 78). The Ethiopian, Guatemalan and Argentine delegations each formulated reservations, moreover, which were designed to serve as a warning against extension of the trusteeship system to certain regions in which their Governments are interested.

Objectives

Four basic objectives of the trusteeship system are set forth in the Charter (Article 76).

The first is to further international peace and security. Nothing of this sort was suggested in the mandates article of the League Covenant which, on the contrary, deprived mandatory powers of the right to build fortifications or military and naval bases, or

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to give military training to the inhabitants of mandated territories for other than police purposes. Under the new system it became the duty of the administering authority to take adequate defence measures.

The second objective was to promote the political, economic, social and educational advancement of the inhabitants of the trust territories. What was meant by the term "political advancement" was a question debated at some length both in committee and in the Five-Power meetings. The Chinese and Soviet delegations wished political independence to be mentioned specifically in the Charter among the goals which inhabitants of trust territories would be helped to attain. The United Kingdom delegate, on the contrary, thought that it would be enough to speak of "the development of self-government in forms appropriate to the varying circumstances of each territory". What dependent peoples wanted, he said, was an increased measure of self-government, together with the personal liberty and justice which might be denied them if outside protection were to be withdrawn. Political independence would come, if at all, through natural processes.

The issue was settled to the satisfaction of the committee when the Five Powers agreed to offer self-government or independence as alternative goals, depending on the circumstances of the territory, the wishes of its inhabitants and the terms of the trusteeship agreement concerned.

To bring the statement of objectives of the trusteeship system more clearly into line with the Atlantic Charter and the Principles and Purposes of the United

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Nations, a third sub-paragraph was adopted for inclusion in Article 76 as follows:

> to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world.

The fourth and last objective named was "to ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice", although within certain limitations.

When the San Francisco Conference opened, it seemed not unlikely that certain delegations would press for modification and limitation of the principle of non-discrimination which had been applied to territories under A and B mandates. Some held the view that Members of the Organization should be encouraged to grant equitable economic treatment to trust territories in return for the privileges they would themselves enjoy. The proposal, however, for extending the principle of non-discrimination to all territories under trusteeship, with no mention of reciprocal privileges, eventually was adopted by the committee unanimously.

Security

The United States delegation brought to the Conference a proposal that in any trust territory a strategic area or areas might be designated, to include either part or all of the territory concerned. Strategic areas would come under the purview of the Security Council, while the administration of other areas would be supervised by a Trusteeship Council reporting to the General Assembly.

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The United Kingdom delegation feared that this arrangement might remove from the scope of the trusteeship system a considerable population and many of the matters for which the system had been devised. In place of a geographical distinction between strategic and other areas, the United Kingdom draft proposed two systems of reporting. All reports on security matters should go to the Security Council, while reports on other aspects of administration should go to a permanent commission responsible to the Economic and Social Council.

The United States proposal for geographical differentiation between strategic and other areas finally was adopted by the committee. (Articles 82 and 83). The plan was modified, however, in two ways. A Chinese suggestion was adopted that the basic objectives of the trusteeship system shall apply to the people of strategic areas, although reports from strategic areas will not be required on political, economic, social and educational progress. As the result of an Egyptian suggestion it will be obligatory, not optional, for the Security Council to make use of the Trusteeship Council to perform the non-security functions of the Organization in strategic areas within certain limitations. The ban on fortifications and military training which existed in mandated territories will not apply in trust territories. In line with a United Kingdom proposal, trustee states are empowered to make use of volunteer forces, facilities and assistance from the territories in carrying out their obligations to the Security Council, as well as for local defence and the maintenance of internal law and order. (Article 84).

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General Provisions

Individual trusteeship agreements are to specify the terms under which each territory will be administered. They must also designate the trustee, which may be one or more states or the United Nations itself. The agreements are to be made by "the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations". Subsequently the agreements are to be approved by the Security Council, so far as they relate to strategic areas, and by the General Assembly so far as they relate to all other territories. (Article 79).

The Egyptian delegate asked whether a trust territory could be transferred if the administering authority violated the basic trusteeship agreement, or if it withdrew or was expelled from the Organization. In a joint reply by the United States and United Kingdom delegates, the chief point made was that each such case must be dealt with on its merits by the General Assembly and the Security Council, to whose attention aggressions, actual or intended, or any dangerous situation, could be brought by any Member.

In view of this statement, no clause was included in the Charter itself on violations of trusteeship agreements. An Article was included, however, to guard against violation of the terms of existing mandates during the period which must elapse between the coming into force of the Charter and the conclusion of new trusteeship agreements (Article 80). The Article provides in effect that, until the new trusteeship agreements have been concluded and except as may be laid down in these agreements between

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the states directly concerned, "nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties".

As first introduced, this clause reserved only "the rights of any states or any peoples in any territory". Later the words "or the terms of any mandate" were added. Both versions were attacked by the delegates of Iraq and Egypt, with the support of delegates of other Middle Eastern states. They disliked the use of the word "peoples" in its plural form, maintaining that only one "people" - namely, the inhabitants of any territory - possessed valid rights with respect to that territory. They also objected that the mandates are not the only instruments setting forth rights which must be conserved. They desired a reference, in particular, to paragraph 4 of Article 22 of the League Covenant (provisional recognition of the independence of certain territories during the period of tutelage, and consultation of the wishes of the inhabitants in the choice of the mandatory power). They asked, furthermore, that the Charter should guarantee the conservation of these rights not only during the transition period but in the new trusteeship agreements as well.

As finally adopted by a vote of 32 to 5, Canada voting with the majority, the earlier reference to "the terms of any mandate" was broadened to include the terms of all existing international instruments to which Members might be parties. The United States delegate

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gave assurances that this phrase would include paragraph 4 of Article 22 of the League Covenant. The word "peoples" was retained in the plural form. A rider was attached to the Article to prevent any state from invoking it as an excuse for delaying or putting off indefinitely the negotiation and conclusion of new trusteeship agreements.

TRUSTEESHIP COUNCIL
(CHAPTER XIII)

As already stated, the United Kingdom delegation proposed that the body chiefly concerned with the supervision of trust territories should be a permanent commission responsible to the Economic and Social Council. It was the United States proposal, however, which was adopted. The result is that the Trusteeship Council is subordinate to the General Assembly, in which all Members are represented. It has the same rules in voting as the Economic and Social Council, enjoys the same latitude in regard to general procedure, and can avail itself of the assistance of the Economic and Social Council and of other specialized agencies whenever appropriate. Like the League Mandates Commission, it receives and considers reports of the trustee powers and accepts petitions and examines them in consultation with the administering authority. Unlike the League Council and the Mandates Commission, however, the General Assembly and the Trusteeship Council are permitted to arrange for periodic visits to the trust territories at times agreed upon with the administering authorities - a provision based on a proposal made by the delegation of the Soviet Union.

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The Trusteeship Council differs fundamentally in its structure from the Permanent Mandates Commission of the League. The latter was an independent body composed of experts drawn from various Member states, who held no office placing them in a position of dependence on their respective Governments. The views they expressed were their own. Seats in the Trusteeship Council, on the contrary, are to be held by Members of the Organization, that is to say by Governments. One half will be trustee states, and these will hold permanent seats. A smaller number - perhaps two - will be any permanent members of the Security Council which do not administer trust territories. These also will hold permanent seats. The remainder will be members elected for three-year periods by the General Assembly. The number of non-trustee powers on the Council is to equal the number of trustee powers, but less than half of the members will be elected while more than half will hold permanent seats.

The Canadian delegation opposed the principle that the permanent members of the Security Council, whether or not they were trustee powers, should be permanent members of the Trusteeship Council. The proposal carried, however, by an overwhelming majority. The Chinese delegation wished to secure the right of temporary attendance at meetings of the Trusteeship Council for representatives of inhabitants of trust territories when matters affecting their interests were under discussion, but this proposal was not put to a vote.

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES
(CHAPTER XI)

The United Kingdom and the Australian delegations came to San Francisco with two separate proposals for a United Nations declaration giving to colonial dependencies

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in general certain assurances not offered them under the League Covenant. It was not until the closing days of the Conference, however, that agreement could be reached on the precise form this declaration should take.

In the declaration all Members of the United Nations having dependencies under their control recognize that the interests of the inhabitants are paramount. The well-being of the inhabitants is to be promoted to the utmost, within the system of international peace and security established by the Charter (Article 73). Five special obligations, or sets of obligations are assumed with this purpose in view.

The first obligation includes not only the promotion of political, economic, social and educational advancement, but also just treatment of the inhabitants, due respect for their culture, and their protection from abuses. The latter phrase is interpreted to cover the protection of arable land, the abolition of penal sanctions on contract labour, and the elimination of racial discrimination.

The second obligation is a political one, "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions", according to their particular circumstances and varying stages of advancement. This took the place of the simpler formula "self-government or independence" used in describing the objectives of the trusteeship system proper.

The third obligation undertaken by colonial powers was that of furthering international peace and

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security - a principle already discussed. The fourth and fifth series of obligations were written into the Charter at the request of the Australian delegation. Under these clauses Members of the Organization undertake:

> To promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
>
> To transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

The declaration closes with an undertaking that Members of the United Nations will base their policy in respect of dependent territories, no less than in respect of their metropolitan areas, on the general principle of good-neighbourliness, taking due account of the interests and well-being of the rest of the world in social, economic and commercial matters (Article 74).

Chapter XI as a whole represents the first codification of principles for the guidance of all colonial powers who are or may become members of a general international organization. The hope expressed at the Conference was that the result would be healthy competition between colonial powers for the achievement of better conditions for all of the people under their care. The minimum expected result is that an unprecedented flow of information from a wide variety of dependent territories will be brought to a convenient centre and that this may prove useful in checking the results of existing colonial techniques and in suggesting lines along which improved administrative methods may be developed.

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THE INTERNATIONAL COURT OF JUSTICE
(CHAPTER XIV OF THE CHARTER AND STATUTE)

In order to expedite the work of the San Francisco Conference, a committee of jurists of the United Nations met in Washington from April 9 to April 20, 1945, to prepare a draft of a Statute of an international court of justice to be submitted to the San Francisco Conference. Canada was represented by Mr. J. E. Read, K.C., Legal Adviser to the Department of External Affairs. The Canadian delegation included The Hon. Phillipe Brais, K.C., President of the Canadian Bar Association; The Hon. Wendell B. Farris, Chief Justice of British Columbia and Chairman of the Canadian Bar Association Committee; Mr. Warwick F. Chipman, Canadian Ambassador to Chile; Mr. Roger Chaput of the Department of External Affairs. The report of the Washington jurists formed the basis of discussions in San Francisco by a technical committee of the Conference. The technical committee prepared a draft text of the chapter of the Charter (Chapter XIV) dealing with the Court, together with a revised Court Statute to be annexed to the Charter. The texts prepared by the technical committee, like those prepared by the other technical committees, were considered by the Co-ordination Committee which made a considerable number of drafting changes in order that the terminology of the Statute should conform to the terminology of the Charter of which it forms an integral part.

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THE CHARTER

Should the Old Court be Maintained or a New Court Established?

The first question to be decided was whether the Permanent Court of International Justice established in 1920 under the Covenant of the League of Nations should become the judicial organ of the United Nations or whether a new Court should be established for that purpose. The arguments for maintaining the Court's identity were that it had functioned well, that its contribution to the international judicial process had been considerable, that its traditions should therefore be maintained. On the other hand, it was pointed out that the integration of the Permanent Court within the United Nations Organization would in practice give rise to very serious difficulties, from both a political and a juridical point of view, having in mind the fact that modifications to the Permanent Court Statute would necessitate the concurrence of all parties to it, many of which were not represented in San Francisco, and that a large number of states represented at San Francisco were not parties to the 1920 Statute. Since it was not open to all these states to accede to the Statute, some of them could have no part in the negotiations for its modification. While it was agreed that the creation of a new Court also gave rise to serious difficulties, it was thought that these would on the whole be easier to deal with. Moreover, it was considered that the creation of a new Court would greatly facilitate the adherence of those states, some of which were of great importance, which had never become parties to the Permanent Court. For these reasons it was decided that a new Court should be established.

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The principle of the continuity of legal traditions was, however, recognized in Article 92, which reads as follows:

> The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

The Canadian delegation, while agreeing with this decision, voiced the regrets of a substantial number of states which would have preferred the continuance of the old Court as the best means of preserving the experience gathered from its achievements.

Enforcement of the Court's Judgment

A certain number of delegations contended that the execution of the Court's decisions was essential to the maintenance of law and order and that, should a state fail to comply with a decision, the other party to the dispute should have the right to apply to the Security Council which should then take whatever action was necessary to force compliance. The main counter argument was that the Security Council already had sufficient power under other Articles of the Charter to deal with disputes or situations arising out of non-compliance with the Court's judgment.

The final result was a compromise. Each Member of the Organization formally undertakes to comply with the Court's decisions in any case to which it is a party; if a state fails to honour this undertaking, the other party to the case may have recourse to the Security Council. The Security Council may, but is not obliged to, make recommendations or decide upon measures to be taken to give effect to the judgment. (Article 94).

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Advisory Opinions

The committee unanimously agreed that the new Court should have power to give advisory opinions on any legal question. The advisory procedure had proved extremely useful between the two wars. Actually, 28 out of the 65 cases which had come before the Court during that period were advisory matters and the continuance of the advisory jurisdiction of the International Court was heartily supported. However, the question of who should be authorized to request advisory opinions gave rise to an extensive debate. Under the old system, the only organs authorized to ask for advisory opinions were the Assembly and the Council of the League of Nations; consequently, each time an international organization such as the International Labour Office wanted to secure an advisory opinion from the Court, it had first to secure authority from either the Council or the Assembly. This procedure had serious disadvantages, among which was the narrowing in practice of the advisory jurisdiction of the Court. Despite numerous efforts on the part of Canada and certain other states, the technical committee at San Francisco expressed itself in favour of the old system. This decision, however, was reversed by another technical committee to which the question was referred. This committee, while adhering to the principle that only the General Assembly and the Security Council should be empowered to request advisory opinions, ruled that other organs of the United Nations Organization and specialized agencies brought into relationship with it should have direct access to the advisory jurisdiction of the Court, provided they receive a general authorization to that effect from the General Assembly. (Article 96).

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THE STATUTE

The view of both the Washington committee and the San Francisco committee was that the functioning of the Permanent Court of International Justice had given satisfactory results, and that its features should therefore be retained in the greatest possible measure and no change effected, except where past experience had revealed the necessity. The Canadian representatives concurred in this general view.

Organization of the Court

The new Court like the old Court consists of fifteen judges, no two of whom may be nationals of the same state. (Article 3).[1] The system in force between the two wars, whereby a state which is party to a dispute is entitled to have one of its nationals sitting on the Court was maintained. (Article 31). The quorum of the Court consists of nine judges. (Article 25). The Court, however, is empowered to form any number of chambers composed of three or more judges for dealing with particular categories of cases such as labour or transit and communications. (Article 26). Moreover, the Court is directed to form annually a chamber composed of five judges for the purpose of determining cases by summary procedure. (Article 29). While specific authorization is given to the Court to lay down its rules of procedure (Article 30), a certain number of rules of procedure are inserted in the Statute itself (Chapter IV). One of these is the retention of English and French as the official languages of the Court. (Article 39). The international Court shall continue to sit at The Hague. This, however, shall not prevent the Court from sitting elsewhere whenever it considers it desirable. (Article 22).

1) All references in this chapter refer to Articles in the Statute of the International Court of Justice.

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These provisions, taken in great part from the Statute of the old Court, were adopted by unanimous consent.

Nomination and Election of Judges

Under the system used for the election of judges of the old Court, candidates were nominated by national groups in the Permanent Court of Arbitration established in 1899. Candidates of states such as Canada which were not members of the Court of Arbitration were chosen by national groups appointed for this purpose by their Government under the same conditions as those prescribed for members of the Permanent Court of Arbitration. Certain delegations at Washington and San Francisco advocated the adoption of a new system whereby candidates would be nominated directly by Governments, each Government nominating one candidate who would be one of its nationals. The main arguments advanced against this were that nomination by national groups served as a check against direct political influence and that the right of national groups to nominate four candidates not more than two of whom could be of their own nationality, enabled each state to contribute to the nomination of distinguished international jurists of other states. In the light of these considerations, the Conference voted for the maintenance of the old system. (Articles 4-7).

There was an extensive debate on how the judges should be elected. A great number of delegations favoured the maintenance of the system in use between the two wars whereby judges were elected by the two main organs of the international organization, the Council and the Assembly. Other delegations contended that judges should be elected by the General Assembly alone, since this method was more

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democratic in that it eliminated the double votes of states represented both in the General Assembly and the Security Council. The old system was maintained, however, on the grounds that no difficulty had been encountered in its application during the last twenty-five years and that it greatly facilitated the election of the best candidates irrespective of their nationality. (Articles 8-10). The Canadian delegation in expressing its concurrence with this decision, said that it was desirable that the election of judges should not be subject to the veto of any state and proposed that a specific provision to this effect be inserted in the Statute in order to remove any doubts. The committee unanimously agreed with this proposal and provided for the insertion of a clause whereby any vote of the Security Council in connection with the election of judges should be taken "without any distinction between /its/ permanent and non-permanent members". (Article 10).

Parties before the Court

Access to the old Court was limited to states and, despite numerous suggestions to the contrary made between the two wars, the proposal that this rule be maintained for the new Court was unanimously adopted. (Article 34). The suggestion was made that the Court should be empowered to render judicial decisions on jurisdictional conflicts between intergovernmental organizations dependent upon the United Nations, but this suggestion was promptly rejected, the general opinion being that these difficulties could easily be dealt with by making use of the advisory jurisdiction of the Court. By unanimous consent, however, provisions were inserted to enable international organizations to secure information whenever the construction of their constitutional

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instrument is being considered by the Court and, generally speaking, to submit, either on their own initiative or on request, information relevant to cases before the Court. (Article 34, paragraphs 2 and 3).

It was unanimously decided that the Court should be open to all states which are parties to its Statute, and to other states on conditions to be laid down by the Security Council. (Article 35). This rule is supplemented by a provision of the Charter that all Members of the United Nations are parties to the Statute.

~~(Article 35)~~

Compulsory Jurisdiction

So far as the Statute is concerned, the most important question to be decided was whether states should bind themselves to submit their disputes to the international Court by mere adherence to its Statute or whether the Court's jurisdiction should become compulsory only as a result of their signing a special declaration to that effect in accordance with the terms of what is commonly referred to as the "optional clause".

The majority of delegations expressed the opinion that the system of compulsory jurisdiction by mere signature of the Statute had been proposed when the Permanent Court of International Justice was established in 1920; that, while it was not then accepted by the community of states, forty-seven states had signed the optional clause between the two wars; and that the time had now come for the formal recognition by the community of states of the principle of compulsory jurisdiction.

The argument against this was that some of the most important Members of the Conference had never become members of the old Court, that the primary objective

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recognized by all was the adherence of these states to the future international Court and that the adoption of compulsory jurisdiction, which these states were not yet prepared to accept, might very easily bring about a refusal on their part to become parties to the Statute. Since the great majority of states had adhered to the optional clause in the past, the only difference in practice between the two systems proposed was one of method and the immediate advantage secured by adopting compulsory jurisdiction was not worth running the risk that some of the more important states on which rested the responsibility for maintaining peace might refuse to support the principal judicial organ of the United Nations.

For these reasons, the majority of delegations which favoured compulsory jurisdiction, including Canada, decided to give way to the minority and expressed themselves in favour of the maintenance of the optional clause. (Article 36). Simultaneously, however, great steps were made by the Conference towards compulsory jurisdiction.

In the first place, it was provided that declarations whereby states accepted the jurisdiction of the Permanent Court between the two wars, which were still in force at the time of signature of the United Nations Charter, would be considered as valid and applying to the new Court. Seventeen states, including Canada, will thus undertake, by ratifying the Charter, to submit their disputes to the Court. The Conference also formally recommended to other states that they make declarations as soon as possible recognizing the compulsory jurisdiction of the Court.

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In the second place, while it was unanimously agreed that in order to safeguard the prestige of the Court compulsory jurisdiction should continue to be limited to legal disputes, that is to say, disputes which can be settled by the application of rules of law, the Conference agreed, on the initiative of the Canadian delegation, that compulsory jurisdiction should apply to all classes of disputes which are normally considered as legal and not merely to one or the other of these classes as was provided for in the old Statute.

It had been customary for states when accepting the jurisdiction of the Permanent Court to make reservations and it was agreed that they should be allowed to follow the same practice when accepting the jurisdiction of the new Court, since reservations made in the past did not limit in any substantial way the jurisdiction of the Court.

When Canada, on September 20, 1929, adhered to the optional clause of the Permanent Court, it expressly reserved from the jurisdiction of the Court disputes for which some other method of peaceful settlement was provided; disputes with any member of the British Commonwealth; and disputes the subject of which fell within the domestic jurisdiction of Canada. On December 7, 1939, Canada also excepted from the jurisdiction of the Court "disputes arising out of events occurring during the present war". Thus, while Canada will automatically agree to submit its disputes to the international Court at the time it ratifies the Charter, its acceptance of the Court's jurisdiction will be subject to the reservations made in 1929 and 1939.

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Amendments to the Statute

No provision concerning amendments existed in the Statute of the old Court and, in the light of the experience of the past, the Washington Committee of Jurists strongly urged that such a provision be inserted in the Statute of the new Court. The Conference unanimously agreed with this suggestion and decided that, since the Statute of the new Court formed part of the Charter, it should be amended by the same procedure as the Charter. A new provision embodying this principle was consequently inserted. The incidental question whether or not parties to the Statute which are not parties to the Charter should participate in decisions concerning amendments was debated. A compromise solution was finally adopted whereby the General Assembly upon the recommendation of the Security Council will decide when amendments are being considered to what extent, if any, states not Members of the Organization should participate in the decisions taken. (Article 69). A second additional Article was inserted which empowers the Court itself to propose amendments to its Statute. (Article 70).

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THE SECRETARIAT
(CHAPTER XV OF THE CHARTER)

The United Nations can succeed only if it is served by a truly international civil service whose members are responsible not to the Governments of the states of which they are citizens, but to the Organization itself. International civil servants must possess the highest possible standards of efficiency, competence and integrity. The way in which the civil service is appointed, the way in which promotions are made and the other conditions of service must be such as to make this possible.

The Dumbarton Oaks Proposals on the Secretariat appeared to the Canadian delegation to be insufficient. It therefore proposed that three new provisions be added. The substance of two of them was, after discussion, incorporated in the Charter as Articles 100 and 101 in the chapter on the Secretariat. The substance of the third was incorporated as the third paragraph of Article 105 of the chapter on miscellaneous provisions and is discussed below. (See pages to).

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THE SECRETARY-GENERAL

The Dumbarton Oaks Proposals provided for the election of the Secretary-General by the General Assembly upon the recommendation of the Security Council. This meant that each Great Power had a veto over the nomination of the Secretary-General. Of the various amendments put forward to limit the extent of this veto, the Canadian delegation supported the one which provided

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that the Security Council should make its recommendation by a vote of any seven of its members. This proposal was accepted by the committee on the structure and procedures of the General Assembly. This committee and the committee on the Secretariat also accepted an amendment proposed by the Sponsoring Powers that the Secretary-General should be elected for a three-year term and be eligible for re-election. The Canadian delegation opposed this proposal on the ground that it gave little opportunity for long-range planning by the chief administrative officer of the United Nations and seemed likely to provide an unnecessarily large number of occasions for possible political rivalry over the appointment of an officer who should so far as possible be dissociated from the idea of national representation.

It was afterwards decided by the Conference at the request of the Great Powers that the consent of all the five permanent members of the Security Council should be required for the nomination of the Secretary-General. In the light of this decision the Conference committee on the Secretariat rescinded its decision that elections to the office of Secretary-General should be held every three years. There is thus no reference in the Charter to his tenure of office. Since both the consent of the Security Council and the General Assembly will be necessary for his appointment, these two bodies will have to come to agreement on the length of his tenure.

The Dumbarton Oaks Proposals provided that the Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security.

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Venezuela proposed an amendment under which the Secretary-General could bring these matters to the attention of the General Assembly as well as the Security Council. This was opposed in sub-committee on the ground that it contravened the essential principle of the Organization, which was a division of powers between the Assembly and the Security Council. The Canadian representative pointed out that it was difficult to reconcile this objection with the fact that any member state could, under another provision of the Charter, bring to the attention of either the General Assembly or the Security Council any dispute or any situation which might lead to international friction or give rise to a dispute, and the Canadian representative voted in favour of the Venezuelan amendment which was, however, rejected by a vote of 18 to 11.

Uruguay proposed an amendment authorizing the Secretary-General to bring to the attention of the Security Council any matter which in his opinion might violate the Principles of the Charter. This was rejected by a vote of 16 to 13, the Canadian representative voting against the Uruguayan proposal.

DEPUTY SECRETARIES-GENERAL

A Four-Power amendment to the Dumbarton Oaks Proposals provided for the election of four Deputy Secretaries-General by the same method as the Secretary-General. This precipitated one of the longest debates of the Conference and was finally defeated.

The view of the Canadian delegation was that the Four-Power proposal was inconsistent with the provision in the Dumbarton Oaks Proposals that the

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Secretary-General should be the chief administrative officer of the Organization. It would be extremely difficult, if not impossible, for him to carry out this responsibility if his principal assistants were elected on the same basis as himself, since they would feel themselves responsible not to him but to the bodies which had elected them. It was indeed possible that the result of the Four-Power proposal would be that instead of the Secretary-General being the chief administrative officer, the international Secretariat would be run by a committee of five. Moreover, the fixing by the Great Powers of four as the number of Deputies must inevitably give rise to the fear that each of the five Great Powers intended to assure itself of the election of one of its nationals to the post of Secretary-General or Deputy Secretary-General.

THE INTERNATIONAL POSITION OF THE SECRETARIAT

One of the two Canadian amendments incorporated in the chapter on the Secretariat covered much the same ground as an amendment proposed by the Sponsoring Powers. As finally adopted by the Conference, the provision reads as follows:

> 1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
> 2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities. (Article 100).

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The other Article on the international character of the Secretariat was based in the main on substantially similar amendments put forward by the New Zealand and Canadian delegations. As approved by the Conference, the Article reads as follows:

> 1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
> 2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
> 3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. (Article 101).

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MISCELLANEOUS PROVISIONS
(CHAPTER XVI OF THE CHARTER)

REGISTRATION AND PUBLICATION OF TREATIES

The Conference decided to include in the Charter an Article on the registration and publication of treaties, reading as follows:

> 1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
> 2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations. (Article 102).

The word "agreement" includes unilateral engagements of an international character which have been accepted by the state in whose favour the engagement has been made. The obligation of registration is limited to treaties or international agreements concluded after the Charter comes into force. Any state has the right, however, to register earlier treaties. A non-member state has the privilege of registering its treaties with the Secretariat just as the United States used to register its treaties with the League of Nations.

OBLIGATIONS INCONSISTENT WITH THE CHARTER

The Conference agreed that it was necessary to incorporate in the Charter a provision regarding inconsistency between the obligations of Members under other treaties and under the Charter itself, if only

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because the omission of such a provision might cause misunderstanding since Article 20 of the Covenant of the League of Nations had covered the subject in considerable detail. On the other hand, the Conference decided that it would be inadvisable to provide for the automatic abrogation by the Charter of obligations inconsistent with its terms. The rule should depend on and be linked with a conflict between the two categories of obligations. In the event of such a conflict, the obligations of the Charter would be preeminent and would exclude any others.

A text embodying these ideas was adopted by the Conference. It reads as follows:

> In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail. (Article 103).

The nature of the possible conflict was not defined, but it was agreed that it would be enough that the conflict arose from the carrying out of an obligation of the Charter. It would be immaterial whether the conflict arose because of an inconsistency between the two categories of obligations or as a result of the application of the provisions of the Charter. Thus a Member called upon to apply economic sanctions against an aggressor state, whether a Member of the Organization or not, will not be able to plead inability to discriminate against that state because some commercial treaty, for example, calls for most favoured nation treatment of the trade of that state.

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The question of what organ should determine issues of inconsistency arising out of the provisions of this Article was raised but not considered. Some delegates stated that it would be a matter on which an advisory opinion of the International Court should be secured and, since the Statute of the Court provided that one of its functions should be the interpretation of treaties, no statement on this need appear in the Charter. Other delegates were of the opinion that any organ of the Organization could determine this question if it arose in connection with a matter under its consideration.

LEGAL CAPACITY

The Conference decided to include in the Charter the following Article on the legal capacity of the Organization:

> The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its Purposes. (Article 104).

This provision is conceived in very general terms. It is confined to a statement of the obligation incumbent upon each Member to act in such a way that the Organization enjoys in its territory a juridical status permitting it to exercise its functions. For instance, the Organization must be able, in its own name, to make contracts, to hold movable and immovable property, and to appear in court.

The Conference preferred to express no opinion on the procedures of internal law necessary to assure this result. These procedures may differ according to the legislation of each Member. Among the majority of them

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the Organization may have to be recognized as a juridical person.

The question of whether it was necessary to include in the Charter a provision on the international juridical personality of the Organization was discussed. The Canadian representative stated that in his opinion this would be superfluous since the personality of the Organization would be determined by implication from the provisions of the Charter taken as a whole. There was general agreement with this view.

PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION

On the proposal of the Canadian and other delegations, the Conference decided to include an Article in the Charter on the subject of the privileges and immunities of the Organization, its officials and the representatives of its Members. The Article reads as follows:

> 1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its Purposes.
> 2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
> 3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose. (Article 105).

Paragraph 1 of the Article refers to the Organization considered as a distinct entity and thus covers all the organs of the Organization which are or may be established under Article 7 of the Charter.

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Paragraph 2 of the Article corresponds to the following amendment submitted by the Canadian delegation:

> With a view to ensuring the independence of the United Nations, the official international organizations or agencies brought into relationship with it, and the personnel of the United Nations and such related agencies, their legal status and appropriate immunities from national jurisdiction shall be defined by a convention to be adopted by the General Assembly for submission to the Members of the United Nations.

INTERPRETATION OF THE CHARTER

The question of the interpretation of the Charter was raised by the Belgian delegation, and the following conclusions, which are embodied in the report of the rapporteur of the committee, were reached.

In the course of the day-to-day operation of the Organization, each organ will inevitably interpret such parts of the Charter as are applicable to its particular functions. Accordingly, it is not necessary to include in the Charter a provision either authorizing or approving this principle.

Difficulties may conceivably arise in the event of a difference of opinion among the organs of the Organization about the correct interpretation of a provision of the Charter. Under unitary forms of national government the final determination of such a question may be vested in the highest court or in some other national authority. However, the nature of the Organization and of its operation would not seem to be such as to invite the inclusion in the Charter of any provision of this nature.

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If two Members are at variance concerning the correct interpretation of the Charter, they are, of course, free to submit the dispute to the International Court of Justice just as they are free to submit a dispute on the interpretation of any other treaty. Similarly, it would always be open to the General Assembly or to the Security Council to ask the International Court of Justice for an advisory opinion concerning the meaning of a provision of the Charter. Should the General Assembly or the Security Council prefer another course, an ad hoc committee of jurists might be set up to examine the question and report its views, or recourse might be had to a joint conference.

Thus the Members or the organs of the Organization might have recourse to various expedients in order to obtain an appropriate interpretation. It appeared to the committee neither necessary nor desirable to list or to describe these expedients in the Charter.

It is to be understood, of course, that if an interpretation made by any organ of the Organization or by a committee of jurists is not generally acceptable, it will be without binding force. In such circumstances, or where it is desired to establish an authoritative interpretation as a precedent for the future, it may be necessary to embody the interpretation in an amendment to the Charter.

RELATION OF THE CHARTER TO INTERNAL LAW

A proposal that the Charter should contain a clause stating that no Member may evade obligations under the Charter by invoking the provisions of its internal

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law, failed to receive the necessary two-thirds majority. Accordingly, the committee concerned made no recommendation to the Conference. There was no disagreement, however, with the principle underlying the proposal. Those who opposed it did so on the ground that it did not need to be inserted in the Charter but more properly belonged to a codification of international law.

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TRANSITIONAL SECURITY ARRANGEMENTS
(CHAPTER XVII OF THE CHARTER)

The ~~xxxxxxxxx~~ paragraphs of the Dumbarton Oaks Proposals, headed "Transitional Arrangements", raised questions of importance to the Organization and its Members. Both paragraphs made provision for taking the steps necessary to maintain or restore peace and security during the period which must elapse before the Security Council can assume its full responsibilities. Some such provisions are obviously essential. The principal Allies must continue to take collective action in the period immediately ahead, and the Organization cannot from its inception assume responsibility for the full enforcement of the peace terms against enemy states.

The first of the two paragraphs of the Dumbarton Oaks Proposals provided that "pending the coming into force of the special agreement or agreements" referred to in what is now Article 43 of the Charter, the four powers which signed the Moscow Declaration of 1943 (China, the Soviet Union, the United Kingdom and the United States) should have the duty of consulting "with one another and as occasion arises with other Members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security".

This paragraph contained at least two obscurities. In the first place, it could be interpreted to

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mean that temporary authority would be vested in the four powers until military agreements had been made between the Security Council and every Member of the Organization. Secondly, the term "joint action" was nowhere defined and therefore the paragraph might be interpreted to mean that during the transitional period, the four powers and not the Security Council would be responsible for the pacific settlement of disputes under Chapter VI of the Charter. Although these interpretations were possible, they were at variance with the intention of the drafters of the paragraph that the Security Council should, from its inception, assume as large a share as possible of its responsibilities, including all its functions with respect to the pacific settlement of disputes.

The Canadian delegation ~~took the lead~~ sought at a meeting of the committee on May 30 ~~in seeking for~~ greater precision in the text. The representatives of Canada, Australia, Belgium, Mexico and New Zealand all stated that, while fully admitting the necessity of including the substance of both the paragraphs in the Charter, they could not accept the text as it stood. The representatives of the Great Powers, however, pressed the first paragraph to a vote, in which its adoption was defeated by a vote of 9 for to 21 against.

As a result of this vote the Great Powers later submitted a revised text of the first paragraph. The special position of the five Great Powers (they had been increased from four to five by the addition of France) was now to terminate when the Security Council decided that the military agreements which had been concluded with it were sufficient to enable it to apply armed

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sanctions under Article 43. Since, however, no definition of "joint action" was given, the Canadian representative, when the revised text came before the committee, urged, with the support of several other delegations, that a more exact definition be incorporated in the rapporteur's report.

The relevant section of the rapporteur's report reads as follows:

> Several delegations, especially those of Canada, Egypt, and Belgium, requested the delegations submitting the amendment to make a declaration explaining the meaning of the words "joint action on behalf of the Organization".
>
> The delegate of the United Kingdom pointed out that it was impossible to define such an action, since the powers of the Security Council would gradually develop in proportion to the forces which would be put at its disposal by the special agreements concluded with Members of the Organization.
>
> The delegate of the United States, for his part, explained that the meaning of the words "joint action" might be deduced without difficulty from the first part of the paragraph, which referred to the special agreements mentioned in Chapter VIII, Section B, paragraph 5. As a result, the Security Council would begin to exercise at once all its responsibilities except those which it could not undertake until the conclusion of the special agreements indicated above. Furthermore, the powers granted by the Charter to an organ of the Organization would come immediately into force unless the contrary were expressly stated.
>
> The rapporteur confirmed the clear interpretation given by the delegate of the United States.

The second of the two paragraphs of the Dumbarton Oaks Proposals referring to Transitional Arrangements was as follows:

> No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action.

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This paragraph, like the preceding paragraph, was open to the objection that it was so loosely drafted that it might give rise to avoidable and perhaps even dangerous controversies over its meaning. By an extreme interpretation it might even be claimed that its adoption would remove from the competence of the Organization for an indefinite period, if not in perpetuity, any action affecting any enemy state, large or small, which any Allied Government might choose to regard as a result of the war.

The Canadian delegation, while making clear that it agreed that the Security Council should not assume responsibility for the immediate enforcement of peace terms against Germany or Japan, urged that the paragraph be more precisely drafted. Discussion of the paragraph was postponed, with the result that it came before the committee for discussion only on June 18.

As discussion of the draft had been postponed in order to permit the Great Powers to consider the criticisms made by the Canadian and other delegations, the representative of Canada protested against their failure to present a revised text, and the Australian, Belgian and New Zealand representatives supported his position. On the understanding that the rapporteur's report should contain interpretations of the language, the committee agreed to the original draft by a vote of 22 to 2 with many abstentions.

As it appears in the Charter the paragraph reads as follows:

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> Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action. (Article 107).

The relevant section of the rapporteur's report reads as follows:

> The delegate of the United Kingdom gave the following explanations concerning these points [the obscurities in the text]:
>
> 1. Enemy states are those which, on the day of the signature of the Charter, are still in a state of war with any one of the United Nations.
>
> 2. The present war is to be understood as the war or series of wars which began on or after September 3, 1939, and which are still in progress.
>
> 3. "Action taken or authorized". It might be difficult to limit this action, as had been suggested by the Australian delegate, to that decided upon in an armistice, a peace treaty, or a joint declaration like the Declaration of Moscow, because responsibility, as envisaged in paragraph 2, could fall upon a state which is party to none of these acts.
>
> As to the exact meaning of the expression "action taken or authorized", the delegate of the United Kingdom declared that, in his opinion, the distinction is made between "positive" and "negative" action; that is to say, between action with respect to enemy states by the Governments responsible for this action, and the action which the responsible Governments had authorized other Governments to take.
>
> The Committee, in concluding, discussed the duration of the time period during which the measures envisioned in paragraph 2 could be taken. It appeared impossible to fix a term but the hope and expectation were widely expressed that the Security Council would assume its full responsibility as soon as possible.

On the motion of the United States representative the committee also voted to insert in the report the following understanding:

> It is understood that the enemy states in this war shall not have the right of recourse to the Security Council or the General Assembly before the Security Council grants them this right.

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AMENDMENTS
(CHAPTER XVIII OF THE CHARTER)

THE CANADIAN POSITION

An international body such as the United Nations cannot work effectively if the constitutional document on which it is based is subject to frequent serious alteration. Continuous controversies over constitutional amendments can embitter international relations and divert the energies of the Organization from constructive activities. States will, moreover, be reluctant to join the Organization if their obligations under its constitution can be constantly changed without their consent, or with their consent given grudgingly as a lesser evil than withdrawal.

On the other hand, the constitution should not be too rigid. It must be capable of growth and of adaptation to changing conditions. It should be framed in terms broad enough to permit a measure of growth and adaptation without the necessity of formal constitutional amendment. The process of securing constitutional amendments should not be too difficult.

The argument against rigidity in a document such as the Charter of the United Nations is particularly strong. No Charter drawn up in 1945 can be complete or final. The states and peoples of the world are, in setting up the United Nations Organization, experimenting in many new fields of international co-operation. For some years they will be continuing to experiment in the unusual conditions of the transition period between war

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and peace. Moreover, the present Charter was drawn up while the United Nations were still at war all over the world, while some Governments were still in exile and others had only recently returned to their countries.

It was therefore important that the Charter to be adopted at San Francisco should be flexible - capable of growth from within by the development of custom and precedent and by the adoption of regulations - capable of change by formal constitutional amendment when the world had returned to a more normal state.

The Prime Minister of Canada emphasized this necessity in his address to the House of Commons on March 20, 1945, a month before the San Francisco Conference met. He said:

> In view of the difficulty of planning a world security Organization, especially while the world itself is still at war, it might be desirable to include in the Charter some provision for its general review after a term of years. 1)

This suggestion was placed formally before the Conference as one of the Canadian amendments. The following is the text of the amendment:

> In the course of the tenth year from the date on which the Charter shall come into effect, a special Conference of the United Nations shall be convened to consider the general revision of the Charter, in the light of the experience of its operation.

The Canadian amendment did not specify how the amendments agreed on at this Conference should come into force. Other delegations had proposed amendments with the object of modifying the veto of the permanent members of the Council over amendments to the Charter,

1) House of Commons Debates, March 20, 1945, Page 30, official report - daily edition.

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and the Canadian delegation was prepared to support these proposals.

During the course of discussion in committee, the Canadian delegation did not press its objections to the right of a Great Power to veto the coming into force of amendments adopted by the ordinary amendment procedure. It also withdrew its proposal that the General Revisionary Conference should necessarily be held in the tenth year of the Organization's existence in view of the weighty arguments of the Great Powers that that particular year might be one of political and economic crisis when it would clearly be undesirable to hold the Conference. The Canadian and other delegations did, however, try to persuade the Great Powers to agree that the question whether each of them should have the right toveto amendments adopted by a Revisionary Conference, held within a period of five to ten years from the coming into force of the Charter, should not be decided at San Francisco but should be decided at the Revisionary Conference itself.

THE FOUR-POWER PROPOSALS

The original Dumbarton Oaks Proposals had not contained any reference to a Special Revisionary Conference. They provided for an amendment procedure under which amendments required the ratification of all five Great Powers and a majority of the other Members of the Organization. This proposal was ultimately accepted by the Conference with one change - the substitution of ratification by two-thirds of the Members of the

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United Nations, including all the permanent members of the Security Council, for ratification by the permanent members of the Security Council and by a majority of the other Members of the United Nations. The Article reads as follows:

> Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council. (Article 108).

~~xxfxxxdxxx~~ After the Canadian delegation had submitted its proposal for a Special Revisionary Conference during the tenth year of the Organization's existence, the four Sponsoring Powers brought in an amendment providing that a general conference for the purpose of reviewing the Charter could be convened at any time by a vote of three-fourths of the General Assembly and by a vote of any seven members of the Security Council. This general conference would have the same power with respect to amendments as those granted to the General Assembly under the original Dumbarton Oaks Proposals. Like the General Assembly, it could adopt amendments by a two-thirds vote, and any amendment it adopted, like any adopted by the General Assembly, would not come into force if any Great Power failed to ratify it or if a majority of the other powers failed to ratify it.

The Four-Power amendment made little change in the previous position, especially as it had been decided

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early in the Conference that a bare majority of the Members of the United Nations had the right to have a special session of the General Assembly convened at any time (Article 20) and such a session could be convened for the sole purpose of reviewing the Charter.

In spite of this, the Conference ultimately accepted the Four-Power proposal on a general conference. The most that the four powers were willing to concede was a reduction of the vote of the General Assembly required to convene the conference from three-fourths to two-thirds, and a provision that if the conference had not been held before the tenth annual session of the General Assembly, it could be convened by a majority vote of the General Assembly (with the concurrence of any seven members of the Security Council). In addition the ratification provisions were modified to make them identical with the ratification provisions for ordinary amendments in Article 108.

The Article on the General Revisionary Conference reads as follows:

> 1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
>
> 2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.
>
> 3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present

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Charter, the proposal to call such a conference 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. (Article 109).

Thus the efforts of the majority of the states represented at the San Francisco Conference did not succeed in securing a flexible amendment procedure. According to the Charter as adopted, each of the five Great Power possesses, so long as the Organization continues to exist and it continues to be a Member, the right to veto the coming into force of any amendment.

AMENDMENTS AND WITHDRAWAL

A result of the extent of the Great Power veto over amendments was the recognition by the Conference of the right of Members to withdraw from the Organization. This right of withdrawal was couched in broad terms. (See above, pages to for discussion of the right of withdrawal.) Page Nos

Clearly the Organization will have failed if this right of withdrawal is exercised by important states or by a considerable number of states of lesser importance. The United Nations will succeed only if its Members are willing to forego the exercise, save in the most exceptional circumstances, of their rights to veto and to withdraw.

The exercise over the next five or ten years of a spirit of mutual forbearance and mutual confidence will pave the way to a successful General Revisionary Conference.

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In the course of the debates over the amendment procedure the Canadian delegation was closely associated with other delegations with the same objectives in view. Indeed, throughout the Conference the Canadian delegation owed much in many fields to the friendly co-operation of other United Nations delegations. It is fitting and natural that in this report emphasis should have been placed upon Canada's part at the Conference, but the attainment of many common aims was due to joint efforts with other delegations who shared the views of Canada.

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RATIFICATION AND SIGNATURE
(CHAPTER XIX OF THE CHARTER)

The final chapter of the Charter provides that it shall come into force when it has been ratified by the five Great Powers and by a majority of the other signatory states. Since, when Poland signs the Charter, there will be fifty-one signatories, this means that the Organization will be constituted as soon as the five Great Powers and twenty-four other signatory states have ratified the Charter. (Article 110).

The Charter is drawn up in five languages - Chinese, English, French, Russian and Spanish. Each of the five texts is equally authentic. (Article 111).

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SECTION 5

THE PREPARATORY COMMISSION

The Preparatory Commission is charged with making the interim arrangements required between the signing of the Charter at San Francisco and the convening of the first sessions of the principal organs of the United Nations.

The two main tasks of the Commission are first, to study and make recommendations on certain questions which could not well be handled at San Francisco, and second, to expedite the work of the new organization by thorough preparation for its initial meetings. Both tasks are of great importance, the second particularly so because of the urgency of many of the problems awaiting action by the General Assembly, the Security Council, the Economic and Social Council, and other organs.

In order to make it possible to set up the Commission immediately, the instrument creating it was put in the form of an intergovernmental agreement, with the provision that it come into effect on the day on which it was signed. It was signed at the same time as the Charter.

The Commission consists of one representative of each signatory Government. An Executive Committee is provided to exercise the functions and powers of the Commission when it is not in session. This Committee is composed of the same states as those which made up the Executive Committee of the Conference, namely Australia, Brazil, Canada, Chile, China, Czechoslovakia,

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France, Iran, Mexico, Netherlands, Union of Soviet Socialist Republics, United Kingdom, United States, and Yugoslavia.

The functions of the Commission fall into two groups. The first includes:

(1) the formulation of recommendations concerning the possible transfer of certain functions, activities and assets of the League of Nations which it may be considered desirable for the United Nations to take over on terms to be arranged;

(2) the examination of problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the United Nations; and

(3) the preparation of studies and recommendations concerning the location of the permanent headquarters of the United Nations.

The second group of functions includes:

(1) convening the first session of the General Assembly;

(2) preparing the provisional agenda for the first sessions of the principal organs of the United Nations, and preparing documents and recommendations relating to all matters on these agenda;

(3) the issuance of invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court; and

(4) the preparation of recommendations concerning arrangements for the Secretariat of the United Nations.

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It was decided that the Commission should meet in London. The Secretariat of the Commission headed by an Executive Secretary will be established there. The staff of the Secretariat is to be composed so far as possible of officials appointed for the purpose on the invitation of the Executive Secretary by the participating Governments.

The Commission held its first session in San Francisco immediately after the closing session of the Conference and made arrangements for carrying on its work by the Executive Committee which is to meet in August in London. The Executive Committee will call the full Preparatory Commission into session again as soon as possible after the Charter of the United Nations has come into effect. Further sessions will be held if desired, but it is anticipated that the first sessions of the principal organs can be convened not long after the Charter has come into force through the deposit of the required number of ratifications.

The Commission will cease to function upon the election of the Secretary-General of the United Nations, and its property and records will be transferred to the United Nations.

The text of the interim arrangements setting up the Preparatory Commission will be found in Appendix .

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UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

MEETING OF THE HEADS OF DELEGATIONS TO ORGANIZE THE CONFERENCE

Proposed Agenda
(Revised)

It is suggested that the Chairmen of all Delegations meet on April 26, 1945, at 10:30 a.m., under the chairmanship of the Temporary President of the Conference, to consider the following matters:

1. Appointment of the Credentials Committee, and designation of its Chairman, by the Temporary President of the Conference with the approval of the Heads of the other Delegations. (It is contemplated that the Credentials Committee will meet at once and that it would have its report ready for presentation at the First Plenary Session, 3:30 p.m., that same day.)

✓ 2. Appointment of a Rapporteur of the Meeting by the Temporary President of the Conference with the approval of the Heads of the other Delegations.

✓ 3. Recommendation that the Conference approve a memorandum on the Proposed Organization of the Conference.

✓ 4. Nomination of the presiding officer of officers of the Conference.

April 26, 1945.

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5. Nomination of an Executive Committee.

6. Nomination of the officers (or the countries from whose Delegations the officers would be named) of the four Commissions and the twelve Technical Committees of the Conference.

7. Recommendation that tho Conference approve as its Agenda the Dumbarton Oaks Proposals as supplemented at the Crimea Conference and by the Chinese proposals agreed to by all the Sponsoring Governments, and the comments thereon submitted by the participating countries.

8. Recommendation that the Conference approve a memorandum on the Proposed Rules of Procedure.

9. Statement of the Soviet Delegation about the decision of the Crimea Conference concerning an invitation to the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic to initial membership in the international security organization.

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The St. Francis
UNION SQUARE
San Francisco

C234536

Prime Minister

re Greece

The attached draft was
gone over carefully by
Robertson, Wrong, Pearson
and myself.

When we completed the
final revision it was quite
late and it has not
therefore been re-typed. I felt,
in any case, the final
revisions might in themselves
prove suggestive.

26.IV.45 /ours

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234537

For Mr. Handy:

I presume you have noted that Mr. King saw congressmen Eaton at the Fairmont Hotel on Wednesday night.

Also he should be reminded that he still wants to speak to Mrs. Stoddard, 272 Fairmont Hotel - thanking her personally for the carnations which she sent. I have already, at Mr. King's request, spoken to her over the telephone.

W.J.T.

called Apr. 28/45

San Francisco
April 26, 1945

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CANADA

The United Nations Conference on International Organization

Doc. 9
G/6
April 26, 1945

C234538

ORDER OF THE DAY

April 26, 1945

Time	Body	Room	Remarks
10:30 a.m.	Chairmen of the delegations	Veterans Building	The chairmen of the delegations will meet to consider the organization of the Conference
3:30 p.m.	Plenary session	Auditorium of the Opera House	The First Plenary Session will receive and act upon the report of the meeting of the chairmen of delegations Statements will be made by the chairmen of the delegations of the sponsoring countries and by the chairmen of other delegations desiring to make statements. If the presentation of these statements is not completed at this plenary session, it will be continued at the next plenary session

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234537

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Also he should be reminded that he still wants to speak to Mrs. Stoddard, 272 Fairmont Hotel - thanking her personally for the carnations which she sent. I have already, at Mr. King's request, spoken to her over the telephone.

W.J.T.

called Apr. 28/45

San Francisco
April 25, 1945

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ARCHIVES PUBLIQUES
CANADA

The United Nations Conference on International Organization

Doc. 9
G/6
April 26, 1945

C234538

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The United Nations Conference on International Organization

Doc. 10
P/1
April 26, 1945

PLENARY

C234539

AGENDA FOR THE FIRST PLENARY SESSION

April 26, 1945

(1) Report of the meeting of the chairmen of delegations.

(2) Statement by the chairmen of the delegations of the sponsoring countries and by the chairmen of other delegations desiring to make statements. If the presentation of these statements is not completed at this plenary session, it will be continued at the next plenary session.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234540

For the Prime Minister:

Admiral d'Argenlieu of France, Vice-President of the Superior Naval Board, who is in the St. Francis Hotel, would like to call on you.

You may recall that you saw him in Ottawa in 1943. Before 1939 d'Argenlieu was a member of the Dominican Order. He was seriously wounded at Oran. Subsequently was High Commissioner for French territories in the Pacific, under the French Committee of National Liberation.

WJT

San Francisco
April 26, 1945

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C234541

UNITED NATIONS CONFERENCE COMMITTEE

133 Montgomery Street · San Francisco 4, California

Telephone SUTTER 8158

40 Kon 0727

April 26, 1945

OFFICERS AND
EXECUTIVE COMMITTEE

General Chairman
HON. ROGER D. LAPHAM
Mayor of San Francisco

HENRY F. GRADY
Chairman

N. L. McLAREN
Treasurer

DON V. NICHOLSON
Secretary-Manager

HAROLD J. BOYD
THOMAS A. BROOKS
EDWARD D. KEIL
JAMES K. LOCHEAD
WILLIAM J. LOSH
N. L. McLAREN
DEWEY MEAD
MRS. HENRY POTTER RUSSELL
JERD SULLIVAN
CHARLES L. WHEELER

His Excellency, W. L. Mackenzie King, M.P.
Chairman, Canadian Delegation
United Nations Conference

My dear Sir:

You are cordially invited to attend the first of the concerts being presented by the City and County of San Francisco this Saturday evening at the Civic Auditorium, in honor of visiting delegates to the United Nations Conference.

Mr. Yehudi Menuhin will play the Beethoven Concerto for Violin and Orchestra; The San Francisco Symphony Orchestra will offer Tschaikowsky's Symphony No. 5.

Tickets for box seats in the main floor section reserved for delegates are available to you through your Liaison Officer or Secretary of your delegation. Further information can be secured by calling the Protocol Officer of the State Department - International 3300, Extension 150.

Mayor Roger D. Lapham has asked me to extend to you his personal invitation to attend this concert as a guest of the City of San Francisco. We believe this concert and the others to follow will reflect the best in classical music in a floral setting typical of California springtime.

Respectfully yours,

Edward D. Keil

Edward D. Keil
Chairman, Civic Events Committee

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April 28

C234542

San Francisco, Cal.
April 29, 1945

Edward D. Keil, Esq.,
Chairman, Civic Events Committee,
United Nations Conference Committee,
133 Montgomery Street,
San Francisco, California.

Dear Mr. Keil,

Your Committee kindly invited me to attend the first of the concerts being presented by the City and County of San Francisco in the Civic Auditorium on Saturday evening.

My Secretary has already explained to you that it would not be possible for me to be present on this occasion, but I hope it may be possible to have the pleasure of attending a later concert during my stay in San Francisco.

May I ask you to express to the Conference Committee, and especially to Mayor Lapham my very cordial appreciation of this invitation.

Yours sincerely,

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DHR626/ JW/ CSW/ EH/ DHR/ JSN.

64 668 626 626 623

MEMORANDUM FOR MEMBERS OF THE CANADIAN DELEGATION

OFFICE AND GENERAL ARRANGEMENTS C234543

1. OFFICES

The office of the delegation is in room 654, the accountant's office in room 652, and the press offices in room 651. Documentary material for reference and also the general files of the delegation will be held in room 654.

2. CONFERENCE DOCUMENTS

Conference documents are being secured as published. Due to the difficulty of circulating to hotel rooms documents which are,in many cases,confidential, these documents should be called for in room 654. It is suggested that officers of the delegation, or their secretaries, should call each day to ascertain whether there are any documents for circulation. When the nature of the document requires it, certificates of receipt may be asked for.

3. MAIL

(a) Incoming

The hotel is delivering to the delegation offices mail received for members of the Canadian delegation. In addition to this there will be a certain amount of personal mail received through the air bag from Ottawa.This mail will be set out on a table in room 652, where it can be called for by members of the delegation or their secretaries.

(b) Outgoing

Personal mail for addressees in the United States should be mailed personally in the ordinary way by members of the delegation.

Mail for addressees in Canada can be sent by

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air bag to Ottawa. Arrangements have been made by which the necessary postage will be put on letters at the Department of External Affairs and they will be forwarded as quickly as possible. In many cases, however, the ordinary commercial air mail will be found to be quicker due to the infrequency of R.C.A.F. flights. The air bag for Ottawa will close at 10:20 a.m. each Monday and Thursday. All mail for inclusion in the bag should be sent to room 272, St. Francis Hotel, not later than that time.

4. NEWSPAPERS

The delegation is receiving a few newspapers from Canada in addition to those which delegates have ordered personally. These are available for reference in room 652. Copies of the San Francisco "Chronicle" and New York "Times" can also be secured daily in room 652.

5. FUNDS AND ACCOUNTS

Additional funds as required can be secured from the Accountant, Mrs. P.M. Jones in Room 652. Prior to departure from Ottawa it was suggested by the Chief Administrative Officer of the Department of External Affairs that it might be found desirable for members of the delegation to submit their accounts to Mrs. Jones on a weekly basis. Members of the delegation may find it convenient to do this.

6. CIGARETTES

Canadian cigarettes are available in limited quantity for members of the delegation and can be secured from the Accountant, Mrs. P.M. Jones, in Room 652. Persons receiving cigarettes will be asked to sign for them so that the cost price (i.e. the price less excise and sales tax) may be

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C234715

debited against their account.

7. AIR ACCOMMODATION TO OTTAWA

The plane for Ottawa will leave each Monday and Thursday from Mills Field and will arrive in Ottawa the following morning. In any case in which accommodation to Ottawa is necessary, application should be made through the Secretary. The necessary arrangements will then be made with the R.C.A.F. Transport authorities.

8. LOCAL TRANSPORTATION

The special bus service between the hotel and the Conference center in the Veterans War Memorial Building and the Opera House operates on a 15 minute schedule. The buses leave from the Union Square opposite the front entrance of the hotel. No charge is made for transportation to those wearing the Conference badges. Return transportation can be secured in the same way.

Two Canadian Army cars are available for the general use of delegation members, in addition to the car which is held at the disposal of the Prime Minister. Requests for the use of the cars should be made to the Secretary or the Assistant Secretaries in room 654. The two cars will not be held available in the evening unless they have been requested prior to 6:00 p.m. each day.

9. DELEGATION OFFICES

Due tothe fact that provision was not made for the offices which we requested for the Canadian Delegation we have been unable to make available the working space that we had hoped

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to have for general use of delegates and advisers. However, there are desks in Rooms 661 and 671 which can be used by delegation members for their work. The keys for these rooms will be held by the Sergeant on duty at the delegation offices.

R.G. Robertson
Secretary.

April 26, 1945.

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The United Nations Conference on International Organization

RESTRICTED
Doc. 11
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April 26, 1945

C234547

GENERAL

CIRCULAR TO SECRETARIES GENERAL OF NATIONAL DELEGATIONS

The Executive Officer of the First Plenary Session of the United Nations Conference on International Organization desires to know as speedily as possible whether chairmen of national delegations desire to speak at this Session.

In such case, it is requested that the secretaries general of delegations inform the Executive Officer of the session at Room 404, Veterans Building (Telephone Extension 117) of the name of the chairman who desires to speak, in what language the speech will be given, and whether the delegation will provide its own interpreter or desires interpretation from the International Secretariat. In addition, it is requested that a copy of the speech to be given, with English translation where necessary, be forwarded to Room 404, Veterans Building.

Chairmen of national delegations who desire to speak at the First Plenary Session will be recognized by the President of the Conference in the English alphabetical order of the listings of the national delegations.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C234548

For the Prime Minister:

Mr. Dunton suggests that the other delegates might sit in at one of the Press Conferences. He thinks this would be welcome both by the press and the delegates themselves.

In some instances the press has not met the delegates. He is not suggesting that they take any part in the discussions but simply be on hand to meet the press.

W. J. T.

San Francisco
April 26, 1945

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OFFICE OF THE PRIME MINISTER

C234549

MEMORANDUM to Chief Operator,
St. Francis Hotel

Telephone Services to Room 622.

This room serves as office for the Secretariat of the Prime Minister of Canada. (It is not the general office of the Canadian Delegation, which is in Rooms 654, 652).

In room 622 are two extensions

622

658.

Calls for either of the following members of the Secretariat may be put on either 622 or 658 (call 622 first; if busy call 658):

Mr. W.J. Turnbull, Principal Secre-
/tary
Mr. J.A. Gibson

For Col. C.S. Wallace, call 658
(if no answer, call 622)

For Mr. J.E. Handy call 626
(if no answer, call 622)

April 26, 1945

(W.J. Turnbull)

No calls to be made on 619-620-621 unless authorized in each case

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

For Mr. Russell: C234550

I am attaching a list of persons who were entertained on Car 100 en route to San Francisco.

Please speak to Mr. Handy about the proper way to enter this up. The Prime Minister wants it for his records.

WJT

San Francisco
April 26, 1945

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HOSPITALITY :: CAR 100

C234551

DINNER on Friday, April 19

Mr. St.Larent
Mr. Coldwell
Mrs. Casselman

Mr. Robertson
Mr. Turnbull

Lunch, Saturday

Mr. St. Laurent
Mr Wrong
Senator Howard
Mr. Robertson
Mr Wrong

Tea + meeting 5 PM to 6.45 (Saturday)

all delegates pour Robertson wing

dinner (Sat)

St. Laurent
Wilgress
Pope
Ramsinsky

Lunch (Sunday)

Ritchie Gibson
Ronald Wallace

dinner (Sunday)

Mr. St Laurent, Mrs Casselman
Mr Mc Cullum, Mr Wrong

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HOSPITALITY (extra sheet) CAR 100 en route

LUNCHEON on Sunday, April 22

C234552

Mr. Renaud
Mr. Fitchie
Lt.Col. Wallace
Mr. Gibson

DINNER on Sunday, April 22

Mrs.Casselman
Miss MacCallum
Mr. St.Laurent
Mr. Delisle

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C234553

HOSPITALITY :: CAR 100

DINNER on Friday, April 19

Mr. St.Larent
Mr. Coldwell
Mrs. Casselman
Mr. Robertson
Mr. Turnbull

RECEPTION for Press Correspondents, Friday, April 20, 6:30 pm

(22 present)

LUNCHEON on Saturday, April 21

Senator Moraud
Mr. Graydon
Mr. St.Laurent
Mr. Wrong
Mr. Robertson

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SFc/P C234554

CONFIDENTIAL

Special Report No. 15
Supplement No. 3.
April 26, 1945.

PRESS ANALYSIS SECTION

W.I.B. - CANADIAN EMBASSY.

WASHINGTON, D.C.

THE SAN FRANCISCO CONFERENCE.

(April 13 - 24, 1945.)

General Tremds.

After the impact of the President's death, comment on San Francisco continued in undiminished volumn and along substantially the same lines as before. Discussion of specific issues - except for Poland - gave place to general aims. Increased anxiety for the success of the conference was expressed in repeated emphasis on its limited objective of setting up the framework of peace machinery; a good beginning would be good enough. Widespread confidence stemmed from the delegates' sober determination and recognition that the utterly disastrous consequences of failure were the best guarantee of success. Though continued big three unity was widely affirmed as the only basis on which peace could rest, there was still a great deal of stress on the pre-eminence of moral objectives and standards of law and justice. The Hoover's "bill of rights", for instance, had a considerable amount of backing. The more conservative tended to perfectionism, though even they protested support of any organization rather than none. Isolationists played up the urgency of disruptive issues and polished their guns for the big attack.

There was nothing new in any of these attitudes and little was added to them in emphasis during the past ten days. Leading in volume of minor trends was comment on Poland of a sober though not alarmist tone (see below).

The New President and the U.S. Delegation.

President Truman's immediate decision to carry through the conference and his diplomatic coup in securing Molotov were universally hailed - the latter as a favourable omen of increasing Russian interest. The first shock of dismay at Roosevelt's death had scarcely time to find expression before hopes rose again after Truman's first speech to Congress. All sides rallied round; conservatives claimed him, spoke confidently of the "end of the New Deal dynasty" and foresaw a hopeful change in policy directive in his insistence on the rule of law (Cleveland Plain Dealer)1 To the liberals a study of his voting record revealed him as a thorough-going Rooseveltian.

Among the internationalists there was a wistful emphasis on the lasting power of Roosevelt's inspiration. In the spontaneous, universal grief the interdependence of nations had been revealed; his memory would continue to impart serious determination to the conferees and a dedication to high purpose. In the words of the Monitor, the nation was in a "chastened mood". "Old enmities have been forgotten, courage and idealism have been remembered, new bitterness has not yet developed, and in many hearts burns the determination to make the peace worthy of the fallen leader and of the countless common men who gave their lives to make a conference possible."

The moment of emotional unanimity gave focus to the much-heralded bi-partisan support for Dumbarton Oaks. Harmony within the delegation contrasted favourably with the bitter controversies of 1919. The delegation's farewell to the Senate took place amid passionate reassurances of backing from both Republicans and Democrats, which augured well for official ratification of the results.

Preparing the Public.

Main current of the week's dispatches consisted of explanatory articles reviewing events that led up to the conference and outlining the main issues. James Reston's series in the Times was particularly illuminating, expressing the internationalist's thesis. He was under no illusions about what the conference could achieve, given its historical disadvantages and the resultant lack of faith among the big powers, but spoke in an optimistic tone of the chances that the Dumbarton Oaks plan, to which the major powers were generally and in some details specifically committed, would be passed in substantially

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C234555

its original form. The proposed amendments he studied in a favourable light, though he thought there was scant likelihood of many of them being incorporated.

Also among the realists were two of the Monitor's men. Roscoe Drummond struck an equally hopeful note on the end result, while Newl Stanford outspokenly warned his readers that the U.S. policy was based on maintaining big three unity even at the expense of absolute justice, - a hint that they eschew moral standards in evaluating the agreements.

Typical exponent of perfectionism was Scripps-Howard's foreign editor, William Philip Simms. In a Washington News series he sanctimoniously reiterated the importance of a just settlement according to principles of law and the Atlantic Charter. His idealism, spiked with Russophobia, prepared the ground for subsequent hostilities. He sprang to the defense of the small nations who were being "trampled on roughshod"; vindicated the U.S. whose record of international cooperation and adherence to principles of right he held to be blameless. In early articles he felt that the conference was signing a blank check by setting up an organization to keep a peace whose terms were not yet decided. Towards the end he yielded to the determined optimism that was the prevailing opening mood; not even the thorny Polish issue was to keep the conference from achieving its aim.

Sigrid Arne's widely published survey (AP) was neither anxious nor over-optimistic. Pausing only to remark that the good-will of all nations behind the settlement was the main requisite for success, she ran quickly over the main issues. Her article differed from most in its stress on the economic council, which she felt might be the "keystone" of the peace organization, increasing in importance as the war threat receded.

The Sunday papers (April 22) blossomed forth with full-page explanations of what it was all about, pictographs of the Dumbarton Oaks plan, accompanied by comparisons with the old League, questionnaires on world security, photos and biographical sketches of the American delegation and others (Molotov was the most popular), cartoons pointing to San Francisco as the road to permanent peace. Despite all this emphasis on public understanding, the results were disappointing. A Gallup Poll and local vox pops (Philadelphia Inquirer, PM), showed that only a very small percentage of the people had any conception of the purpose of scope of the conference.

The Polish Controversy.

Topping a flood of news as the delegates gathered were disquieting Washington dispatches covering the Polish issue. Early stories on the Molotov meetings were none too sanguine; the Soviet-Warsaw treaty darkened the skies and optimism took a further dive when the issue was thrust unsolved onto the conference. Alarmist headings scattered "deadlock" and "failure to reach agreement" over the front pages. Dismayed progressives saw "heavy going" for the conference as a result (PM); the reactionaries almost rejoiced in the thickened "smoke screen of power politics" (CTPS). Moderate reaction was to defer hope while the problem was returned again to Moscow.

The issue towered less in editorial comment which strove to place it in perspective and maintain a dispassionate tone. Few, however, denied its gravity. Even allowing for differing interpretations of the Yalta pledge, Russia's persistent refusal to comply was seriously distressing and conducive of "a corroding suspicion of bad faith on the part of a valiant ally" (Minn. Tribune). Russophobes were less delicate in their expressions of distrust. All sides backed up the State Department's stand, and even leading internationalists warned that it was high time Russia proved her good-will. The New York Herald Tribune, a recent Russia-backer, had little support for its claim that the Polish shadow was "larger than the substance which casts it, and with little direct relationship to the object on which it falls".

On the 24th, Argentina joined Poland as one of the major conference headaches.

Hopeful Beginning.

If stories with a Washington dateline were depressing, dispatches from on the scene were not. High hopes came in with the early arrivals; comments from Smuts, Vandenberg and Connally, Mr. Hull's letter, etc. keyed dispatches to a confident pitch, though there was no rosy optimism. Everyone knew they were in for a tough time but the agreed determination to accept an imperfect

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organization rather than none guaranteed success. The list of proposed amendments lengthened with the arrival of each country's delegates. Canada's well-known stand passed without comment (except for one CTPS story), and the main Latin-American suggestions were already familiar. The Dutch program caused no surprise but ran into opposition in PM for demanding "rights without responsibilities, security without xx risk". France was a mystery; Bidault indicated she had dropped out from leadership of the small nations and would concentrate on the colonial question. Sigrid Arne alone mentioned a French plan to demand that half of the 18 seats on the economic council be given to economically important nations, thus ensuring herself of a permanent seat on the most important part of the peace-maintaining structure.

On the eve of the conference, the Chicago Tribune harried the delegates from its pinnacle of magnificent isolation. But an overwhelming body of comment challenged the cynics with a spirited plea for a people's peace; the conferees dared not betray the hopes of the entire world.

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C234557

RESTRICTED

UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

MEETING OF THE HEADS OF DELEGATIONS TO ORGANIZE THE CONFERENCE

Proposed Agenda
(Revised)

It is suggested that the Chairmen of all Delegations meet on April 26, 1945, at 10:30 a.m., under the chairmanship of the Temporary President of the Conference, to consider the following matters:

1. Appointment of the Credentials Committee, and designation of its Chairman, by the Temporary President of the Conference with the approval of the Heads of the other Delegations. (It is contemplated that the Credentials Committee will meet at once and that it would have its report ready for presentation at the First Plenary Session, 3:30 p.m., that same day.)

2. Appointment of a Rapporteur of the Meeting by the Temporary President of the Conference with the approval of the Heads of the other Delegations.

3. Recommendation that the Conference approve a memorandum on the Proposed Organization of the Conference.

4. Nomination of the presiding officer of officers of the Conference.

April 26, 1945.

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5. Nomination of an Executive Committee.

6. Nomination of the officers (or the countries from whose Delegations the officers would be named) of the four Commissions and the twelve Technical Committees of the Conference.

7. Recommendation that the Conference approve as its Agenda the Dumbarton Oaks Proposals as supplemented at the Crimea Conference and by the Chinese proposals agreed to by all the Sponsoring Governments, and the comments thereon submitted by the participating countries.

8. Recommendation that the Conference approve a memorandum on the Proposed Rules of Procedure.

9. Statement of the Soviet Delegation about the decision of the Crimea Conference concerning an invitation to the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic to initial membership in the international security organization.

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C234559

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

PROVISIONAL
RESTRICTED
(English)
April 27, 1945

MEETING OF THE HEADS OF DELEGATIONS
TO ORGANIZE THE CONFERENCE

Veterans Building, Room 223, April 27, 1945, 10:45 a.m.

The chairmen of the following delegations were present:

Australia
Belgium
Bolivia
Brazil
Canada
Chile
China
Colombia
Costa Rica
Cuba
Czechoslovakia
Dominican Republic
Ecuador
Egypt
El Salvador
Ethiopia
France
Greece
Guatemala
Haiti
Honduras
India
Iran
Iraq
Lebanon
Liberia
Luxembourg
Mexico
Netherlands
New Zealand
Nicaragua
Norway
Panama
Paraguay
Peru
Philippine Commonwealth
Saudi Arabia
Syria
Turkey
Union of South Africa
Union of Soviet Socialist Republics
United Kingdom
United States of America
Uruguay
Venezuela
Yugoslavia

The temporary Chairman, Mr. Stettinius, called the meeting to order at 10:45 a.m.

I. BUSINESS OF THE CONFERENCE

The temporary Chairman called on Mr. Eden (United Kingdom) to open the discussion, but Mr. Molotov (Soviet Union) asked to be allowed to raise a question regarding the agenda for the meeting. The temporary Chairman announced that the meeting was to consider the remainder of the agenda

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from the previous meeting.

Mr. Gromyko (Soviet Union) announced that the representatives of the World Trade Union Conference had asked to have this organization represented at the Conference by advisers or observers, and said that the Soviet Delegation requested that the question of associating the World Trade Union Conference with the work of the Conference in this way be placed on the agenda for this meeting. The temporary Chairman stated that the sponsors had agreed to place this matter before the meeting at the proper time and that this would be done.

II. THE PRESIDENCY OF THE CONFERENCE

Mr. Eden (United Kingdom) said that having read the proceedings of the previous meeting, the only advice which he could give to the committee would be that it should be guided by the resolutions read by the temporary Secretary General concerning the presidency of the Conference.

Mr. Molotov stated that he accepted Mr. Eden's suggestion subject to insignificant changes. He suggested that the first three points be accepted unchanged. These three points were that:

1. There should be four Presidents of the Conference.

2. These four Presidents should preside in rotation at plenary sessions in alphabetical order.

3. The representatives of the sponsoring governments should meet from time to time, and that at these meetings Mr. Stettinius should preside.

Regarding point 4 of Mr. Eden's proposals, Mr. Molotov said that the Chairmen of the Steering and Executive Committees should be the four Presidents of the Conference, who agree among themselves that the representative of the United States, Mr. Stettinius, should preside at the Steering and Executive Committees. The Conference should give full power to Mr. Stettinius for conducting the practical business of the Conference. Mr. Molotov asked acceptance of this motion.

At the request of the temporary Chairman the temporary Secretary General read the resolution which had been approved the day before, as follows:

"That there be four Presidents who will preside in rotation at the plenary sessions. These four may meet

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from time to time, with Mr. Stettinius presiding over these meetings and Mr. Stettinius to be Chairman of the Executive and Steering Committees, the three others delegating full powers to Mr. Stettinius for conducting the business of the Conference."

Dr. Belt (Cuba) asked that Mr. Eden's motion be put to a vote.

Mr. Fraser (New Zealand) appealed to Mr. Molotov not to press his amendment on the form of the resolution, the essential provisions of which he had already accepted.

General Romulo (Philippine Commonwealth) supported the appeal of Mr. Fraser.

Mr. Soong (China) urged that in view of the great events which made it desirable for delegates to return to their countries as soon as possible the matter be decided quickly. He referred to the earnest discussion of this question among the sponsoring governments which had taken place before the Conference met.

Mr. Molotov referred again to the question of diplomatic precedent but indicated that no previous conference had to deal with such great problems. The Soviet Delegation was no less interested than other delegations in the efficiency of the Conference. The Soviet motion, he said, was designed to put the motion of Mr. Eden in more logical form.

Withdrawal of Soviet Amendment (to Mr. Eden's Motion).

In order to manifest the unity of the sponsoring governments, Mr. Molotov then said that he would drop his proposal and support the motion made by Mr. Eden.

The temporary Chairman, Mr. Stettinius, expressed his gratification over the action of Mr. Molotov, and said that it was the single purpose of the United States Delegation to proceed with the greatest work ever entrusted to any group of men in order that the Conference might succeed and that the delegates might return to their respective governments with the Charter of an Organization capable of preventing war in the world.

Mr. Stettinius declared approved, without further discussion, Mr. Eden's motion with regard to the presidency of the Conference, as read by the temporary Secretary General.

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III. ELECTION OF EXECUTIVE COMMITTEE OF THE CONFERENCE

The temporary Secretary General said that the four sponsoring Governments recommended that the Executive Committee of the Conference be composed of the chairmen of the delegations from the following countries: Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, Netherlands, Union of Soviet Socialist Republics, United Kingdom, United States of America, and Yugoslavia.

Decision

Mr. Fraser moved that the recommendation of the four sponsoring Governments be accepted. The motion was seconded by Mr. Forde (Australia) and was carried by a show of hands.

IV: AGENDA OF THE CONFERENCE AS A WHOLE

The temporary Secretary General said that point 6 of the agenda was being passed over at this time, and that the next order of business would be point 7. He said that the Secretariat recommended that the heads of delegations approve as the agenda of the Conference the Dumbarton Oaks Proposals, as supplemented at the Crimea Conference, and by the Chinese proposals agreed to by all the sponsoring governments, and the comments thereon submitted by the participating countries.

Mr. Jiménez (Panama) asked whether delegates might present to the temporary Secretary General new proposals relating to world organization but touching points not considered in the Dumbarton Oaks Proposals. The temporary Secretary General stated that the agenda would allow the presentation of new proposals, and Mr. Stettinius added that a full discussion of every aspect of world security must take place.

Mr. Castro (El Salvador) said that the recent meeting of the Committee of Jurists in Washington had referred to this Conference a draft Statute of the Permanent Court of International Justice. He suggested that this draft should be a part of the agenda.

Mr. Stettinius stated that chapter VII of the Dumbarton Oaks Proposals made it clear that the work of the Committee of Jurists was an elaboration of those Proposals and, therefore, it formed part of the agenda.

V. RULES OF PROCEDURE

The temporary Secretary General noted that there was

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before the chairmen of delegations an "Informal Memorandum on Possible Rules of Procedure", prepared by the Secretariat. As a result of action taken by the chairmen of delegations at their first meeting, point I, he assumed, required no discussion. Point II concerned the presentation of additional formal proposals to the Conference.

Mr. Spaak (Belgium) asked whether the text of point II meant that no amendment to any text could come before a committee of the Conference before being submitted to the Steering Committee or the Executive Committee.

The Secretary General replied that point II referred to formal proposals such as amendments to the Dumbarton Oaks Proposals. The Secretariat had considered that such proposals should be submitted to the Steering Committee before being presented to the Conference.

Mr. Andrade (Bolivia) asked whether formal proposals might be presented at any time during the Conference. Mr. Stettinius said that to expedite the work of the Conference a time limit for the presentation of amendments would appear desirable.

SPECIAL ANNOUNCEMENT

At this point Mr. Stettinius announced that during the night the Red Army, the British Army, and the United States Army had met in the heart of Germany.

Mr. Fraser said that while a time limit for formal amendments was desirable, he thought that if agreement were reached afterward in the committees on other changes, they should not be ruled out on formal grounds.

Mr. Andrade proposed that a time limit of two weeks be established for formal amendments to the Dumbarton Oaks Proposals.

Mr. van Kleffens (Netherlands) said he assumed the acceptance of this proposal would be without prejudice to Mr. Fraser's observation. Mr. Stettinius agreed, adding that

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minor details of drafting could be adjusted after the time limit. Mr. Fraser then suggested that a time limit of one week would be adequate.

Decision

Mr. Stettinius asked for a show of hands on the proposals of Mr. Andrade and Mr. Fraser, respectively, and Mr. Fraser's proposal for a time limit of one week (the evening of May 4) was carried.

Mr. Stettinius requested that any formal proposals for amendments be submitted to the temporary Secretary General within one week.

Mr. Castro requested that all proposals submitted to the Secretariat, irrespective of whether they were accepted, should be circulated to all the delegations. The temporary Secretary General expressed agreement.

The temporary Secretary General then took up point IV, dealing with voting, and stated that the recommendations of the Secretariat were that:

1. Each delegation should have one vote in each body of the Conference in which it was represented

2. In public sessions and meetings, such as plenary sessions and public meetings of the commissions, procedural matters should be decided by majority vote; voting on the text of documents or substantive questions should be by two-thirds vote

3. Voting procedures and rules in all closed meetings of all bodies of the Conference should be established on an ad hoc basis by the body concerned

Dr. Evatt (Australia) stated that recommendations 2 and 3 were of vital importance. Recommendation 2 would make it possible for one third of the Conference to prevent any amendment to the Dumbarton Oaks Proposals. Since a constitution was being formulated, it was dangerous to lay down unduly restrictive rules at this stage. Although the Australian Delegation recognized that amendments should not be lightly accepted, it felt that with respect to some of the Dumbarton Oaks Proposals, the requirement of a two-thirds majority for this purpose might not be wise.

The temporary Secretary General stated that some provision for voting in public sessions was deemed necessary by the Secretariat for the efficient conduct of business and for the

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guidance of the presiding officer. He added, however, that the question did not appear to be urgent since the problem was not likely to arise for some days.

Mr. Fraser suggested that Dr. Evatt consult with the Secretariat regarding this question.

Mr. Stettinius requested that the subject receive further study and that the temporary Secretary General report at the next meeting.

The temporary Secretary General then passed to point V, Languages, and asked for a clarification regarding the use of languages at the plenary sessions. It had been agreed yesterday that addresses in English or French need not be interpreted. The temporary Secretary General suggested that an address delivered in a third language should be interpreted into either English or French according to the preference of the speaker.

Mr. Bidault (France) stated that he had no objection to the suggestion except that interpretation into both languages should be provided if a speaker so requested.

The temporary Secretary General stated that the Secretariat would be so guided.

Mr. Gromyko referred to the decision at the previous meeting that English, French, Russian, Chinese, and Spanish should be the official languages, and asked that the following categories of documents be published in these languages:

1. All proposals presented to the Conference or its subordinate bodies

2. All decisions of plenary sessions, commissions, or committees

3. Summaries or records of meetings of committees or subcommittees

The temporary Secretary General stated that the Secretariat would follow these suggestions. He requested that all documents be submitted to the Secretariat as far in advance as possible and particularly that copies and translations of addresses be submitted at least 24 hours in advance of intended delivery.

The temporary Secretary General then proceeded to point VI and recommended that there be no verbatim transcript of

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proceedings except at plenary sessions and other public meetings and that summaries of deliberations at other sessions be provided by the Secretariat. All documents would be submitted in provisional form to participating delegates and would be circulated in final form after correction to all members of the Conference.

The temporary Secretary General then proceeded to point VII and asked approval for the classification of Conference documents into two categories:

1. Unrestricted, to be furnished to the press and public

2. Restricted, to be available only to delegations and officers of the Conference

Proceedings of open sessions would be in the first category, whereas documents concerning closed sessions would be restricted unless the responsible body directed otherwise.

The temporary Secretary General requested that delegates notify the Secretariat in advance regarding the number of copies of restricted documents required by them.

With regard to point VIII, the temporary Secretary General recommended that:

1. Plenary sessions should be open to the public

2. The principal officers of the Conference should hold regular press interviews

3. In press relations, the Conference should work through its Press Officer

4. Meetings of technical committees and subcommittees should be closed

As to hours of meeting (point IX), the temporary Secretary General stated that plenary sessions would convene at 10:30 a.m. and/or 3:30 p.m.; that commissions and committees would meet from 10:30 a.m. to 1:00 p.m. and/or 3:00 p.m. to 6:00 p.m. Meetings at other hours could be arranged. Unless otherwise decided, sessions would be restricted to the first five business days of the week, and consequently meetings on Saturdays and Sundays should not be a normal procedure.

Mr. Eden stated that he was concerned about the time-table and hoped that some sessions might be held on Saturdays.

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VI. DURATION OF THE CONFERENCE

Field Marshal Smuts (Union of South Africa) stated that he wished to bring up the important question of the duration of the Conference, which gave him great concern. The important events happening daily in Europe and in Asia would have repercussions on the Conference, with the result that many of the most important members of that Conference might be called away.

In view of this possibility, he suggested that the duration of the Conference should be definitely limited. He urged the establishment of a time-table for the duration of the Conference. All commissions should report back their finished work to plenary sessions within two weeks after the start of their operations. It must be assumed that there might be considerable discussion in the plenary sessions, requiring another week. A further week might be necessary before the Conference could end. It was his feeling that the prolongation of the Conference beyond one month would be most unfortunate and hazardous.

Mr. Forde stated that it would be a mistake to fix a definite time limit for the Conference. The governments represented had arranged to give whatever time was necessary to consider the Dumbarton Oaks Proposals and amendments to them. He felt that an announcement at this point limiting the duration of the Conference would be resented in many quarters. Such a limitation might prevent full consideration of amendments. This matter might be considered at a later date after it had been ascertained what progress was made in the first week.

The temporary Chairman stated that although he was sympathetic to the views of Field Marshal Smuts, it was essential to complete the work thoroughly and suggested that the matter might be given further consideration within a few days.

Mr. Faris-el-Khour (Syria) stated that the assignment of the work to commissions and committees might bring the result desired by Field Marshal Smuts. He suggested, however, that the committees should start work as soon as possible, beginning their organization over the coming weekend. In this way the Conference might complete its work by the end of May.

VII. SCHEDULE OF PLENARY MEETINGS
AND PRESIDING OFFICERS FOR APRIL 27 and 28

The temporary Chairman, Mr. Stettinius, announced that

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he had been advised by the Protocol Officer that the rotation in the chairmanshi . of the plenary sessions should not begin until the meeting following that scheduled for 3:30, April 27. At the suggestion of the temporary Chairman, the Committee agreed that there should be a plenary session at 10:30 a.m., April 28, at which Mr. Soong would preside, a plenary session at 3:30 p.m., April 28, at which Mr. Molotov would preside, and a plenary session on Monday, April 30, at which Mr. Eden would preside.

VIII. INTRODUCTION OF PRESS AND PARLIAMENTARY OFFICERS

The temporary Chairman, Mr. Stettinius, introduced to the Committee Mr. McDermott, Press Officer of the Conference, and Mr. Watkins, Parliamentary Officer.

IX. INVITATION TO THE UKRAINIAN SOVIET SOCIALIST REPUBLIC AND THE WHITE RUSSIAN SOVIET SOCIALIST REPUBLIC TO BECOME ORIGINAL MEMBERS OF THE INTERNATIONAL ORGANIZATION

Mr. Molotov said that he had been instructed by the Governments of the Ukrainian Soviet Socialist Republic and of the White Russian Soviet Socialist Republic to make a statement in their behalf.

To facilitate matters, he said, the Soviet Delegation had circulated the text of the statements of the Governments of the Ukrainian Soviet Socialist Republic and of the White Russian Soviet Socialist Republic, together with other information bearing on this matter. At the Crimea Conference a decision had been adopted with regard to the admission of the two Republics as original members of the proposed Organization. Mr. Molotov read the text of this decision as follows:

> "When the conference on world organization is held, the delegates of the United Kingdom and the United States of America will support a proposal to admit to original membership two Soviet Socialist Republics, i.e., the Ukraine and White Russia."

Mr. Molotov proposed that the delegates should support the decision of the Crimea Conference and associate themselves with it. He wished to remind the delegates of the constitutional aspects of this subject. The Soviet Republics are sovereign states. The Constitution of the Soviet Union, as

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well as the Constitutions of the individual Soviet Republics insure to them the right even to leave the Soviet Union whenever they desire to do so. Decisions adopted by the Supreme Soviets of the Ukrainian and White Russian Republics, as well as by the Supreme Soviet of the Soviet Union, granted to the Republics the right to make treaties, to participate in international acts, to take part in international conferences, and to establish diplomatic relations with foreign countries.

Of no less importance, Mr. Molotov continued, was the part which the two Republics had played in the struggle against the common enemy. In this respect, they were unique among the sixteen Republics, for at least one million of the citizens of each of the two Republics were enrolled in the ranks of the Red Army. Their participation in other ways in the war had been the maximum possible. Germany had begun its attack on the Soviet Union by invading the Ukrainian and White Russian Republics and it was they who had borne the major burden of invasion.

Mr. Molotov concluded by restating his proposal that the Committee should approve the decision adopted at the Crimea Conference in favor of admitting the two Republics to original membership.

The temporary Chairman, Mr. Stettinius, said that in conformity with the agreement reached at the Crimea Conference, the United States Delegation endorsed the Soviet proposal for the admission of the Ukrainian and White Russian Republics as original members of the International Organization. In reaching this agreement, President Roosevelt had felt, and the United States still felt, that the importance of the Ukrainian and White Russian Republics in the Soviet Union and the sufferings which they had undergone in the war, as well as their contribution to the war, fully justified their admission to the Organization. He therefore endorsed the motion of Mr. Molotov on behalf of the United States Government.

Mr. Eden stated that he was in entire agreement with the declarations made by the representative of the Soviet Union and by the temporary Chairman. He said he hoped the Conference would feel able to endorse this proposal for original membership of the Ukrainian and the White Russian Soviet Socialist Republics in the Organization.

Mr. Soong stated that while China was not represented at the Crimea Conference, it saw good and weighty reasons why the present proposal of the Soviet Government should be accepted. Therefore, and because of the desire on the part of China for solidarity among the sponsoring governments, the

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Chinese Government consented to endorse the proposal as made by the Soviet Government and supported by the United States and Great Britain.

The Chairmen of the Delegations of Iran, France, Brazil, Czechoslovakia, and Australia also spoke briefly in support of the proposal of the Soviet Government.

Decision

The meeting voted unanimously to endorse the request of Mr. Molotov that the Ukrainian and White Russian Soviet Socialist Republics be admitted as original members of the Organization.

X. PARTICIPATION OF THE UKRAINIAN AND WHITE RUSSIAN SOVIET SOCIALIST REPUBLICS IN THE CONFERENCE

After expressing gratitude to the delegates for this decision, Mr. Molotov asked the Conference to accept the request of the Ukrainian and White Russian Governments that they be invited to participate in the proceedings of the Conference.

Dr. Lleras Camargo (Colombia) expressed his satisfaction with the motion to include the Ukrainian and White Russian Soviet Socialist Republics as founding members but proposed an amendment by which the motion would be referred to the Executive Committee for study. He stated that public opinion had confused the question of the admission of the two Republics to the Organization with the question of multiple voting in the Assembly. He in no way opposed the motion. On the contrary, he hoped that the Committee would approve it with reasoned recommendations which would help to dissipate this confusion. Mr. Molotov agreed, subject to the further amendment that the Executive Committee should submit its report to the Steering Committee by the next day.

There was further discussion by several delegations. Mr. Stettinius pointed out that two plenary sessions of the Conference were scheduled for the next day and suggested that the Executive Committee be asked to submit its report at the next meeting of the Steering Committee. Mr. Molotov stated that he had no objection to this proposal.

Mr. Stettinius submitted a motion that the Executive Committee should report at the next meeting of the Steering Committee on the proposal to invite the Ukranian and White Russian

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Soviet Socialist Republics to become original members of the Organization. This motion was unanimously adopted.

XI. CREDENTIALS

The temporary Secretary General presented a recommendation that a Committee on Credentials be established to report at the next plenary session or as soon thereafter as possible, and suggested that the chairmen of the delegations of Luxembourg, Ecuador, Nicaragua, Saudi Arabia, Syria, and Yugoslavia, or members of their delegations to be designated by them, constitute this Commitee, with the representative of Luxembourg as Chairman.

Decision

There being no objection, the President declared the recommendation approved.

XII. DISCUSSION REGARDING ADMISSION OF POLAND

Mr. Molotov, in support of a statement by Mr. Masaryk, stated that he felt it to be the duty of the Conference to invite a representative of the Provisional Government of Poland to the Conference.

Mr. Stettinius stated that the Government of the United States could not accept the proposal of Mr. Molotov until a new Polish Government had been formed and after it had been established in accordance with the Crimea decision.

Mr. Eden said that the position of the Government of the United Kingdom was identical with that of the United States.

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Mr. Andrade pointed out that Mr. Masaryk had made a statement, not a motion, and suggested that the matter should be referred to the Executive Committee.

The temporary Chairman agreed that no motion had been presented and stated that the various delegates had merely expressed the positions of their Governments.

Mr. Molotov supported the suggestion of the Bolivian delegate.

Mr. Stettinius pointed out that there was no motion before the meeting. Mr. Molotov stated that if there were none, he would present one, that the question of an invitation to the Polish Government should be referred to the Executive Committee.

Mr. Subasic (Yugoslavia) said that only one Ally, Poland, was not represented at the Conference. It had been the first Ally attacked by Germany. He did not understand why the Polish Government and people did not enjoy the same rights as other United Nations. He therefore favored an invitation to the Provisional Government of Poland to participate in the Conference.

Mr. Castro (El Salvador) stated that the rules of procedure had already been agreed upon. He referred to page 13, paragraph 2, of these rules and proposed that this procedure should be followed.

Mr. Molotov stated that this interpretation was not acceptable and hoped that the temporary Chairman would give the necessary explanations. Mr. Stettinius suggested that the matter be referred to the Executive Committee and that a report be made at the next session of the Steering Committee. Mr. Fraser asked how long it would take the Executive Committee to decide whether the Provisional Polish Government was a representative and effective government.

Mr. Parra Pérez (Venezuela) stated that no one questioned that the presence of Poland was desirable at this Conference. He suggested that time be left for the adjustment of this delicate question and proposed adjournment until the parties to the Crimea decision could settle it.

Mr. Molotov suggested that the representative of France might wish to speak.

The temporary Chairman stated his opinion that, until the Polish Government was organized on the basis of the Crimea

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decision, this Conference had no right to consider the matter.

Mr. Molotov stated that he respected the temporary Chairman's rights, but this fact did not restrict his own rights as chairman of the Soviet Delegation. The Crimea decision was binding on the parties thereto. A representative of one of the three states who had made the Crimea decision was entitled to ask the Conference to endorse this decision. In his opinion, no one had the right to disregard this or any other suggestion because it might not correspond to the views of other governments. Therefore, the delegates were free to consider the matter raised by Mr. Masaryk.

Mr. Eden stated that he was in agreement with the language which had been used by the representative of the United States. At the Crimea Conference, the three Governments had come to certain agreements. They had also agreed to work together for the composition of a new Polish Government. He expressed surprise that, before that work had been completed, a suggestion should be made that the Provisional Polish Government should be invited to this Conference. The assertion had been made that the Provisional Polish Government was representative of the people. However, His Majesty's Government, despite its efforts to secure adequate information, had been unable to ascertain whether this was true.

Mr. Fraser said that the question of the reference of this matter to the Executive Committee was before the meeting and must be settled. He said that those who, like himself, felt that discussion of this problem would cause only trouble at this time should vote down the proposal for reference to the Executive Committee. To exclude this subject from the agenda by ruling of the temporary Chairman would not be in accordance with the spirit of the session. The temporary Chairman stated that he had not ruled out anything from discussion but had merely stated the position of the United States Government.

Mr. Molotov said that the Soviet Government, as much as any of those participating in the Crimea decision, was anxious for its implementation. It was, however, clear that the efforts of the Soviet Government alone would not suffice. He hoped, as much as Mr. Eden or Mr. Stettinius, that the three Foreign Ministers would be able to arrive at a solution of the question.

Mr. Molotov asked the members to read the Crimea decision and indicated that they would not find there anything which stated that until the Provisional Government of Poland was

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reorganized it should be debarred from participating in the Conference. The Soviet Government had made public its statement requesting the Governments of the United Kingdom and the United States to invite the representatives of the Provisional Polish Government to the Conference. Up to now these Governments had neither agreed to the proposal of the Soviet Government nor denied its right to raise the question.

Mr. Molotov therefore again suggested that the question be referred to the Executive Committee.

M. Spaak said he was frightened by the methods of work being followed. The proposal that the Ukrainian and White Russian Soviet Socialist Republics be accepted as original members of the Organization had just been endorsed. Then a few minutes later, for reasons which he did not follow, the invitation to these Governments to attend the Conference had been deferred. Thereupon the question of the participation of representatives of the Polish people was raised. He expressed regret that there were no such representatives present and offered a resolution in the following terms:

> "The governments of the United Nations express to the people of Poland their sympathy and their admiration. They hope that the constitution of a Polish Government recognized as such by the sponsoring nations, will make it possible for Polish delegates to come and take part as soon as possible in the work of the Conference."

Field Marshal Smuts said he thought that it was the sponsoring governments which possessed the right to invite other governments to attend the Conference and that other governments should not take it upon themselves to extend invitations to governments not already invited. He mentioned that there were governments in the Western Hemisphere and elsewhere which were not present, and asked if it was proposed to discuss whether they should be invited.

Field Marshal Smuts added that the Conference would end in failure if these delicate diplomatic problems were raised without notice in its deliberations.

Passage of Motion of M. Spaak.

Mr. Molotov said that the Soviet Delegation wished to have a vote on M. Spaak's motion postponed, with a view to changes which might improve it. A temporary Chairman took the sense of the meeting which was favorable to an immediate vote. He then put the motion, and the temporary Secretary General reported 31 ayes and none opposed. Mr. Molotov stated

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that the Soviet Delegation abstained from voting, and he reserved the right to raise the question in the Executive Committee.

XIII. ANNOUNCEMENT OF DECISIONS TO THE PRESS

At the suggestion of the temporary Chairman, the Committee agreed that no announcement of decisions taken at the meeting should be made to the press until after their approval at the plenary session.

XIV. SPEAKERS AT PLENARY SESSIONS

The temporary Secretary General announced that the plan for speakers at the plenary sessions was that each delegation chairman, in alphabetical order, should be offered the opportunity to speak and requested that those chairmen wishing to speak should advise the Secretariat.

ADJOURNMENT

The temporary Chairmen said that there was one item remaining on the agenda, which could be carried forward to another time, and declared the meeting adjourned at 2:35 p.m.

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Discours prononcé par le Premier Ministre du Canada,
le Très Honorable William Lyon Mackenzie King,
à la deuxième séance plénière de la
Conférence de San-Francisco,
le 27 avril 1945.

La Délégation canadienne vient à cette Conférence animée avant tout du désir de collaborer aussi complètement qu'elle le pourra avec les délégations des autres pays à l'établissement, aussitôt qu'il sera réalisable, d'une Charte de la sécurité mondiale.

Cette Conférence se réunit à une époque sans précédent dans l'histoire des affaires humaines. Nous traversons en ce moment une de ces périodes de transition qui suivent l'écroulement d'un ordre ancien. Comme représentant des Nations Unies, il nous appartient d'aider à poser les fondations d'un ordre mondial nouveau. Les buts vers lesquels nous tendons dépassent les limites des races et les frontières des nationalités.

Nous ferons bien d'adapter nos délibérations au rythme rapide des événements. Tandis que le feu de la guerre brûle encore, la possibilité est donnée à cette Conférence de forger et de façonner, sur ce feu même, l'instrument de la sécurité mondiale. L'accomplissement de cette grande tâche ne saurait souffrir aucun retard que l'on puisse éviter. Il nous incombe de donner à l'humanité douloureusement éprouvée l'espoir dont elle a un plus grand besoin aujourd'hui que jamais auparavant. Il nous incombe de contribuer à mettre sur pied une communauté mondiale au sein de laquelle la sécurité sociale et le bien-être des hommes feront partie de l'héritage de l'humanité.

L'appui que nous devons donner aux forces combattantes des Nations Unies doit s'étendre au delà des théâtres de guerre. Il doit dépasser le terme des hostilités. A tous ceux qui ont supporté le poids de la lutte, à la mémoire de ceux qui ont donné leur vie, nous devons d'accomplir tout ce qui est en notre pouvoir pour que leurs services et leurs sacrifices ne restent pas vains.

Dans le passé, l'on commémorait dans la pierre ou le bronze le sacrifice de ceux qui avaient donné leur vie dans la guerre. Le seul monument digne des services

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qui ont été rendus et des sacrifices qui ont été consentis au cours de cette guerre est celui qui aidera à assurer à toutes les Nations des conditions de vie plus larges.

Peut-être cette grande assemblée me permettra-t-elle, comme représentant d'un pays dont les liens avec les Etats-Unis sont si étroits, de dire combien le Canada a ressenti et continuera de ressentir la perte d'un ami aussi cher et d'un voisin aussi excellent que le Président Roosevelt. A ceux, nombreux ici, qui ont joui de son amitié, sa mort a été un deuil profondément émouvant. Aux Etats-Unis, et à l'occasion de ce deuil national, j'exprime une fois de plus la sympathie de toutes les Nations représentées ici.

Mais la mort de Franklin Roosevelt a été plus qu'une perte pour les pays voisins, elle a été une perte pour tous les hommes épris de liberté. Cette perte confère à chacun d'entre nous une responsabilité accrue. Si l'esprit de Franklin Roosevelt anime les délibérations de cette Conférence, son succès est assuré. Le plus bel hommage que les représentants des Nations Unies puissent rendre à sa mémoire consistera à édifier, en unissant leurs efforts, une organisation du monde qui traduira les buts et les idéals de sa vie, un système de coopération internationale qui bannira du globe la menace de guerre et la peur de la guerre.

Je ne saurais exprimer à ceux qui, partis d'autres pays, sont venus dans ce continent, d'espoir plus fervent pour l'avenir de l'humanité qu'en disant que de l'instrument que nous façonnons aujourd'hui il sortira peut-être des relations entre toutes les nations semblables à celles qui depuis des générations ont été le patrimoine commun du Canada et des Etats-Unis.

Je me permettrai encore une autre allusion d'ordre personnel. Tous les délégués ici présents s'associeront à l'espoir exprimé par M. Stettinius que M. Cordell Hull voie sa santé suffisamment rétablie pour prendre part à nos délibérations avant la clôture de la Conférence. Le nom de M. Hull sera toujours évoqué lorsqu'il sera question des origines de l'organisation de la sécurité mondiale. Les années qu'il a consacrées à la cause de la liberté mondiale, sa grande sagesse politique, le courage dont il a fait

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preuve lorsqu'il a entrepris, à son âge, le pénible voyage de Moscou en 1943, et la large part qu'il a prise dans l'élaboration des propositions soumises à notre examen lui ont acquis une place durable parmi les fondateurs des Nations Unies.

Les travaux de cette Conférence ont été grandement facilités par les études préparatoires effectuées à Dumbarton-Oaks et à Yalta par les Puissances invitantes. Nous pouvons tous nous réjouir de ce que les grandes Puissances aient abouti à des propositions coordonnées en vue d'une organisation mondiale de la sécurité. C'est là un grand pas en avant, une contribution considérable apportée d'ores et déjà à l'instauration et au maintien de la paix mondiale.

Le développement rapide de la situation sur les fronts de guerre ainsi que les lourdes exigences auxquelles doivent satisfaire tous ceux qui sont représentés à San-Francisco, font qu'il est extrêmement souhaitable de s'atteler sans délai à l'examen détaillé des propositions soumises à la conférence.

Il n'entre pas dans les intentions de la Délégation canadienne de présenter, en session plénière, des amendements précis à ces propositions. Notre Délégation fera connaître son point de vue en temps et lieu lorsque seront abordés les divers points à l'ordre du jour. La seule préoccupation qui inspirera les amendements que nous pourrions proposer ou appuyer à un stade ultérieur sera d'aider à la création d'une organisation qui, au cours des années et des décennaires à venir, sera assez forte et assez souple pour résister à tous les efforts auxquels elle pourra être soumise.

Nous ne serons pas guidés par des considérations d'orgueil ou de prestige national et ne rechercherons pas des changements inspirés par de tels motifs. Nous reconnaissons que le pouvoir et la responsabilité doivent aller de pair et que la sécurité internationale dépend en premier lieu du maintien, du côté de la paix, d'une prépondérance écrasante. Toutefois, la puissance n'est pas concentrée exclusivement dans les mains de quatre ou cinq Etats quels qu'ils soient, et la Conférence ne doit pas agir comme si telle était sa pensée. Pareille position serait non

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seulement en contradiction avec les faits, tels qu'ils sont apparus au cours des cinq dernières années, elle serait encore néfaste à la cause de la sécurité elle-même. Elle stimulerait, en effet, dans nombre de petits pays, la formation d'un nouveau type d'isolationnisme - procédant du sentiment que la tâche de maintenir la paix peut être laissée aux seules grandes Puissances. S'ils cédaient à cette idée, les petits pays auraient plus de peine à apporter leur contribution. Or, l'expérience a montré que la part des petits pays n'est pas négligeable, soit qu'il s'agisse de préserver la paix, soit qu'il s'agisse de la rétablir lorsqu'elle a été troublée.

Le peuple du Canada est fermement résolu à accomplir tout ce qui est en son pouvoir pour que le monde ne soit pas submergé une troisième fois par une marée de sauvagerie et de despotisme.

C'est la raison pour laquelle notre Parlement a approuvé à une majorité écrasante l'acceptation de l'invitation faite au Canada de participer à cette Conférence. C'est la raison pour laquelle notre Parlement a accepté que les propositions des Puissances invitantes fussent considérées comme une base générale satisfaisante pour la discussion de la Charte envisagée. C'est la raison pour laquelle la Délégation canadienne a reçu du Parlement le mandat de s'employer de son mieux, au sein de cette conférence, pour aboutir à un accord visant l'établissement d'une organisation de sécurité mondiale. L'unanimité de notre pays sur ce point a pour critère la composition de notre Délégation, dont les Membres ont été choisis alors que notre Parlement était en session. Ils ont été pris dans les deux Chambres et dans les deux ailes de chaque Chambre. Ils représentent toutes les nuances importantes de l'opinion canadienne.

En conclusion, il me sera permis d'exprimer ma ferme conviction que l'esprit dans lequel nous abordons la grande tâche confiée à cette Conférence conditionnera son succès. Chaque nation devra se rappeler que "par-dessus toutes les Nations il y a l'humanité". Chacun de nous devra se rappeler que "la justice est la préoccupation commune de l'humanité". Ces années de guerre nous ont sûrement enseigné cette leçon suprême que les hommes et les nations ne sont pas faits pour poursuivre des fins nationales égoïstes, qu'il s'agisse de se défendre individuellement ou de dominer individuellement le monde. Partout les nations doivent s'unir pour sauver et servir l'Humanité.

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The United Nations Conference on International Organization

Doc. 14 (English)
G/9
April 27, 1945

C234580

ORDER OF THE DAY

April 27, 1945

Time	Body	Room	Remarks
10:30 a.m.	Chairmen of the delegations	Veterans Building	The chairmen of the delegations will meet to consider further the organization of the Conference
3:30 p.m.	Plenary session	Auditorium of the Opera House	The Second Plenary Session will receive and act upon the report of the meetings of the chairmen of delegations
			Statements will be made by the chairmen of delegations desiring to speak. If the presentation of these statements is not completed at this plenary session, it will be continued at the next plenary session

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The United Nations Conference on International Organization

Doc. 15 (ENGLISH)
P/3
April 27, 1945

C234581

PLENARY

VERBATIM MINUTES OF THE FIRST PLENARY SESSION

Opera House, April 26, 1945, 3:48 p.m.

MR. STETTINIUS: Ladies and Gentlemen, the first Plenary Session of the United Nations Conference on International Organization is hereby convened. The Chairman of the Delegation of Chile has asked permission to speak for a moment on a very special purpose.

His Excellency, the Minister of Foreign Affairs of Chile:

SR. FERNANDEZ Y FERNÁNDEZ (through translator): The delegation of Chile has received the highest honor--that of representing the sister republics of Latin America--to request of this assembly an homage in memory of Franklin Delano Roosevelt.

The life of a great man is like the seed of an unknown tree. During his days on this earth we see its branches and flowers that may be splendid and modestly fragrant. The waters of death sometimes enhance this splendor into glory and season its fruits with intense flavor and beauty. Roosevelt has been a powerful tree of magnanimous and firm fruits and flowers, strong within the heart of this great people, and his foliage extends over the entire world. His death has been only a streak of lightning that has destroyed the mere form, the mortal form. Although sorrow weighs upon us for his apparent disappearance, we affirm that Roosevelt goes on in all parts of the earth. His death is as a strong light that sheds its light always with greater clarity--the light of a great statesman and a great leader of peoples.

His spiritual work begins to grow and to spread throughout the earth. It is we, the United Nations, who have the solemn duty to be faithful to this noble heritage.

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Roosevelt, the humanitarian, asks us to give humanity peace. It is we, the countries of this continent, who are his spiritual sons directly, must carry this heritage, maintaining firmly his creed of good neighborliness in this continent, as well as through the concert of nations.

It is therefore fitting that the American republics present at this occasion to the Conference the following declaration:

"The Latin American republics invite all the other United Nations represented at this Conference, in homage to the memory of Franklin Delano Roosevelt, to express the aim of bringing to a fitting and perfect consummation his work as a leader of democracy, as the initiator of the Good Neighbor policy, and as the inspirer of a world organization for the maintenance of peace through the rule of justice."

I beg the assembly to express its approval by standing and remaining silent for one moment.

(Standing; silent meditation)

MR. STETTINIUS: May I, on behalf of the Government and the people of the United States, express to you our very deep appreciation and our profound gratitude for this tribute to President Roosevelt.

I know that the spirit of this great man will always be an inspiration to our united efforts now and in the days to come, to establish and maintain lasting peace.

The heads of the delegations met this morning for the purpose of recommending the organization of the Conference. The meeting has not yet completed its work and will convene again tomorrow morning at 10:30. Tomorrow's plenary session that was scheduled will therefore be postponed until the afternoon. At this afternoon's session the heads of delegations, beginning with the sponsoring countries, will address the Conference.

At this time I should like to make a brief statement in behalf of the United States Delegation.

Three years ago the forces of tyranny and aggression seemed on the very point of conquering the world. Today, on every front, they are face to face with defeat--utter and complete defeat. It has taken years of toil and sacrifice to bring us to this moment. But the doom of the aggressor nations was sealed long ago. It was sealed in Washington on January the first, 1942, when the United Nations Declaration was signed.

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Our enemies could conquer only by keeping us divided. Instead, we confronted them with a free and a voluntary association of nations united in purpose and without equal in human and material resources. This unity neither force nor subterfuge has broken. Against the common will and the common strength of the United Nations our enemies have hurled their propaganda and their armed might in vain.

For centuries to come men will point to the United Nations as history's most convincing proof of what miracles can be accomplished by nations joined together in a righteous cause. It is a unity achieved in spite of differences of language and custom, of cultural tradition, and of economic structure. It is a unity which proves that no differences of race or color or creed or history or geography can divide the peoples united in a higher community of interest and purpose.

Our first objective has been the defeat of our enemies. But from the beginning the United Nations have pursued another objective, one which is equally necessary to each one of us. It is the objective which gives ultimate meaning to all the sacrifice and the suffering of these tragic years.

We are united not only for survival, not only for military victory. We are united above all in the necessity to assure a just and an enduring peace in which the peoples of the world can work together to achieve at last freedom from fear and from want.

We have made a better beginning for the fulfillment of this purpose than nations have ever made before. For this purpose the responsible leaders of our nations and their representatives have met in Moscow and in Tehran, in Cairo, in Quebec, at Dumbarton Oaks, and in the Crimea.

Because of our common understanding that economic security goes hand in hand with security from war, United Nations conferences were held in Atlantic City, Hot Springs, and Bretton Woods on cooperative measures for relief, to meet common problems of food and agriculture and to prepare the financial basis for economic reconstruction and an expanding world economy in the post-war world.

At Mexico City the Inter-American Conference on Problems of War and Peace strengthened the ties between the republics of the Western Hemisphere and prepared the way for a close integration of the inter-American system with the world organization.

Yes, the United Nations have long been at work together on many preparations required in building the structure of a lasting peace. Here at San Francisco we have come to the

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decisive point in these preparations. The purpose of this Conference is to prepare the charter of an international organization to maintain peace with justice in a free world of free men.

I believe that it was wise, and indeed a necessary decision, to limit the work of this Conference to that great task. It was a wise decision because writing the constitution of a world organization for the maintenance of peace in the future is a task wholly separate from the punishment of the international gangsters who started this war. It was a necessary decision because the establishment of the world organization must be kept above and apart from the peace settlements if the organization is to be able to deal freely and justly with future threats to the peace that may arise from any cause, including these settlements.

The preparation of the charter of the world organization should not, therefore, be entangled with the many and the complex political and economic issues involved in the defeat of Germany and Japan. And the imminent collapse of organized German resistance makes it all the more important that the world organization be established at the earliest possible moment.

To deal with these and other issues there will have to be many other conferences and many other decisions, both national and international. We have no time to lose.

Success at this Conference will not in itself assure enduring peace. The whole structure will take years to build. But without agreement on a charter of world organization, the structure of peace cannot be built at all. A house cannot be built without a plan or without a foundation; and here at San Francisco the United Nations must draw the plan and lay the foundation.

Upon this foundation and in accordance with this plan, the framework of the structure will be erected when the United Nations have ratified the charter by their respective constitutional processes and brought the world organization into being. It is only around this framework that we can complete the structure of peace with all the other agreements on political, economic, and social problems which we must reach together. At this Conference we have therefore undertaken a responsibility on which all else depends. We have undertaken to draw up a charter of an international organization strong enough to prevent war but flexible enough to allow for peaceful development and change.

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The outlines of such a charter are contained in the proposals formulated at Dumbarton Oaks last fall by the representatives of the Republic of China, the Union of Soviet Socialist Republics and the United Kingdom and the United States of America.

These proposals were formulated after years of preliminary study. They represent in their essentials the highest common denominator of thought among the four sponsoring nations. They are being presented to this Conference as affording the basis of the charter of an international organization.

The proposals were submitted months ago to the most searching examination by the Governments and the peoples of all the United Nations. Since then many constructive suggestions have been made toward their improvement. Some of these suggestions, and others which may emerge from our discussions here, will undoubtedly be reflected in the final draft of the charter, and the charter itself should be open to whatever later amendment experience may dictate as wise.

We must always bear in mind, however, that there are at least two conditions essential to the establishment of a world organization which can successfully maintain peace. One of these conditions is that those peace-loving nations which have the military and the industrial strength required to prevent or suppress aggression must agree and act together against aggression. If they do not agree and act together, aggression cannot be prevented or suppressed without a major war. This fact has certainly been spelled out by our experience in this war. That is why the first step toward the establishment of the world organization was to prepare proposals on which the nations sponsoring this Conference could agree, and this is why in the structure and the powers of the Security Council of the world organization proposed in the Dumbarton Oaks plan, provision was made for this essential agreement and unity of action by the major nations. Without this we cannot hope to build a world organization which will provide security to all nations, large and small. Without this we cannot hope to develop enduring institutions in which all free nations may participate on a basis of sovereign equality and in which justice and respect for law will apply to the powerful as well as to the weak.

The second essential condition of success in our endeavor is the voluntary cooperation of all peaceful nations, large and small, acting with full respect for the equal sovereignty of each to promote justice among nations, to foster respect for basic human rights, and to solve these common problems upon which the security and the economic and the social

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advancement of their peoples so largely depends. There can be no end to the tyranny of fear and want unless the proposed world organization commands the allegiance of both the mind and the conscience of mankind.

The International Court, the Assembly, and the Economic and Social Council and its related agencies are the institutions proposed at Dumbarton Oaks which would have the major responsibility in these fields. They are of the utmost importance. Wide-spread economic insecurity and poverty, ignorance and oppression breed conflict and give aggressors their chance.

Measures for security against aggression, no matter how effectively contrived, will not alone provide the assurance of lasting peace. We have also to work effectively in close cooperation together toward rising standards of living and greater freedom and greater opportunity for all peoples of every race and creed and color.

In the preparations for this Conference we have sought from the beginning to build with vision and with justice, but to build always upon the realities and upon hard-won experience. To build upon a millenial idealism, however fine in theory, would be to build upon quicksand. To build only on the collaboration and interests of the major nations would be to deny the community of interest of all nations. We have sought instead to insure that the strength of the major nations will be used both justly and effectively for the common welfare--under the law of a world charter in which all peaceful nations are joined together.

We began by seeking a common understanding among the sponsoring nations on basic objectives and on the essential machinery for action. These are the nations which have united their strength against the aggressors so successfully in this war. We proceed now in seeking agreement among all the nations, large and small, which have been united against the common enemy.

This is a conference of the United Nations, the nations that love peace and freedom enough to fight for them. The international organization we seek to build is one that is based upon this inescapable fact of our time, that peace and security will be the right of those nations which are willing to share in the responsibility for keeping them. Tyranny and barbarism have never recognized neutrality and they never will.

We do not intend to build a world organization that will overlook this cardinal fact. We do propose that after it is established the organization be opened to membership of all

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other nations which have demonstrated their willingness and their ability to fulfil their obligations under the charter.

I have reviewed briefly the preparations for this Conference and our thinking on some of the major problems that we must here meet together. We cannot expect at this Conference to produce a charter which will answer all the questions and resolve all the problems. No charter and no constitution, no basic document was ever drafted that was not open to improvement.

We Americans have a convincing proof of that in our own history. Our Constitution, under which this Republic has grown and prospered for a hundred and fifty years, was by no means satisfactory to all the citizens when it was issued from the Constitutional Convention in Philadelphia in 1787, or even satisfactory to all the delegates to that Convention. It lacked many provisions which numerous Americans of that day believed to be essential; yet it was adopted by the requisite number of states in 1789. Only four years after the Constitution was written, the first ten amendments went into effect, and eleven other amendments have been made since then. What was true of the thirteen states which joined to form the United States of America is true also of the nations which have met at this Conference to consider the proposed organization of the world for peace and security.

Let us construct a charter of the world organization as soundly as we can, but let us not sacrifice approval to perfection. Let us act now in the sure knowledge that our work can be improved upon with time, but that if we fail to act, we are likely to lose altogether the opportunity which has been given to us to prevent another world war.

Fellow Delegates, as we enter upon our great task we cannot forget the millions of men of our armed forces who have given their lives in this cause, nor the other millions of men, women, and children who have suffered the cruel agonies of starvation, of torture, and of death. We cannot forget the untold destruction that has been wrought, nor can we forget how close our whole civilization has come to utter ruin. It is our supreme responsibility at this Conference, and afterwards, to see to it that this calamity never again falls upon the world.

Vision we must have to see clearly that without peace and security for all nations there will be no peace and security for any one of us. Courage we must have to carry us through trying delays and temporary misunderstandings and lesser differences to the fulfillment of our common purpose. Faith we must have in the ability of mankind to make peace with the same resolute devotion that the United Nations peoples have given to fighting this war.

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That vision and that courage and that faith inspired the great American leader whose life was given for the cause for which we have met, Franklin Delano Roosevelt. It is only with such vision and courage and faith, expressed in a thousand different ways, that the United Nations have been able to travel so far along the hard road to final victory. It is only with this vision and this courage and this faith that we shall make peace secure for ourselves and for succeeding generations.

Ladies and Gentlemen, I now recognize His Excellency, the Minister for Foreign Affairs of the Republic of China and Chairman of the Delegation of the Republic of China, Dr. T. V. Soong.

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MR. SOONG: Mr. Chairman, Fellow Delegates: I wish first of all to speak of China's regard for the memory of Franklin Delano Roosevelt and I do this with deep emotion. To us he was not only the first citizen of the United States but also an inspired leader of the world, passionately devoted to the cause of peace and justice among nations. His vision and faith, his statesmanship and courage have brought the victory of the United Nations within sight. He embodied the ideals and hopes of the peoples everywhere. He was rightly regarded as the leading proponent and architect of a durable system of peace which was to crown our joint efforts in the present struggle. Only a fortnight ago he was still actively guiding the work of preparation for this great Conference. Although he has left us, his work will continue to guide us. In tribute to his memory and in recognition of all that he has done for us, let us concert our efforts and complete that important task ahead in the fullest measure.

China, perhaps more than any other nation, understands the necessity for the success of this Conference; for it is now universally recognized that a second world war had started when the Japanese invaded Manchuria in 1931, thus depriving China of 30,000,000 of her people and of the rich natural resources so essential to her national existence.

Twice in our generation it has been necessary to mobilize the world's resources of men and material to arrest tyranny and preserve freedom. Twice in our generation we have had to learn by bitter experience that in an interdependent world, war cannot be localized or peace isolated. Twice in our generation we have lost lives in tragic numbers and treasure in prodigious volume that could have been saved if peace-loving nations had united when peace was first threatened, instead of waiting until aggression had engulfed half the world in flames.

In the fourteen years of savage warfare since 1931, China has endured every misery that the aggression of a major predatory power can impose. We sought by all means which were then available, in the existing state of international organization, to obtain redress. Inescapably we learned that there was no hope of ultimate safety for any nation without a really effective system of collective security. Therefore, at the very inception of the idea of the United Nations, President Chiang Kai-shek advocated the early setting up of an executive council of the United Nations, since without such an authority a world order cannot function.

Let us face hard facts. A long effort is required of all of us before an effective rule of law is established in world affairs. We in China know it by bitter experience.

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The rule of law was to have been defended by the old League of Nations; but it was disregarded, as we learned to our cost, despite the most solemn covenants entered into by would-be defaulters.

Why did collective security under the League finally fail to the point that none of the belligerents who were permanent members of the League's Council invoked the Covenant at the outbreak of this terrible war? Because much of the real power in the world was not present in the League. The United States was not a member; the Soviet Union's voice was not always heeded; and China was only occasionally represented on its Council; while Japan, Italy, and Germany were allowed simply to resign after committing acts of aggression with complete impunity.

Today it is different. Today victory is the result of the cumulative efforts of collective security in action. Germany and Japan are to be kept powerless to do harm. The United States and the Soviet Union are now among the chief artisans of the new international order, and their overwhelming strength will be joined with that of the other powers to back it. Its authority will be upheld by all the powerful nations of our day.

-To insure the fulfillment of our aims for effective international organization we must lose no time. We must not leave this Conference without having arranged for the setting up of a new international organization.

The Council will have to deal with security arrangements as varied as the requirements of the situations to be met. There will be problems of what security forces are to be maintained, of manpower, of industrial organization, of military equipment, of security bases under the aegis of the United Nations, and also vital problems of economic recovery and development on which the life of every nation depends.

If there is any message that my country, which has been one of the principal victims of aggression and the earliest victim, wishes to give to this Conference, it is that we must not hesitate to delegate a part of our sovereignty to the new international organization in the interests of collective security. We must all be ready to make some sacrifices in order to achieve our common purpose. Among nations, no less than among individuals, we must forthwith accept the concept of liberty under law.

We of the Chinese Delegation come from a part of the world with teeming populations whom the cataclysm of this war has stirred to the very depths of their souls. They have witnessed the rise and fall of mighty empires; they have gauged,

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by the precepts of their own philosophies, the depth of villainies perpetrated by the exponents of brute force, and they have appreciated fully the majestic surge of the power of free men joined in comradeship; and they now strive ardently to attain the common goal of human liberty within a commonwealth of free people.

MR. STETTINIUS: The Chair now recognizes His Excellency, Mr. V. M. Molotov, People's Commissar for Foreign Affairs and Chairman of the Delegation of the Union of Soviet Socialist Republics.

(Address by Mr. Molotov in the Russian language.)

MR. STETTINIUS: Mr. Molotov's address will now be translated in English by Mr. Pavlov.

MR' MOLOTOV (through interpreter): Mr. Chairman, Ladies and Gentlemen:

On instructions of the Government of the Union of Soviet Socialist Republics, I should like at the very beginning of my speech that I am making on behalf of the Soviet Delegation at this historic Conference, to express my deep gratitude to the Government of the United States of America, and to Secretary of State Mr. Stettinius personally, for the immense amount of work of preparation carried out by them prior to this Conference, and also for the excellent organization of the Conference of the United Nations. At the same time, I should like to seize this opportunity to express on behalf of the Soviet Delegation my most sincere gratitude to Mr. Lapham, Mayor of San Francisco, for the cordial hospitality extended to my Delegation in San Francisco.

Ladies and Gentlemen, the Soviet Government attaches a great importance to the international conference in San Francisco.

The end of the war has drawn near, at least in Europe. The rout of Hitler-Germany, the principal aggressor in this war, has become a fact. The time has come to take care of the post-war period of the future. This Conference is called upon to consider the question of setting up an organization to protect the general peace and security of nations after the war. This clearly shows how great is the responsibility resting upon this Conference.

Today as well as on many other occasions, we must remember the great name of President Franklin Roosevelt. His services in this struggle for the achievement of a lasting peace, and in the preparation of this historic Conference,

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have met with a wide recognition among all the peace-loving nations. The Second World War by far exceeded the First World War in the magnitude of military operations and the size of the armies involved, and in lives lost, as well as in the unusually severe consequences for the life of many peoples.

Hitler-Germany which started this war did not shrink from any crimes in trying to impose her domination in Europe and to pave the way to the world domination of German imperialism. Mass murders of children, women, and old men, the extermination of nations in their entirety, the wholesale destruction of peaceful citizens who were not to the liking of Fascists, the barbaric destruction of culture and of unruly men, prominent in culture and the destruction of many thousands of towns and villages, the dislocation of economic life of nations, and incalculable losses, all this cannot be forgotten.

In the past German Fascism not only openly prepared its armies and armaments for a piratic attack on peaceful countries, but Hitlerism cynically adjusted the ideology of many millions of people in its country for the purposes of achieving domination of a foreign nation.

This purpose was also served by the illiterate misanthropic theories on the German master race, in whose services foreign nations were supposed to be. Long before the direct attack on its neighbors, Hitlerism openly prepared for a criminal war, which it started at the moment of its own choosing.

As it is well known, Hitlerism found unscrupulous henchmen and sanguinary accomplices. It is also well known that when German Fascism, which had made an easy tour of all Europe, invaded the Soviet Union, it faced an unflinching adversary.

The country of Soviets, which has saved the European civilization in bloody battles with German Fascism, with good reason reminds now the governments of their responsibility for the future of peace-loving nations after the termination of this war. This is all the more necessary to do, that before this war the warning voice of the Soviet Republic was not heard with due attention. This is no time to explain at length why this happened. It cannot be proved that there was no desire to prevent the war. It has been fully proved, however, that the governments which claimed once the leading part in Europe manifested their inability if not reluctance to prevent the war, with the consequences of which it will be not so easy to cope.

The Conference is called upon to lay the foundations for the future security of nations. It is a great problem which it has been, thus far, impossible to solve successfully. Anybody knows that the League of Nations in no way coped with these problems; it betrayed the hopes of those who believed in it.

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It is obvious that no one wishes to restore the League of Nations with no rights and powers which did not interfere with any aggressor preparing for war against peace-loving nations, and which sometimes even lulled outright the nations' vigilance with regard to impending aggression. The prestige of the League of Nations was especially undermined whenever uncoremonious attempts were made to turn it into a tool of various reactionary forces and privileged powers.

If the sad lessons of the League of Nations have to be mentioned now, it is only in order that past errors may be avoided which must not be committed under the sign of new and profuse promises. It is impossible, however, to count indefinitel on the patience of nations if the governments manifest their inability to set up an international organization protecting the peaceful lives of peoples, their families, their young generations, against the horrors and hardships of new, piratic, imperialist wars.

The Soviet Government are a sincere and a firm champion of the establishment of a strong international organization of security. Whatever may depend upon them and their efforts in their common cause of the creation of such a post-war organization of peace and security of nations will be readily done by the Soviet Government.

We will fully cooperate in the solution of this great problem with all the other governments genuinely devoted to this noble cause. We are confident that this historic aim will be achieved by joint efforts of peace-loving nations in spite of all the obstacles in the way of this achievement.

This work which was carried out at Dumbarton Oaks last year--and which is well known to all of us--is an important contribution to this cause. Representatives of the United States of America, Great Britain, China, and the Soviet Union, worked out there such principles of the international security organization as will constitute an important basis for the international organization of a new type.

Quite recently, at the suggestion of the late great President Franklin Roosevelt, the Crimean Conference made important supplements to this draft. As a result, this Conference has a sound basis for successful work, naturally, that the new organization of international security will be built upon the foundation laid by the United Nations in this war.

It is well known that in Europe in the straining struggle against the common enemy, a great coalition of democratic powers was formed. The formation of Anglo-Soviet-American coalition insured the rout of German Fascism and its henchmen. The other nations of Europe, led by this coalition, have been fighting

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for their liberation. The coalition of great powers, with their inflexible will to defend their national interests and to promote the liberation of all the other nations which fell victim to sanguinary aggression, is consummating the task of defeating the enemy of all the United Nations. This coalition would accomplish it because it was conscious of its historic mission and because it possessed immense manpower and material resources which were invariably used in the interests of the struggle against the enemy.

But we must always bear in mind that prestige acquired is easily wasted. If we forget certain elementary things, such as the lessons of the League of Nations, all the lessons of this war in which the democratic nations rallied against an imperialist power--which considered itself master of Europe and which intended to impose its will--will lie on the whole world. This coalition was forged in the fire of struggle and rendered a great service to the cause of the United Nations. It must be admitted that the presence in this coalition of such a country as the Soviet Union, where relations between great and small nations are based on equality and true democracy, is of extremely great importance.

On the other hand, it is impossible to overrate the active part played in this coalition by the United States of America, which formerly remained aloof from the problems of international organization and which is now devoting to this cause its initiative and enormous international prestige.

This coalition would have been enarly impossible without Great Britain, which holds an important place in the international association of democratic countries. China in Asia and France in Europe are the great nations which strengthened this coalition as a powerful world factor in the post-war period as well.

If the leading democratic countries show their ability to act in harmony in the post-war period as well that will mean that the interests of peace and security of nations have received at last a firm basis and protection. But that is not all. The point at issue is whether other peace-loving nations are willing to rally around these leading powers to create an effective international security organization, and this has to be settled at this Conference in the interests of the future peace and security of nations.

An international organization must be created having certain powers to safeguard the interests of the general peace. This organization must have the necessary means for military protection of the security of nations.

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Only if conditions are created such as will guarantee that no violation of the peace or the threat of such a violation shall go unpunished, and the adoption of necessary punitive measures is not too late, will the organization of security be able to discharge its responsibility for the cause of peace. Thus, the point at issue is the creation of an effective organization to protect the general peace and security of nations for which all the sincere partisans of the peaceful development of nations have long been yearning but which has always had numerous irreconcilable enemies in the camp of the most aggressive imperialists. After innumerable sacrifices borne in this war and after suffering and hardships experienced in these past years, the urge of nations for the establishment of such an organization is especially strong.

The opponents of the creation of such an international organization have not laid down their arms. They are carrying on their subversive activities even now, though in most cases they are doing it in a latent and veiled form. For these purposes they frequently use ostensibly the most democratic watchwords and arguments, including the professed protection of the interests of small nations or of the principles of the equity and equality of nations. But in the end it is not important what reasons of protection have been used to disrupt the establishment of an effective organization of the security of nations.

If even now no such an effective organization is created to protect the post-war peace, this will be another indication of the inability to cope with these great problems by means of the forces available. But that will not prove that the necessity for such an organization has not yet arisen and that such an organization will not be set up ultimately.

We must not minimize the difficulties involved in the establishment of the international security organization. With our eyes closed we shall not be able to find the road. We must warn of these difficulties in order to overcome them and, avoiding illusions, to find at last a reliable road to march along toward the achievement of the noble objectives.

As far as the Soviet Union is concerned, I should like to assure the Conference at this time that in our country the whole people are brought up in the spirit of faith and devotion to the cause of setting up a solid organization of international security.

I should like also to assure the Conference that the Soviet people will readily heed the voice, wishes, and suggestions of all the sincere friends of this great cause among the nations of the world.

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You know that there are millions of people in the Soviet Union who know how to defend to the last with arms in hand their Motherland. At the same time, it is especially in our country of the Soviet that the people are devoted with all their hearts to the cause of the establishment of a durable general peace and are willing to support with all their forces the efforts of other nations to create a reliable organization of peace and security.

I wish you to know that the Soviet Union can be relied upon in the matter of safeguarding the peace and security of nations. Our peaceful people, the Soviet Government, the Red Army, and our great Marshal Stalin are inflexibly supporting this great cause. It is the most important task of the Delegation of the Soviet Government to express the sentiments and thoughts of the Soviet people.

I conclude my speech by expressing the heartfelt wishes for our joint success in the work of the Conference.

(Translation of Mr. Molotov's speech into French.)

MR. STETTINIUS: My friend, may I interrupt just one moment to say that after Mr. Molotov's speech is translated into French, Mr. Anthony Eden will speak.

I beg your pardon.

(Translation of Mr. Molotov's speech into French.)

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MR. STETTINIUS: Ladies and Gentlemen, the Chair now recognizes the Secretary of State for Foreign Affairs, the Chairman of the Delegation of the United Kingdom, Mr. Anthony Eden.

MR. EDEN: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: No more suitable setting could have been found anywhere for this assembly than the splendid city of San Francisco, one of the main centers of the United Nations war effort--San Francisco, whose confidence in the future is only equalled by its sense of comradeship today. Our deep gratitude, Sir, is due to the city itself and to the whole State of California, which with traditional hospitality has opened its gates to us, and also to the Government and the people of the United States who in a wider sense are our hosts at this momentous function. We thank you, Sir, and through you all those who have helped to organize this Conference, for the labor which they have given so generously in the common cause.

Sir, we are met here in the shadow of a grievous loss. No one can speak in this assembly without recalling Franklin Roosevelt, the friend of free people, the good neighbor. He looked forward to continuing in peace that close association of the free nations which has brought us to the very edge of victory and from which the meeting today has sprung. It was he who named them the United Nations and we shall best honor his memory by proving ourselves worthy of that proud title.

Sir, let us be clear about the purposes of this Conference. We are not here to draft the terms of a treaty of peace. We are met to agree to set up a world organization which will help to keep the peace when the victory is finally won as it will be over both Germany and Japan.

There have been moments in history when mankind has tried by the creation of some international machinery to solve disputes between nations by agreements and not by force. Hitherto, Sir, all these endeavors have failed. Yet no one here doubts that despite these earlier failures a further attempt must be made and this time we must succeed.

All the causes, and there were many, which made some form of international machinery desirable after the last war make it indispensable today. In the last hundred years, and especially in the last twenty-five years, the discoveries of science have served to enrich and sometimes to endanger the world but above all to contract it. We have entered an age, and we would do well to remember it, when no national barrier, whether mountain or ocean, can guarantee security against the new weapons which science has placed at the disposal of mankind.

This hard fact is now biting deeply into the consciousness of all peoples, and they are, as I believe, ready to accept its

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implications and to shoulder the responsibilities which it imposes. Therein, Ladies and Gentlemen, lies the main difference between today and the lost opportunities at the end of the last world war. Today this fact is patent to all. No one will dispute it.

Whether we will or not, we are all now one another's neighbors. San Francisco is as close to Berlin or to Tokyo now as New York was to Washington a hundred years ago. The world of today is one large city, and our countries are its several parishes. We are the citizens. Either together we must find some means of ordering our relations with justice and fair-dealing, while allowing nations great and small full opportunity to develop their free and independent life--either we must do that--or we shall soon head for another world conflict which this time must bring utter destruction of civilization in its trail.

Ladies and Gentlemen, it is no exaggeration to say that the work which we are starting on here in this meeting may be the world's last chance. That is why the Governments of the four countries who sponsored the invitation to this Conference asked their representatives to meet together and to work out proposals which might later form the basis of an international agreement. They did so at Dumbarton Oaks. Their work was examined and was completed in the Crimea. The final outcome is now before you, and now, Sir, there are one or two brief observations about these proposals which I would make.

In the first place, these proposals admittedly constitute a compromise. In the second place, they do not constitute an attempt by the four powers to dictate to the rest of the world what form the future world organization should take. They are suggestions which we present to you--which unitedly we present to you--for your consideration. Nor, Sir, are they intended to stand unchanged until the end of time. For our part, His Majesty's Government in the United Kingdom are prepared to accept and endorse them, to do their best to give them life because we believe that they can form a basis for a future world organization which will help to provide us with that security which is today mankind's greatest need. But, Ladies and Gentlemen, security is not itself a final end. It is indispensable if we are to make true freedom possible; not otherwise can we hope to realize a world in which justice for nations as well as for individuals can prevail.

But, Ladies and Gentlemen, this security cannot be created in a day nor by any documents, however admirable. It must be the product of time and of constant effort, of learning to work together, of practicing and upholding accepted standards of international conduct.

The important thing is to begin now. Now here, Sir, let me sound a note of warning and make a suggestion. Let me say how

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emphatically I agree with your words of a short while ago. Let us not at this session attempt too much. We cannot hope here to produce a complete scheme, perfect in all its elaborate details, for the future ordering of the world under all possible circumstances. I am persuaded on the contrary that we shall be wise to set ourselves a goal more within the compass of our immediate possibilities. We shall have taken the indispensable first step. If we can now draw up a charter within the framework of our principles, the details can then be left to be filled in in the light of experience.

Well I know that what I have said just now is essentially an Anglo-Saxon conception, and I am conscious that there are others here and that therefore this conception may be challenged by others; but, Sir, I am convinced that in this particular case it is right, and I will claim that its merit is capable of proof by reference to historical facts.

Now, Sir, let me make a brief reference to the Proposals themselves. They impose obligations equally on all of us, on every power here represented. But I am conscious that a special responsibility lies on great powers in these days when industrial potential is so decisive a factor in military struggle.

Now, Sir, great powers can make a two-fold contribution. They can make it by their support of this organization. They can make it also by setting themselves certain standards in international conduct and by observing those standards scrupulously in all their dealings with other countries.

Sir, the greater the power any State commands, the heavier its responsibility to wield its power with consideration for others and with restraint upon its own selfish impulses.

What was the most sinister feature of the years which immediately preceded the present struggle? It was, I submit to you, the deliberate debasement of international conduct in which Germany, Italy, and Japan engaged to further their own selfish plan. It was the practice of these powers, not only persistently to violate their engagements, but to use new engagements which they so readily undertook after each aggression as a cloak to cover their next triumph. That was the technique. And what was the result? There came a time when the outraged forces of civilization had to call a halt to these practices, and so inevitably the world was plunged into another war.

Great powers have a special responsibility to guard against the recurrence of such practices. So I have laid emphasis on the provision of international machinery for the settlement of political disputes. But of equal importance with this is the solution of

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economic problems which if untended can themselves sow the seeds of future war. This will be the task of the Economic and Social Council which finds its place in the Proposals now before you. It is our duty to insure that this Council shall be well adapted to play its full part in our new structure of peace.

Here then, Sir, are our two immediate tasks, political and economic. Let us press them vigorously to a conclusion. World events of unprecedented magnitude, both in the East and in the West, crowd upon us at every hour. If we order our labors efficiently, if we work to the utmost of our strength, it should surely be possible for us to agree on our charter within four weeks from now.

So I hope we shall set ourselves such a target and determine to reach it. We cannot afford to delay. This Conference bears heavy responsibilities; it has also splendid opportunities. Let it seize them now.

Ladies and Gentlemen, before I conclude, I would just like to give you one experience which was mine in the early days of this war, which I think has perhaps its lesson for us all in the work we have to do. In the early days of this war, I went to Egypt to greet soldiers from Australia and from New Zealand who had come to that country to protect the Suez Canal against the imminent threat of Mussolini's aggression. On the evening after they had arrived, I was speaking to a number of the men on the motives that had made them volunteer to come those many thousands of miles for this duty. And of the group as we talked, one man remained quite silent. At last, I turned to him and I said, "And what made you come here?" And he replied, "I guess there is a job of work to be done."

Sir, in the last six terrible years, unnumbered men have died to give humanity another chance; unnumbered men have died because they felt there was a job of work to be done. We too have a job of work to do if we are not to fail these men. Let us do it with courage, modesty, and dispatch. Let us do it now.

MR. STETTINIUS: Ladies and Gentlemen, that concludes the First Plenary Session of the Conference. The Steering Committee, may I remind you, will meet again tomorrow morning at 10:30 in the same room in which we met this morning. The Second Plenary Session will be held in this Opera House at 3:30 tomorrow afternoon when we will hear from certain of our other distinguished chairmen of delegations. We stand adjourned.

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The United Nations Conference on International Organization

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PLENARY

AGENDA FOR THE FIRST PLENARY SESSION

April 26, 1945

(1) Report of the meeting of the chairmen of delegations.

(2) Statement by the chairmen of the delegations of the sponsoring countries and by the chairmen of other delegations desiring to make statements. If the presentation of these statements is not completed at this plenary session, it will be continued at the next plenary session.

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The United Nations Conference on International Organization

Doc.13 (English)
P/2
April 27, 1945
C234602

PLENARY

AGENDA FOR THE SECOND PLENARY SESSION

April 27, 1945

(1) Report of the meetings of the chairmen of delegations

(2) Statement by the chairmen of the delegations desiring to make statements. If the presentation of those statements is not completed at this plenary session, it will be continued at the next plenary session

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The United Nations Conference on International Organization

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PLENARY

VERBATIM MINUTES OF THE THIRD PLENARY SESSION
Opera House, April 28, 1945, 11:05 a. m.
Mr. Soong Presiding

MR. SOONG: Fellow Delegates, Ladies and Gentlemen: The Conference on International Organization is called to order. At this session of the Conference we shall have the honor of hearing further statements from the chairmen of the delegations.

I shall recognize in alphabetical order those who have indicated a desire to speak to the Conference at this time.

First I recognize His Excellency, the Minister for Foreign Affairs and Chairman of the Delegation of Czechoslovakia.

MR. MASARYK: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: The preceding distinguished speakers paid eloquent tributes to Franklin Delano Roosevelt. May I join them in saying that the suffering people all over the world, people in distress, people bewildered by the succession of horrors of this cataclysm, have lost a tower of strength to draw courage from a dear, understanding, helping friend.

I have come to beautiful San Francisco on my way to Prague, the lovely capital of Czechoslovakia. I came from London by way of Moscow, where I had the privilege of seeing the unique effort of the magnificent people of the Soviet Union, led by that great Marshal Stalin. Yesterday the papers brought news to the Czechoslovak Delegation which some of you may have overlooked. Brno, the capital of our Province of Moravia, has been liberated by the Red Army. Our joy is more than equalled by our everlasting gratitude to our Slav brothers.

Yesterday we also heard that the American and British Forces have met their Soviet Allies on German territory, in order to squeeze the remaining life out of Hitler's vulgar Valhalla once and for all--very good news welcomed by all who

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have suffered at the hands of the Huns.

One of the good qualities of Czechoslovaks is that they know how to be grateful. We are deeply grateful indeed to the liberating Red Army, to Great Britain for giving us asylum and hospitality during the blackest days of our history, and to the United States for their generous help and understanding. One of the last telegrams President Roosevelt sent before he left us was to my chief, President Beneš, congratulating him on my Government's return to our liberated territory. He was like that.

After Dunkirk, Great Britain--and I was there at the time--stood alone and at that moment the voice of Winston Churchill was the voice of all decent people on earth. Some people say it was a miracle. I am not too good at believing in miracles, but I did not believe that Great Britain would be overwhelmed, and I said so at the time.

Then came the epic of Stalingrad. From Stalingrad the Red Army has marched to Berlin because, as Mr. Eden said, there was a job to be done, and what a job they did.

And then the invasions of Africa and the continent of Europe. Miracles? Perhaps, but very well prepared miracles.

I represent a small country in size, placed in the heart of Europe. My country signed a treaty with the Soviet Union a year and a half ago. We intend to cooperate with our great eastern ally loyally and whole-heartedly, at the same time keeping up our long and fruitful relations with the western democracies.

I was in London while the courageous inhabitants of that great metropolis, women and children, faced a continuous attack, almost as deadly as that on the battlefronts. Indeed, London was a battlefront. To have lived with the London folk during these continuous trials and dangers is a privilege I honor and cherish more than I can say. They were magnificent.

I have seen heroes from the underground of Warsaw, Belgrade, Brussels, Athens, Paris, and Prague, and in their presence I felt very humble indeed.

If I judge the spirit of this Conference correctly, I am addressing the representatives of the people who have fought a good fight to win this war. Who are they? They are the countless heroes of the United Nations, the Red Army, the G.I.'s, the British Tommies; they are the Chinese

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warriors; they are the Russian, Polish, Yugoslav, French, and Czechoslovak guerrilas, and, last but not least, the suffering inhabitants of the terrible concentration camps and ghettos. My country, Fellow Delegates, has been one concentration camp since 1939.

To make the world worthy of all their sacrifices and sufferings, to keep faith with our dead, this Conference has been convened. We who have survived in comparative safety have an almost crushing responsibility. Ours is a collective job of the first magnitude. We shall either create an effective organization to guarantee a permanent peace, even by force, if necessary, or we shall descend to the depth of iniquity which I once called a mechanized Stone Age.

In San Francisco there are, at this moment, assembled delegates of 46 nations, who for the last 25 years have been affected profoundly by the lack of an international instrument with a punch behind it. The idea of the League of Nations was a very lofty one, but the punch was conspicuous by its absence. That cannot be repeated. By now all of us have had the opportunity to study the Dumbarton Oaks draft from all the various aspects. Undoubtedly there are points which it may be worthwhile to reexamine jointly when the time comes. For my own part, questions such as the revitalization of international law, and of the observance of treaty obligations respectful of territorial integrity, the definition of aggression and eventually the implementation of the Economic and Social Council will prove worthy of our friendly consideration.

The Dumbarton Oaks draft is a vast improvement upon the past. We have been invited to San Francisco by the four powers in whose keeping the responsibility for future peace is concentrated.

I put the cause of Czechoslovakia and the promise of her full cooperation into their hands. Flanked as they are by the unanimous will for peace of all the United Nations who have the privilege of sharing this responsibility in a major or minor way, they can and must lead us toward a better tomorrow after an unspeakable, frightful yesterday.

I pray, I trust, I know, we shall succeed. We must succeed.

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MR. SOONG: I shall now recognize His Excellency, the Minister of Foreign Affairs and Chairman of the Delegation of Egypt.

MR. BADAWI PASHA: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen. On behalf of the Egyptian Delegation, may I on this memorable occasion pay a deep-felt tribute to the memory of Franklin Delano Roosevelt, the great leader, who after having brought the world to the threshhold of a new era of peace and world security, paved the way for this Conference. His disappearance from the international scene is most certainly a great loss, and our highest homage to his memory will be to make this Conference a success, to build a foundation for lasting world peace. This success can only be brought about by mutual confidence, tolerance, and negotiation.

Egypt is proud of the valuable contribution it has been able to give to the victory of the United Nations in the highly strategic Mediterranean area. In addition to the protection of the Suez Canal and other parts of the country so vital to the movement of Allied troops and supplies, she has given continuously since the outbreak of the present conflict her full support by all means within her power, all of which has been widely commended by the Allied High Command both on land and sea.

Egypt comes here with a background of law-abiding, democratic traditions, intent on cooperation to the fullest degree and hopeful that through the framework of the Charter to be set up may be brought together all the discordant interests and divergent tendencies of all nations, so that through lawful means and orderly procedure will come ultimate relief from the devastating scourge of war.

None of us surely need to be reminded that after the pains and sufferings of the last war great hopes were raised and high promises freely dispensed to the people of a bleeding world. Lofty phrases promised a new order and a better humanity but soon the hardships and sufferings were forgotten. Forgotten also were the promises, and shattered were the hopes. This time we owe it to our men, to our women, to our children, following that drastic lesson in which none was spared the horror and the atrocity of war, that what we build here and now should be so well conceived and so thoroughly planned that the promises and pledges that bring us here may find their full realization.

We of Egypt, conscious of our obligations and sincerely eager to place our shoulders to the wheel, feel

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it is our duty to state our point of view to the other members of the family of nations, in the belief that by such a frank exchange of views we may help to attain the precious objectives to which we dedicate ourselves.

First and foremost, it is our belief that the keystone of this arch of peace which we seek here to build should be the deep-rooted principles enunciated in the Atlantic Charter. That day in the Atlantic, in mid-August of 1941, when the Prime Minister of Great Britain and the President of the United States met and wrote down certain fundamental thoughts, they wrote a charter for all humanity. These fundamentals stirred every human heart. These fundamentals reached across the seven seas and brought hope to millions that the savage struggles of war were not to be in vain.

In these fundamental principles are compressed the hopes and aspirations of a troubled world. It is upon their fulfillment that the United Nations pledged themselves in their joint declaration of January 1st, 1942, and it is on the basis of that declaration that the present gathering takes place. How can we meet in this solemn conclave and overlook the message that these principles imply?

In fact, the Atlantic Charter was not only a blessing for humanity in its direct promises and prospects; it was equally so in its implications and its indirect commitments. In the message in which the late President Roosevelt made it known to the Congress, he heralded to the world the four freedoms: Freedom of speech, freedom of worship, freedom from fear, and freedom from want.

Beside the first two, for which the world has fought in past ages, and which may be considered as the richest world-wide achievements of constitutional progress, he gave to humanity the other two as most vital to the new conditions and trends of modern life.

The Dumbarton Oaks Proposals are mainly concerned with organizing the conditions of freedom from fear and the necessary establishment of agencies whose principal aim is to maintain peace and security by settling conflicts and enforcing justice in the international field, in other words, what I would term the negative side of the international problem. The positive side in my judgment consists in the development of international solidarity and cooperation, which, however, I feel has not been neglected.

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Certainly, we must grant to the authors of these Dumbarton Oaks Proposals the glory that is theirs; the lessons of the war have not been lost upon them. The world has learned by painful experience that economic unrest and social troubles always are at the bottom of international disorders and that the best way to prevent war and maintain peace is to provide the world with a working system of co-operation.

It would be unjust not to recognize the achievement of the League of Nations in that field, but it would be equally unfair not to realize the broader vision which the Dumbarton Oaks Proposals show by comparison to the work of the League. The economic and social functions of the Assembly, and the institution of the Economic and Social Council are proof of a new conception of international affairs.

It is much less by settling conflicts and adjudicating disputes that peace and order can be maintained and human happiness secured. These ends can be more easily attained by promoting cooperation in cultural understanding, by setting a better pattern for international trade and monetary problems and other economic questions, by assigning to mankind a higher standard of living, based on the fact that the best condition for maintaining a high standard in a country is to secure the highest standard possible in the other countries.

We of Egypt hope that that part of the Dumbarton Oaks Proposals may receive the greatest care and attention and that the future Organization will be planned so as to make it most effective.

We plead for the continued earnest thought of all people for the development and clarification of international law. Several other governments have spoken out on this point, and we agree that if a new channel or agency is needed to accomplish it, either through the General Assembly or through the Economic and Social Council, it should be here provided.

The obvious weakness of international law was that, contrary to all other branches of law, its rules could not be enforced. Now, with military power being placed at the disposal of a world organization, it is logical that the rules of international law need to be determined, defined, and codified.

The rules now generally accepted as the law of nations, which are the outcome of the evolution of centuries of international practice, have often helped to avoid armed conflicts and to develop peaceful relations between different states. Better defined, it would help more.

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In this connection and with a view of harmonizing international relationships, we suggest it as a duty of the Conference to prescribe principles for the revision of treaties which have become inconsistent with the new concept of world conditions and collective security and might therefore become irritants and a possible source of conflict.

In the tentative proposals of Dumbarton Oaks, a distinction is noted between the great powers or permanent members of the Council and the other powers, the latter being composed of the so-called medium and small powers. If we assume for all practical reasons that a privileged position for the great powers is justified by the larger responsibilities they undertake in the maintenance of peace, we nevertheless believe that a better balance between the great powers and the medium and small states should be achieved and to accomplish this we submit certain revisions.

In fact, the experience of the League of Nations should enable us to avoid many mistakes of the past. These mistakes may have been due to an excessive division of responsibilities, but would it not be equally a mistake to go to the opposite extreme, by adopting a scheme of concentrating the whole power in the hands of a very few? Taken as a whole, the group of medium and small powers constitutes an important element in the organization of world peace, numbering as they do no less than 40 states scattered all over the globe, which have their own national life and independence acquired by years and sometimes centuries of toil and struggle.

Their adhesion to the new Organization implies that in the general interests they should abandon to the Security Council some of their fundamental prerogatives. They may also be called upon to give effect to its decisions by armed force, or by according facilities within their territories, or by adopting economic measures entailing heavy sacrifices. It would therefore be difficult to justify a scheme under which these states should not be able to voice their views inside the Council, nor participate in framing the policy they will have to follow, though it may sometimes be detrimental to their own interests.

The support given to the world organization by any group of smaller powers should entitle them to a large representation in the Council. The number of members should be raised to 14. This would not affect the privileges of the permanent members of the Council. In spite of the increased number of members, the decisions would be carried by a majority of

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8 votes, which might be qualified or not according to the case under examination. In this manner, the increase in the number of members of the Council would not hinder prompt action by the Security Council, nor would the permanent members lose their influence.

On the other hand, if the designation of the non-permanent members of the Council is provided for without some positive criterion being the basis of their election, and if it is left to the hazard of the ballot, to temporary combinations or struggle for influence, then, in spite of the broadening of the Council, the representation of the whole group of smaller states may still prove entirely inadequate.

The surest and most objective basis would be to secure the permanent representation in the Council of all the principal regions of the world. In an organization which exerts its functions and powers over the whole surface of the globe the choice of elected members should be based on territorial representation, so that no great region of the world--aside from the territories of the five great powers--should be left without an effective share in the work of the Council. The representation of states should be based on regional zones corresponding to electoral constituencies, the General Assembly choosing a representative for each region.

The Security Council, reflecting in its major strength the thought of the great powers, should have an opportunity to act on its own initiative, without having to consult the Assembly. This function would be comparable to that of an executive to whom full powers have been given by the legislative branch of the government. To override the Council's decision in the proposed world organization, it might be provided that the Assembly could interfere with the Council's action only by a majority as impressive as three-quarters. A general system of checks and balances, where incorporated into constitutional governments everywhere, have strengthened the framework of those governments.

It is axiomatic in government that the strongest reflection of popular will comes from the branch which is most widely representative of the mass of the people. To that end, it is our belief that the Assembly, including every nation embraced in the membership of the Organization, will more widely and truly mirror the public opinion of the world. Therefore, acts of the Council submitted to it for review will gain rather than lose strength in the process.

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We believe that a change in the presently contemplated veto provisions of the Dumbarton Oaks draft will serve to inspire greater confidence in the democratic aims of the new world order. Certainly we trust that the great powers, eager to follow the traditionally democratic procedures of law and government, will see their way clear to a revision of the veto plan as now proposed. Permitting any power great or small to sit both as judge and jury in its own case does not, in our opinion, contribute to build world-wide confidence so necessary to the success of a plan for world order. The purpose, as I have said, of these proposals to change the voting methods is to strengthen the primary foundations of the organization and bring to it the greatest possible measure of public esteem and confidence.

Without exhausting our observations on the proposals of Dumbarton Oaks we saw fit to dwell on these few thoughts with the knowledge that from this community of interests of all states--the large and the small, the powerful and the weak, the old and the young--will come a tested, strengthened, and revitalized vehicle for the maintenance of the international peace and security that we all cherish.

And Gentlemen, in closing, may I remind you that just two years ago, several statesmen gathered in my country to discuss the vexatious problems of war and the even more trying problems of the peace to come. These statesmen included the dynamic Churchill, the valiant Chiang Kai-shek, and the gallant leader, the late Franklin D. Roosevelt. Having just completed a conference with the indominatable Stalin, they met one autumn day in a spacious and beautiful garden not far from the great Pyramid of Egypt, built 5,000 years ago by the predecessors of our present Egyptian people. You can well picture the scene, as the circling sun threw the shadow of the giant pyramid across the garden setting, a shadow that has made its daily appearance, month by month, year by year, century by century, for the last 5,000 years. These early Egyptians built for permanence.

And in this solemn hour, may I express the hope that we may start here an enterprise for peace to satisfy the yearnings of the people of the world? May we hope that the edifice we build today will be so true, so fine, and so strong that in the months and years and centuries to come, the sun of another day may permanently, like the shadows of our great pyramids, cast its influence for good permanently upon the people of the earth.

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MR. SOONG: I now recognize His Excellency, the Chairman of the Delegation of Honduras and Ambassador of Honduras to the United States.

MR. CÁCERES: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: In April 1917 the United States of America declared war on imperialistic Germany. This war had been provoked by Germany in her violation of the freedom of the seas and her ruthless disregard of international treaties. At that time, the Republic of Honduras, loyal to the principles of freedom, adhered undeviatingly to the cause defended so earnestly by America in the battlefields of Europe.

Thus it was that the Republic of Honduras participated in the Versailles Conferences, which resulted, in part, in the creation of the League of Nations, the first international organization which had as its aim the guaranty of peace to the world. At the inauguration of the League on the 16th of January 1920, a new era for humanity began.

On the 7th of December 1941, Japan, which had belonged to the League but which preferred to abandon it so that she might set out on the road of aggression and conquest, attacked the United States of America at Pearl Harbor. The Republic of Honduras, in spontaneous action against the outrages of totalitarianism, hastened to declare war on the Japanese Empire and, soon after, on its companion in crime, Hitler's Germany.

The Government of Honduras was the first government in America to expel subversive agents of the Reich from its jurisdiction, even before the outbreak of war.

Honduras is a country of a small area, and, perforce, limited economy. However, Honduras has the moral integrity of nations which love law and peace. My country took its stand as a belligerent against the Axis powers long before the glow of victory was visible on the horizon. We were sure that the imponderable values of the spirit, even though they might suffer a temporary eclipse, would endure and be cherished in the hearts of all free men.

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My country, Honduras, thus united its destiny with that of the nations facing the totalitarian aggressors, who in their wild schemes believed themselves to be masters of the entire world. So it was that Honduras signed the Joint Declaration by United Nations, freely offering her resources and her manpower in defense of freedom.

Honduras has not failed in the role allotted her by history, and, in recognition of her support in the war against the Axis powers, has come to the Conference on International Organization. Honduras does not have the mighty strength of the victorious great powers. But she does have the undeniable attribute of sovereign equality, enjoyed equally by all peace-loving nations.

The Government of Honduras in its full support of the principle of freedom did not hesitate to accept the invitation extended by the United States of America, by the United Kingdom of Great Britain and Northern Ireland, by the Union of Soviet Socialist Republics, and by the Republic of China, to be represented in this historical conference where the fundamental principles of law and justice and the broad doctrines of universal welfare must find expression in international policy.

Out of the blood, destruction, and death wrought by totalitarian aggression against free peoples, man's inherent dignity must lift him beyond the horrors of hatred. In this cosmopolitan and hospitable city of San Francisco are assembled together representatives of peoples and governments from all parts of the earth. All are guided by the light of the same ideals. They have gathered to create out of the enduring qualities of freedom, justice, and love, the world of tomorrow, which must be based on the peace and security of nations.

Honduras pays tribute to the historic achievement of the United States of America, of Russia, of England, and of China in establishing the Dumbarton Oaks plan as a basis for the study of the problem of peace and international security.

The political, economic, and social aims which form part of the International Organization constitute a great advance toward stable peace and prevention of war. Yet there remains the urgent necessity of creating a functional organism which will assure that peace.

Whether it be the United States of America, Russia, England, China, or France, whatever the powers which assume

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the responsibility for guaranteeing the peace, whatever the political realities so-called, we may well remember that in the last analysis human values must be the basis for united and enduring action against the depredations of brute force.

Above all, let us remember that 46 sovereign states which here will deliberate upon the stability of peace and the suppression of war, will make law the invariable guide of their decisions, with justice their driving force toward the realization of the common good.

Precisely by reason of their sovereignty the participating nations will, in their common cause and unity of effort, exalt their individual status by molding it to serve the good of all.

Whether nations be great or small, able to defend unaided or whether they be protected by only an inner moral strength, each is necessary to the other in the world of civilization and culture, in the fight for progress which, in the first place, is the realization of justice, and justice is what we have come here to look for. In this particular conception all the United Nations are entitled to participate in any branch of the international organization, no matter how poor or how rich they might be, no matter if they are weak or powerful, with or without human or economic resources. The armed forces of the United Nations, the armed forces which yesterday jointly embraced close to the hideous redoubt of Berlin, are not only fighting for their own defense or interest, they are indeed fighting for the dignity and welfare of mankind.

The men, peoples, and governments which have congregated here to deliberate and resolve in world peace and security, despite their divergency of geography, history, power, or political systems, have only one moral purpose, that of working together for the good of the international community. The Republic of Honduras is small in size. It has, nevertheless, sufficient moral space to make room for its responsibility, that responsibility which will bind her with regard to the obligations and rights derived from participation in this Conference because of its spontaneous contribution in the war effort. When Honduras threw its lot on the side of the United States of America, it did not do so to become a theoretical belligerent.

Honduras salutes the United Nations and expresses its hope and faith in the ideals of this "survival war" and in a better world to come.

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MR. SOONG: The Chair now recognizes His Excellency, the Chairman of the Delegation of India.

SIR RAMASWAMI: Mr. President, Fellow Delegates, Sisters and Brothers of the United Nations: I stand here to represent the views of a people who have throughout their historic past been known as a peace-loving people. In all the long history of India, whatever internal commotions may have taken place, the historian does not record a single instance of the people of India being aggressive or wanting to dominate over any people beyond their borders. On the other hand, India has been the refuge of all the persecuted of other lands from the days when the White Jews left their territory and came to the western coast of India down to recent times when, only the other day, the refugees of that first invaded country, Poland, found sanctuary in my country.

I remember with pleasure an incident only about three years back, in the last month of 1942, when I and a colleague of mine were in England--the incident when General Sikorsky, on behalf of his people, came and thanked us for what we had done for the Polish refugees in our country. And, Sir, this habit of peace-loving is not due to any fact that we are not able to stand up against the invader, or that we have not played our part worthily in the military conquests that have been waged from time to time for the preservation of human liberties and the extension of human liberties.

I need hardly refer to the part that India played in the last great war when her military strength was utilized toward defeating the same aggressor 25 years ago. In the plains of Flanders, in the nooks and corners of Gallipoli, in the arid deserts of Mesopotamia, Indian blood has been shed for what is considered the liberty of the world. And it is a tragedy of the first magnitude, a tragedy to which the Mayor of this great city referred in his remarks the other day, that all that sacrifice has been in vain.

Twenty-five years later, when the call came that aggression should be put down, that the monster which had raised its head in Europe was likely, if unchecked, to dominate all the freedom-loving people of the world, the Indian people were ready to take their place among those who would fight for the preservation of the liberty of the human people.

And more, Mr. President, if I could vouch for the feelings of my people, it was not in 1939 alone but throughout that period that you referred to, when this war first

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began in 1931, when democratic countries were still hesitating about the attitude that they should take, when in conferences at Geneva and elsewhere the people of other countries were wondering whether they should take their part in putting down the aggression that then began, the Indian people at any rate had no hesitation in showing where their feelings and where their sympathy lay--with your great country, China. And they waited and watched, and they watched and waited, until at long last the opportunity came in 1939, when even the tired countries of the West could no longer suffer the onward march of the dictators and they decided to take their firm and their last stand against Germany, the greatest aggressor in Europe.

Sir, I have said that ours is not merely a peace-loving country in the sense that it could merely pray for peace and keep quiet with folded hands. In this war, in the north of Africa, at Dunkirk, in Italy and in Greece, in the Middle East countries, the armies of India have played their worthy part.

And it has been a matter of supreme satisfaction to us that our armies played the main part, if I may say so, at the Battle of Tehran and in liberating the country which was swallowed up by an aggressor country only recently, unaided, unsupported, almost uncared for--the great and ancient Kingdom of Ethiopia. I know that my people were pleased--more than pleased; grateful--more than grateful--that it had been given to them to free this ancient country, to their armies to be instrumental, in the main, in freeing this great and ancient country and relieving it from the thralldom of an aggressive power.

Mr. President, we are met here at the invitation of the four great powers. They have done their utmost; they are doing their utmost to contribute to the success of this war. In fact, one may say they have almost won the war--certainly in the West--and the decision is no longer in the balance; the decision is no longer in doubt as to their winning the war in the East also.

We talk of the great powers and of small powers; we talk of the special responsibility of great powers, and the special privilege of great powers also. I should like to put in its proper perspective what India has done in this war. Two and a half million of the sons of India, soldiers drawn from every part of the country, drawn on a voluntary basis, are today fighting in the different parts of the world against the common aggressor.

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May I point out, Mr. President, that, next after the great countries--the four inviting powers--next in strength to the armies of these four great inviting powers, is the strength of the Army of India which is fighting the aggressor nations today. I speak not in boastfulness but in utter modesty, and I should like to remind myself and others at this Conference of one fact. I should like to be like the Laputan flapper speaking with bated breath and with whispering humbleness, to draw the attention of the great powers to the fact that, by themselves, none of them individually could have stood against the great tyrant and aggressor; that in unity with others they have been able to achieve the success that they have done, and that, moreover, smaller countries by their contribution also have helped to achieve the present result.

We talk of independence, we talk of sovereign rights--I am one of those that believe in sovereign rights--but I believe the world has come to a stage when the emphasis is not to be so much on independence as on interdependence.

None of us, not even the great powers, as I said, individually could foresee all the combinations or all the developments of even any single power, and be assured that by its own remorseless strength, its own vital powers, it could always be secure and maintain its sovereign status. At this United Nations Conference, while I recognize, and all of us who are called the smaller nations recognize, the essential features and basis of this Conference, while we realize that the main responsibility is on the great powers, I should like humbly to suggest to the great powers themselves that they also serve who only stand and wait; that the smaller nations who have contributed a little one way or the other may also at times of stress be not altogether a negligible factor in maintaining security.

Mr. President, there is one other aspect of the question that I should like to refer to. I was following the speeches of the four sponsoring governments, the speeches of the representatives of the four sponsoring governments, and I found that an aspect to which my country attaches the very greatest importance was touched upon by the Secretary of State for Foreign Affairs of the United Kingdom when he spoke of the constitution of the Economic and Social Council under the Dumbarton Oaks Proposals. It seems to me that enough attention has so far not been averted to this aspect of the question, that when we are all thinking of security, of armed forces which will prevent aggression, we are likely

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to forget the basic factor in all these considerations, the cause which leads to aggression.

It is economic injustice, and even more, social injustice, that has bred for all time in the past the great causes of war, and has led to these great Armageddons. Therefore in this hour, when nations are going through the rack of conquest and therefore have much more emphasis laid on security and armed strength to prevent aggression, let us not forget for a moment the vast emphasis that has to be laid on the causes that lead to war, economic and social injustice.

And beyond that, and more than that, there is one other factor which has to be realized. We are all asked to be realists, we are asked to recognize various factors in the world set up as it exists today. There is one great reality, one fundamental factor, one eternal verity which all religions teach, which must be remembered by all of us, the dignity of the common man, the fundamental human rights of all beings all over the world.

Those rights are incapable of segregation or of isolation. There is neither border nor breed nor color nor creed on which those rights can be separated as between beings and beings. And, speaking as an Asiatic, may I say that this is an aspect of the question which can never be forgotton, and if we are laying the foundations for peace we can only lay them truly and justly, to last for some time--for a couple of generations at least. Those fundamental human rights of all beings all over the world should be recognized, and men and women treated as equals in every sphere, so far as opportunities are concerned.

Mr. President, I do not want to detain this assembly very long. More speeches, and speeches of much greater value, are going to be delivered and I should like to listen to them. I do not therefore propose to go into the question of what amendments my Delegation are likely to submit. I have given a free indication, in the general observations that I have made, of the kind of amendments that India is likely to suggest for the consideration of this Conference.

There is one aspect of the question again with which we fully agree. The Secretary of State of this great country stated in his speech that we must lay the foundations and prepare the plan, but that it would be a mistake to expect that the full details would be worked out here, and that it is not right, not advisable, not safe, to put too many details in any plan that this Conference may devise. I entirely agree with him. I myself believe that if we can lay the foundation

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firmly, on the basis of justice, of equality, and of fundamental human rights, having an eye to the causes that create war, having an eye to the measures and the mechanisms by which wars can be prevented, we should have done the right thing at this great Conference, and we should have done the right thing by those people who have sacrificed, and by those people who are today sacrificing their all in the cause of liberty.

Mr. President, among all the features that attracted my attention at the opening of this Conference the other day, was the line of young men and women who stood behind the President at that time--the young men and women whose future we are planning, the young men and women who will have to play their part, who have played their part at present, and who are asking what the aged people, who happen to be statesmen and administrators of various countries, are thinking about the future. They are not going to come back into that old rut of life, contented to pass smoothly under the dictation of what may be called the elderly advice, without questioning from the very beginning the wisdom of all the actions that we are likely to take at this Conference, and they will have a right to do so. The future world is theirs, the peace plan that we are planning is for them, not for us, and, in the days to come, it is to them that we shall be responsible if we do not achieve our purpose here and do not plan wisely.

I said that we agree entirely that it was not advisable to load too much work on this assembly, but that the main outlines, the fundamentals, should be agreed to in keeping with the ideals I have been developing during the last few minutes, and, if I might venture to quote a few lines, I agree with the spirit of the great Cardinal who said, "Lead, kindly Light, amid the encircling gloom; lead thou me on! The night is dark, and I am far from home; lead thou me on! . . . I do not ask to see the distant scene; one step enough for me." Thank you.

MR. SOONG: I next recognize His Excellency, the Chairman of the Delegation of Iran.

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MR. MOSTAFA ADL (speaking in French; translation follows): Mr. Chairman, Delegates, Ladies and Gentlemen: The very noble intent that has presided at the organization of this Conference has been greatly appreciated by my country, and I welcome this opportunity, for which I thank you, Mr. Chairman, to express the gratitude of Iran for the great leader who took this initiative.

But let us now recall the memory of President Franklin Delano Roosevelt. All nations seeking peace, justice, and equity honor his memory, but Iran has an extra claim to this mission, for had it not the privilege, if only for a short while, to entertain the late President during the Conference at Tehran and this at a time when President Roosevelt was displaying his greatest activity in collaboration with Marshal Stalin and Mr. Churchill in order to elaborate plans for victory, which ever since has never failed to confound and seek out the common enemy.

It will never be superfluous to repeat that the present war, imposed on the United Nations by aggressors, has as a final aim the establishment of justice and the assurance of a permanent peace so that the sufferings borne by humanity today may not be repeated in the future.

This war has spared no country. In turn, mine experienced all it can bring in the way of grief and suffering. It has, however, the satisfaction to note that its great Allies have duly recognized its share of help to the common cause in the Declarations of Tehran.

The honorable delegates who have preceded me here explained with eloquence how necessary it is to put forth solid bases for an honorable peace and to establish among the nations a political understanding and an economic solidarity based on the principles of equality and justice. We are happy to note that the draft of Dumbarton Oaks has already laid the basis of this peace to which world democracy is so strongly attached. We feel, nevertheless, that certain points must be stressed more precisely so as to insure fully territorial integrity and political and economic independence to states, members of the future organization. The Iranian Delegation will not fail to present, at the proper time, its recommendations.

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I would like to stress equally the importance of an intellectual and moral collaboration. If individuals are to live in peace, it is necessary that they should live in harmony, that they should understand one another. The same can be said of nations. The non-observance of this principle is, to my mind, the root of the misunderstandings which wreck the peace. The importance of intellectual cooperation in the new organization must be stressed. I believe that I am not only the mouthpiece of my country's feelings, but also that of the countries represented here, when I speak of the steady faith in the fulfillment of our duty and our unwavering aim. By this I mean that this Conference will not close before we have laid the foundation of an international structure, which must guard and insure the peace and security of the world.

We all of us have covered thousands of miles; from the far corners of the world we have come, bringing with us the wishes of millions of souls, different in race and creed, but together in their deep desire for peace, justice and freedom. They have placed their faith in us. We must not go back with empty hands; our peoples expect their delegates will bring back from San Francisco the signed Charter which will safeguard the welfare of humanity. Let us do our utmost not to deceive them.

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MR. SOONG: I now recognize His Excellency, the Minister of Foreign Affairs and Chairman of the Delegation of the Netherlands.

MR. VAN KLEFFENS: Mr. Chairman and Fellow Delegates: On behalf of the Netherlands Delegation, I should like to contribute only a few brief remarks to this general debate. First of all, I wish to confirm that the Government we have the honor to represent is wholeheartedly in favor of a plan generally acceptable to the United Nations for the maintenance of international security.

In endeavoring to help reach that goal, we simply continue a tradition. The Netherlands have always stood for a better-organized international community. We should like to see international anarchy reduced to the utmost possible extent. We are ready to accept certain limitations of that more or less complete freedom of action which hitherto has characterized a sovereign state. We should like to see those limitations accepted in the same measure by all states, great and small, but if this cannot be attained at once, and if, together with the other medium and smaller states, we are to set an example in this respect, we shall be proud to do it.

We fully recognize that apart from the sovereign equality of peace-loving states, which is a legal concept, there are between them inequalities in the realm of fact which must be duly taken into account. But, let me point out, that in the realm of fact there is, in another sense, complete equality between larger and smaller states, inasmuch as good and just ideas may and do occur to either category without regard to size or power. And I need not remind anyone that the intrinsic force of good and just ideas is very great.

We of the Netherlands have learned through bitter experience how necessary it is that every possible effort be made to make war as unlikely a contingency as is possible. We have fought and suffered in the course of the present conflict, and we are still suffering as few others. Almost everything has been taken away from us by our enemies except our honor and our abiding faith. But the price we are paying is enormous, not only in wealth but also, and most especially, in terms of human life and happiness. Even our very soil has been partly destroyed.

We should, therefore, like to see conditions created which will make it impossible, or at any rate unlikely, that ever again an innocent country should be thrown into such a depth of what we, applying human standards, consider undeserved sorrow. The world must be enabled to restore civilization to its

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proper place, seeking that harmony between the rights of the individual and those of the community, national or international, which is the essential goal in our pursuit of happiness. We recognize that, to attain that end, a good plan is an essential element, but even the best plan could be of no avail without an earnest resolve to observe in international relations those simple moral standards which our enemies have debased to their everlasting infamy.

I do not think that we can add anything to the exposition we have heard from those who spoke before me of the noble ideals we should strive to attain. Let us, rather, insist on the need to carry our good intentions into practical effect.

We have endeavored to make our point of view clear before the Conference opened. We have also laid on the table of the Conference certain amendments which we hope and trust will prove to find favor with all, and whose adoption, together with suggestions presented by others, would make the results of the conversations of Dumbarton Oaks more acceptable to all the United Nations. We approach this great work with an open mind, and we are ready to take the views of others into the most serious and sympathetic consideration.

Let us then approach this business in a practical fashion. We should like the working committees to start their labors as soon as possible, moved by a spirit of sober optimism, and that humility which is fitting in view of the magnitude of our task. We hope to contribute all we can to the success of the Conference, for we cannot and should not forget that it has been said, "Blessed are the peace makers."

"Blessed are the peace makers", and so the memory is blessed of that great American, Franklin Delano Roosevelt, whom to our deep sorrow we have lost. It was one of the ironies of fate that this friend and champion of peace had to engage in war in order to obtain it. We of the Netherlands are proud to think that through his ancestry he belonged to our nation. To us, in our tribulations, he has been a staunch friend, a wise counselor, a veritable pillar of strength. His departure leaves this world a poorer place. Let his memory inspire us.

MR. SOONG: His Excellency, the Chairman of the Delegation of Lebanon, has designated the Minister Plenipotentiary of Lebanon to the United States as speaker for the Delegation of Lebanon. The Chair recognizes His Excellency, the Delegate of Lebanon, who will be the last speaker of this session.

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MR. MALIK: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: Lebanon wishes to express its gratitude to the great powers sponsoring the United Nations Conference on International Organization for their just invitation of Lebanon to the Conference. Lebanon, as one of the United Nations, appreciates fully and shares the high motives which prompted them to hold this Conference. There is presented today to the peace-loving nations of the world a unique, historic opportunity for organizing the peace, which, considering the infinite issues at stake, certainly no one can afford to miss or slight.

Lebanon is completely ready to do its modest part in the maintenance of international peace and security on the baais of the Dumbarton Oaks Proposals, which, we believe, are inspired by the principles of justice and the sovereign equality of all peace-loving states, big or small.

It is impossible, Mr. Chairman, to be present here in this gethering without thinking of President Roosevelt. This Conference would have been impossible without his continued devotion to the cause of justice and his vision for a true unity among the nations. We in Lebanon have deeply grieved his loss. We have come to know that, when freedom and justice were in question, he was sure to be their champion. No greater and more fitting homage can be done President Roosevelt than for all of us, great or small, to bend every effort to produce a world Charter embodying the supreme principles he so dearly loved.

As regards the fundamental purposes of the proposed Organization of the United Nations, Lebanon wishes to suggest that there be added the following purpose: "To create a permanent Committee of Jurists, whose function shall be the periodic codification or consolidation of existing principles of international law, together with the modifications thereof which shall be deemed necessary from time to time." It is obvious that the precise formulation of the law of nations, brought always up to date in accordance with the development of the theory and practice of that law, will be a potent instrument for the maintenance of international peace and security. In this way, the more political and military aspects of the Organization, on which the Dumbarton Oaks Proposals seem to lay such justifiable stress, will be balanced and tempered by those equally important requirements of international justice.

The maintenance of international peace and security is certainly a worthy purpose of the United Nations. No price is too high for that end, but it will be noticed that in themselves peace and security are merely formal, derivative and static. It is patent that certain outwardly peaceful and

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secure situations do not spring from genuine justice and therefore are not worth maintaining.

Unless, then, the positive content of peace is determined on a foundation of real justice, there will be no real peace. Accordingly, the United Nations in this Conference must devote some time to the determination of a dynamic and positive conception of civilized existence which will justify the organization they mean to set up. The peace which man believes in and will spontaneously rise up to defend is only that which is grounded in his ultimate rights and freedoms and in the reality of justice. There is a peace which only cloaks terrible inner conflict and there is a security which is utterly insecure.

The Proposals of Dumbarton Oaks envisaged political, military, judicial, economic, and social measures for the maintenance of international peace and security. There is, however, hardly any mention of matters of an intellectual, moral, and educational order except for the rather vague phrase "humanitarian problems" in Chapter I, article 3, and Chapter VIII, sections A and C, which may imply such matters. But the promotion of understanding in respect to ideas and beliefs among the nations is no small matter in the securing of enduring peace.

Therefore, educational and intellectual cooperation among the nations is of the utmost importance. A free exchange of ideas will train the mind in the ways of peace and will bring the nations together. The United Nations can save themselves many wars if they attend properly to the liberal arts of peace.

To this end certain small nations, while they may not be in themselves of much consequence militarily and politically, may be of the greatest importance intellectually and educationally. The unobtrusive moral contribution to international peace and security is altogether out of proportion to the size or material importance. Nations such as Lebanon, by reason of their traditions, educational institutions, potentialities, and geographical position must be looked upon as peculiarly entitled to a dominant representation in the Economic and Social Council or in an educational commission under that Council.

The present war, Mr. Chairman, is drawing to a close. We here are interested in the organization of peace, but the important thing is not the war of arms nor therefore the peace, which merely means the absence of such war. The important thing is the war of ideas. The war of arms itself derives whatever importance it has from whether it decides rightly in the war of ideas. There is no doubt in our mind that the decision

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which is being enacted today in the various theaters of war is a right decision. But when we look ahead to the years of peace, we find that distressingly little is being contemplated to be done in this Conference in the realm of the mind and spirit. For the most part, we are dealing with means and instruments and machinery and mere framework and form, but certainly the fundamental thing is the spirit which fills and justifies that form.

It is to the spirit and mind of man, to his ideas and his attitudes that we must devote considerable attention if the peace is going to be truly won. Unless we secure the right conditions for spiritual and intellectual health and unless we determine the right positive ideas for which man should live, I am afraid all our work in this Conference may prove to have been in vain.

MR. SOONG: Ladies and Gentlemen, this session is now adjourned. The next session will be held in this same auditorium at 3:30 this afternoon.

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The United Nations Conference on International Organization

Doc. 19 (English)
P/5
April 28, 1945

C234627

PLENARY

AGENDA FOR THE FOURTH PLENARY SESSION

April 28, 1945, 3:30 p.m.

(1) Report of the Credentials Committee

(2) Further statements by the chairmen of delegations who desire to speak

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The United Nations Conference on International Organization

Doc. 24 (ENGLISH)
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PLENARY

VERBATIM MINUTES OF THE FOURTH PLENARY SESSION

Opera House, April 28, 1945, 3:50 p. m.

Mr. Molotov presiding

MR. MOLOTOV (translation): Fellow Delegates: First let me express my thanks to you for electing me, the Soviet representative, as one of the four Presidents of the Conference. Assuming the discharge of my duties, I express great satisfaction that Russian speech will be heard from this high international rostrum.

Fellow Delegates, Ladies and Gentlemen: The Fourth Plenary Session of the United Nations Conference on International Organization is hereby convened. We now have the pleasure of hearing from other chairmen of delegations who have indicated their desire to address the Conference. I now recognize the Chairman of the Delegation of El Salvador.

MR. CASTRO: Mr. Chairman, Delegates, Ladies and Gentlemen: I express on this occasion the deep gratitude of my Government for the cordial welcome that the Delegation of El Salvaldor to this important Conference of the United Nations has received in San Francisco.

The members of the Salvadoran Delegation are constantly receiving the earnest cooperation of the Secretariat, for which my Government, and the Delegation, are also very grateful.

We are very happy to be here and we feel optimistic in regard to the results of our labors.

Almost at the very time when we were able to assemble here, the sad news of the death of His Excellency Franklin Delano Roosevelt, President of the United States of America, became known to the whole world. My Government and my people

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associated themselves most sincerely with the Government and the people of the United States of America, and with the governments and the peoples of all the United Nations in their sentiments of great grief and sorrow. President Roosevelt played a very important part in making this Conference possible, and he was very hopeful of its results. His memory will be a great inspiration to all of us.

All members of the Salvadoran Delegation are fully aware of the heavy responsibilities which are placed upon the shoulders of all delegates to this Conference, in our common task of organizing the future peace. The Conference itself is the focus where the eyes of the whole world are centered in these eventful days. The hopes of humanity are also centered here. We must be successful. We cannot afford to disappoint our peoples. We must relieve their anxieties and fear.

I cannot but recall vividly some of the words of His Excellency Harry S. Truman, President of the United States of America, which were transmitted to us by radio at the Opening Session of this Conference. I quote:

> "You members of this Conference are to be architects of a better world. In your hands rests our future. By your labors at this Conference, we shall know if suffering humanity is to achieve a just and lasting peace."

We certainly have a tremendous task to perform; and we must be successful. Our agenda includes the Dumbarton Oaks Proposals which contemplate as the principal organs of the United Nations for the maintenance of peace, the following: A General Assembly; a Security Council; an International Court of Justice; and a Secretariat.

I naturally regard the General Assembly as the most representative body of the United Nations because of its two following characteristics: First, every one of the United Nations is to be represented there; and, second, all such nations will have an equal vote.

The Security Council, as contemplated in the Dumbarton Oaks Proposals, should consist of five permanent members, namely, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France, and also of six non-permanent members which should be elected for a term of two years, three retiring each year.

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"Section C" was incorporated in the Dumbarton Oaks Proposals as the result of the Crimea Conference. It comprises, among others, the following provisions:

"Section C. Voting. 1- Each member of the Security Council should have one vote.

"2- Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3- Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."

It is only natural for us to expect that the proper amplification of the Dumbarton Oaks Proposals by this Conference will answer many important questions relative to the Security Council.

The fact that the great majority of the United Nations will not be represented in the Council by their own representatives at any given time, makes the proper functioning of the Council their special concern.

I am sure that we all agree in regard to the desirability of having the Security Council fully united in its vital mission of adopting measures to preserve the peace of the world. We cannot but be deeply concerned by the possibility of any deadlock that may impair the work of the Council. I have at least one instance in mind, which is suggested by the very text of section C, as already quoted.

If any nation which has a permanent seat in the Security Council is a party to an international dispute submitted to the decision of the Council, the representative of such a nation will have to refrain from voting, and a deadlock will ensue because the issue cannot be decided unless the necessary majority vote includes the concurring votes of all permanent members. I feel sure that this matter has been subject to discussion at the Crimea Conference; but it is very likely that a solution has not yet been found. To end a deadlock of this nature, and to do so in a way that may fully agree with the democratic ideals of all of our

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nations, would certainly require reference of the dispute to the General Assembly, which is, as I repeat, the most representative body in the proposed machinery of peace of the United Nations.

I do not know if such an important step is likely to be taken at this time by the Conference. My real purpose is only to point out the need of dealing properly with possible deadlocks in the Council, because if they really happen, and if they, as a result, paralyze the activities of the Council, the whole world will be utterly discouraged.

In regard to the Permanent Court of International Justice, the Delegation of El Salvador hopes that the jurisdiction of the Court may be made compulsory for all the United Nations. It is clear to the Delegation that most of the nations of the world are willing to accept the compulsory jurisdiction of the Court. The smaller nations, in particular, cannot but feel that the future Permanent Court of International Justice is their greatest asset in the whole machinery of peace. But this agency will certainly be deprived of a great part of its importance if the larger nations do not all accept the compulsory jurisdiction of the Court, at least for those disputes which are regarded as justiciable.

The Salvadoran Delegation remembers with pride the fact that the first permanent court of international justice which has ever existed in the world was the Central American Court of Justice, which was organized by El Salvador, Guatemala, Honduras, Nicaragua, and Costa Rica.

The Court existed from 1907 to 1917 and it had compulsory jurisdiction over all international controversies between the republics of Central America.

The members of the Delegation of El Salvador place their full confidence in the divine guidance of God in our deliberations. We, therefore, rely fully on the satisfactory results of this Conference. We do not aim at complete perfection of our common work, but we have a definite share in the hopes of all mankind that the machinery of peace which we have the responsibility to produce here may answer effectively the expectations of the whole world.

I thank you, Ladies and Gentlemen.

MR. MOLOTOV (translation): I now recognize the Minister of Foreign Affairs and Chairman of the Delegation of Greece.

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MR. SOFIANOPOULOS: Mr. Chairman, Fellow Delegates: The Greek Delegation desire in the first instance to place on record their sense of deep sorrow at the tragic loss of President Roosevelt, the great man whose constant efforts were directed toward fulfillment of the ideal of general security. Assuredly, his absence is for us all a most grievous blow.

We were privileged to listen at the opening session to the encouraging words of President Truman as he assured the Conference of his support, and to receive a no less heartening assurance from Mr. Stettinius.

It was with satisfaction that the Greek Government took cognizance of the Dumbarton Oaks Proposals, as completed at Yalta.

They welcomed with deep gratification the gesture of the sponsoring powers in convoking a conference of the United Nations in this city, and they accepted the invitation to the Conference in a spirit of confidence and of high hope.

No one, I venture to think, will be surprised at their readiness to participate in these deliberations and to contribute their every thought to the creation of a better world order, in which aggression, and the ways leading to aggression, shall be given no encouragement and shall have no possibility of success.

The attitude of the Greek Government is not due solely to the unprecedented trials--moral and physical--endured by the Greek people during the long dark years of enemy occupation; nor again is it dictated solely by the strong impulse which an age-long tradition, originating in the amphictyonic councils of classical Greece, has implanted in the consciousness of the Greek people.

There is a more immediate and less emotional motive: the unequivocal devotion of the Greek Government and Greek people to the ideal of international collaboration and their belief in the possibility and the necessity of creating a genuine international community governed by a set of rules of international conduct.

That we do not intend merely to pay lip-service to this ideal is amply proved by Greece's long record of faithful observance of, and respect for, the criteria of contemporary international law. We venture indeed to assert that during the past quarter of a century Greece more than any other

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nation abode by the principle of resorting to the political, economic, and judicial machinery created after the last war for the settlement of international disputes. Every dispute, of whatever nature, was submitted by the Government of our country to the arbitrament of law and justice.

In spite of our law-abiding attitude, we were invaded by the Axis and their satellites, we suffered unjustly, and we lost everything except our honor and our faith in the possibility of setting up a world order immune from violence, from fear, and from want.

In this hope we have come to the beautiful city of San Francisco--fulfilling an act of faith in the wisdom and earnestness of the inviting powers, and of all the United Nations here assembled--for the purpose of recreating the criteria of ethics, justice, and law that have been shattered by the aggressors.

It is incumbent upon us in the first place to express our gratitude to the United States Government and to the State of California for their generous hospitality and for all the facilities so kindly afforded for the success of our mission. I should also take this opportunity of extending our thanks to Mr. Lapham, Mayor of San Francisco, for the many tokens of hospitality showered on the delegations to the Conference. Peoples of diverse origin, race, language, and religion have come to this land and not only created a great nation but also discovered the secret of working together for a great cause, the cause of democracy. They have done so with outstanding success because they have had the wisdom to sink their differences and discard their prejudices, and because they have accepted as their sole guide the higher interests of the community. We are proud to find among them hundreds of thousands of Americans of Greek descent who are repaying in grateful loyalty the opportunities granted to them by their country of adoption.

Inspired by the example of the American people, we will soon begin to build up our new Charter of international security on the basis of the drafts worked out at Dumbarton Oaks and Yalta by the great powers, to whom the gratitude of this Conference is most surely due.

The Greek Government commit themselves to the adoption of these drafts as a basis of discussion, and venture to make some observations in regard to their provisions.

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During the initial phase, post-war security should be pursued as a projection of the solidarity maintained by the United Nations in the prosecution of the war. The United Nations owe it to their peoples and to their dead to safeguard a peace that has been won at so great a price. It is understandable that the great Allies on whom fell the main burden of responsibility for smashing the Axis aggressors should also assume the main responsibility for directing the first steps of the new Organization. Their continued unity of purpose and collaboration are the principal prerequisites of peace.

Does this mean that the small powers should resign themselves to complete self-effacement? We do not think so. On the contrary there is ample scope for their activities. The gods will help only those who help themselves, and during this war we have seen a few so-called small countries who made no mean contribution to our common victory. At a time when Britain was resisting alone the fury of the German assaults, the Greek people did not flinch from facing the treacherous Fascist attack, and for six long months victoriously withstood and overcame their onslaught, thereby provoking Hitler's wrath and calling down upon the Greek people the fury of his vengeance.

Along with the other United Nations, Greece has undertaken a historic responsibility, and one that she is determined to discharge resolutely and sincerely. Her past record is an earnest of what she may justifiably be expected to do in defense of general security and, in fairness, entitles her to an active and responsible part in our new Organization.

The Charter that we are about to draft should not create a false sense of security and complacency. We should take care that it does not lead to an individual sense of irresponsibility by promoting a confused feeling that the maintenance of peace is the anonymous concern of everybody in general, and of nobody in particular, for thus a convenient alibi would be provided for governments reluctant to shoulder courageously their share of responsibility. The undoing of the League of Nations was due also to this cause and not to constitutional shortcomings.

While reserving to itself the right of making specific amendments with the competent organs of the Conference, the Greek Delegation takes this opportunity of submitting, for the consideration of the other United Nations of the Conference, the following general observations on the principles and procedures embodied in the Dumbarton Oaks and the Yalta

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Proposals. The maintenance of peace and security, the development of friendly relations, and international cooperation for the solution of international problems, should be linked with the generally accepted precepts of justice, morality, and international law. The decisions of the Security Council should be governed by the criteria of law and justice.

In the opinion of the Greek Delegation the role assigned to the General Assembly should be a more active one. In particular it should be stipulated that it shall be open to the Assembly to make recommendations on any question that is under consideration or has already been treated by the Security Council.

In view of the compromise adopted in Yalta on the question of voting, it is now open to any country to bring to the attention of the Security Council any dispute or situation likely to endanger peace by requesting that it should be placed on the agenda of the Security Council. It is not open to any one of the permanent members of the Council to veto such a step so long as seven of the eleven members of the Council vote in favor of such a procedure.

Moreover, in cases concerning the pacific settlement of disputes and situations likely to lead to international friction, the Yalta Proposals mitigate the rigidity of the power of veto of the permanent members since, when any of them is a party to a dispute, it is debarred from voting.

If, however, no settlement is reached through the procedures referred to in section A, i.e., by negotiation, mediation, conciliation, arbitration, judicial settlement, or any other peaceful means which may be open to the parties, or through the recommendation of appropriate measures of adjustment made to the parties by the Security Council itself, and if such failure is considered by the Council as constituting a threat to peace and security, section B, chapter VIII comes into play, and the following important steps are then contemplated:

First, the Council should determine the existence of any threat to the peace, or any breach of the peace, or of any act of aggression and should make recommendations or decide on the measures to be taken for the maintenance or the restoration of peace and security.

Second, the Council should be empowered to determine what measures could be employed to give effect to its decisions. Those measures could range from the interruption of means of communication or the mere severance of diplomatic relations to the application of sanctions by armed force.

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There would be nothing to object to in the above two steps if they were not marred by the possibility of the use of the right of veto by any one of the permanent members. This right of veto appears to create a feeling of uneasiness in certain quarters. The small countries are not unaware of the necessity or unmindful of the importance of maintaining the solidarity of the "Big Three" powers, which is in the last resort the greatest guaranty of peace.

It is in that spirit that they will no doubt sacrifice their legal scruples in respect of the application of sanctions to the superior interests of peace, and will be prepared in that connection to be resigned to--if not applaud--the exercise of the right of veto by the permanent members.

It will be more difficult for the small countries to acquiesce in the use of the veto by any one of the permanent members in respect of the determination of the existence of a threat to the peace, or of any act of aggression.

This is a point on which the small countries will feel very strongly for reasons connected with the principles of international justice and morality.

They would bear with greater fortitude their disappointments and tribulations resulting from the non-application of sanctions in consequence of the use of the right of veto, if at least the Security Council could determine the existence of aggression and, implicitly, of the aggressor.

Is it not too much to ask a small country, victim of aggression, to forego the moral and legal satisfaction of knowing what is right and what is wrong, and who is the wrong-doer and who is the victim?

Let no one think the small countries' earnest desire in this connection is an unprofitable and purposeless claim. There is a very great deal in it which is of interest also to the great powers and would ultimately serve the best interests of peace. In this connection, less confusion and greater clarity are necessary, and they would have a restraining effect on the potential aggressor.

We venture to suggest a few alternative remedies to these drawbacks. The best course to take would be that the permanent members should, of their own accord, relinquish their right of veto in the determination of the existence of a breach of peace or of an act of aggression. This would make it possible for the Council "de dire le droit", a fundamental element of any charter of security worthy of that name.

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Failing this, it is suggested that the permanent members should relinquish their right of veto in the determination of the existence of a breach of peace or of an act of aggression, when two or more countries, other than permanent members of the Security Council, are concerned. It is further suggested that at least a recommendation should be obtainable from the Security Council without the use by the permanent members of the right of veto.

The Greek Delegation welcomes the provisions concerning an International Court of Justice as the judiciary of the new Organization. It would also welcome the extension of the compulsory jurisdiction of the Court in the settlement of legal points.

In connection with the section concerning the pacific settlement of disputes it is suggested that it should be left to the Court to decide whether or not a given situation or dispute arises out of matters that under international law fall within the domestic jurisdiction of the state concerned.

The Greek Government welcome whole-heartedly the provisions contained in chapter IX of the Proposals, which provide for the creation of a special council to deal with economic, social, and other humanitarian problems.

The great sufferings and sacrifices sustained by millions of people will have been made in vain unless the nations that have fought side by side in this terrible war shall have learned at last the supreme lesson that there cannot and will not be peace and political security in the world if we are unable to bring about a satisfactory degree of international economic stability and prosperity, and to assure to the peoples of all nations the conditions of health, social security, well-being, and education to which they have an imperative claim.

In particular, those people who have sacrificed all their material wealth in fighting and resisting the enemy have the right to expect that the economic solidarity and interdependence of all nations will be recognized as a fundamental principle which not only emanates from the conception of international justice and morality but is dictated by the common interest of all nations that are members of the same international society.

These are in brief the general observations of the Greek Government on the essential features of the Dumbarton Oaks Proposals as completed by the texts adopted at Yalta, and it is the earnest desire and wish of the Greek people, as indeed

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of the peoples of the United Nations, that this Conference may respond to their expectations and to the challenge which is made to the statesmanship of the eminent representatives assembled here. May we not fail them!

Before closing I desire, in the name of my Government, to express our fervent wishes for the success of this Conference!

MR. MOLOTOV (translation): I now recognize the Resident Commissioner of the Philippines to the United States and Chairman of the Delegation of the Philippine Commonwealth.

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GENERAL ROMULO: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: Let us make this floor the last battlefield.

We are here to determine whether the human race is going to exist or whether it is to be wiped out in another world holocaust. Those among us who have watched the death agony of great cities, those among us who come from the foxholes of battlefronts, have no illusions as to what another war will do to all men. This may be our last opportunity to achieve peace. We are here to fight for our lives.

As one from the troubled Pacific, let me impress upon you that unless all men of good-will act now and together--unless we are determined in this Conference to achieve our goal--we are but preparing the setting for another world cataclysm. If we fail, we may find ourselves in another global war, with the Pacific as its maelstrom. Peace to be an actuality must be based on the recognition of the problems that affect human dignity. We have seen the ultimate achievement of aggression in the human bonfires of Manila and Essen. These living torches lighted the road back to savagery--no, beyond a savagery we never dreamed human beings could be capable of reaching. It is impossible for minds to grasp the monstrous agony of these things. The charred bones of men, women, and children that are now being shoveled under German and Philippine earth--they are war. They are what would be in these very streets if the advantage of Pearl Harbor had been pressed, and the Rising Sun flew today over this building and this city.

We know how much is being unleashed against us who are seeking to achieve a decent medium of world existence without war. We are all aware that Japan and Germany are joined in their fears and their hopes for our failure, and that their skulking protagonists elsewhere are aiding their fears and their hopes that we may not succeed. They are the haters and the degraders, and they are willing us to fail. But why should we fail? Why should peace be impractical? Why should humanity again betray itself?

Words and ideas are more powerful than guns in the defense of human dignity. Treaties are stronger than armamented boundaries. The only impregnable line is that of human understanding.

We are well aware that international understanding must rest on practical security, and that the economic structure of the world must determine the balance between nations. But of more lasting importance is the spiritual structure.

Technicalities can be ironed out. The wise and the shrewd of all lands can come to an understanding. Business and commerce can agree, or let us say that they can be made to agree,

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but the human pattern cannot be forced, and its settlement cannot be delayed. For it must be determined or another war will wipe us and our bickerings and our misunderstandings from the face of the earth. Unless we can agree, we will return to the dust, for we have failed as men.

In every human being is the craving and the right for recognition. In every normal human is the longing for peace. One of the oldest prayers in the human heart is this: "Let us have peace." The mountain of man's progress is great and terrible, and they who climb must adjust their pace to the weakest or the entire chain of climbers will go down. Until the weakest link in our human chain is made safe, not one of us is safe. We must determine here and now this basic pattern of understanding that will insure world security.

We have seen in this war how effectively boundaries and nationalities and racial division have been forgotten while achieving a common stand against a common enemy. In the ultimate effort to save our lives, it is the shared understanding that matters, and not the heritage of blood or country.

Today, one billion Oriental faces are turned pleadingly toward us for recognition of their human rights. It is their hope and their prayer that the peace which this Conference is seeking to secure is one that will not neglect the uplift and development of all socially and economically depressed areas and peoples, but one that will help raise them to a plane of living where they can become not merely bystanders but effective collaborators in the promotion of human welfare and advancement. Theirs is the plea, my Fellow Delegates, that such a peace may not be appropriated for the purpose of freezing the political, economic, and social order of that part of the world.

May I pause here to pay tribute to the memory of Franklin Delano Roosevelt, the staunch defender of the human rights of these millions--a man who died an American, but whose grave is the world--the peerless leader who gave new meaning to our lives in the Far East because he was the champion not only of the forgotten man of his own nation, but of the forgotten man everywhere in the world. We turn our reverential thoughts to him today with a very deep sense of loss, because to us of the United Nations he is the symbol of all the ideals for which we are fighting in this war; and his passing away at this time deprives us of his guidance and inspiration. We find consolation and strength in the assurance that in Harry S. Truman, his worthy successor, his spirit marches on.

Paramount in Asia today is the remembrance of past hopelessness. Sections of our world are festering with resentments

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that will obstruct the way to peace unless they are brought out into the open and cleared away. We must give ourselves tolerance. We must ask what gave birth to these resentments and hatreds. We must ask why they are there. And we must answer these questions frankly before we can wipe away these erosions of distrust.

This can be and must be done. True, this is not a conference to frame a peace treaty. But our words and actions here can outline a future pattern that can serve for all the small nations of the world--a pattern that can be the working basis for world communal living--a pattern that will set the peace. In this plan, the terms under which the individual nations have set their manner of living must adjust themselves to the needs of the peace; power must become pliable. Each nation must be prepared to contribute its share of effort and its share of yielding. In this civilized family first one member and then another gives in or yields a little and by these small submissions they gain everything in pride and protection.

In this past war, heroic efforts have been spent in a nobility and sacrifice we pray may never be required again. Men of all nations have shown their ability to sacrifice and to die. Now--now--is the time to show our ability to sacrifice and to live. For without mutual sacrifice now, we will only live to die.

There is a pattern to study and dissect. It is one of the spirit, of what we must call the human soul. In our hands is the tremendous responsibility to preserve the human race, or to condemn it to certain doom. Here--here--on this testing ground, cannot the victorious say: "Let us come out of our strength and our power. Let us yield to those others; let us be prepared to share our power and our opinion that victory may be sure. Our aim must be tolerance, for victory can be preserved only with tolerance. We will sign here our death warrant for the future unless we show our willingness for giving and not for grasping, a capacity for understanding and not of clinging to the set determination that has undone the past, and the ability for meeting on the common earth of understanding, the littlest nation and the littlest man."

This war has given us a new yardstick by which to judge the stature of nations. Nations are no longer judged by their size or by their wealth or by their population. In the darkest hour for civilization in Europe--in the darkest hour for civilization in Europe--8,000,000 Greeks, in number insifnificant, their country in size inconsequential; and yet because they refused to give in, because as worthy descendants of the heroes of Thermopolae they stood their ground and refused to surrender their principles and ideals, the Mediterranean Sea was not made into a German sea.

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We were able through our forces to invade North Africa from where German bombers could have been based to attack the Atlantic seaboard; but the Greeks resisted and because they resisted they saved civilization in its darkest hour in Europe, for you as well as for me. But that was in Europe.

In the Pacific, let us review the events of the recent past. Let us recall how nations in that section of the globe collapsed one after another before the Japanese onslaught. And it was dark indeed for civilization in the Pacific. But 9,000 American soldiers--9,000 American soldiers--and 75,000 loyal Filipino troops stood their ground in Bataan. They held at bay 300,000 Japanese troops and 500 Japanese planes that at that time could have been used for an outright invasion of Australia. They resisted. They held. They fought, and behind them 18,000,000 loyal Filipinos. And in the words of Chief of Staff George C. Marshall, of the United States Army, later confirmed and substantiated by that great Australian leader, Prime Minister Curtin, those four months that we resisted the Japanese in Bataan and Corregidor gave the United Nations time to prepare in Australia. So that in the darkest hour for civilization in the Pacific, 18,000,000 Filipinos, insignificant in number, their country a mere dot on the map, helped to save civilization, for you as well as for me.

In Athens, the ancient Greeks sculptured the goddess who brought them victory as an angel with clipped wings (Nike Apteros) because they did not want her to fly away. They wanted to keep her safe with them with her feet on the ground. To them as to us, victory represented power, but they were willing to curtail that strength for they did not want to lose all that they had won. We can find no wiser formula for the lasting victory which will be the lasting peace. By yielding to the common good, by a civilized recognition of the mutual advantages that will be given to us all, by trimming the wings of power, we can hold to our victory, with her head so proudly among the stars, and her feet set firmly on our earth!

MR. MOLOTOV (translation): I now recognize the Minister of Foreign Affairs and the Chairman of the Delegation of Uruguay.

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MR. SERRATO (translation): Mr. President, Delegates: I have the honor to address my first words at this meeting place in a tribute to the memory of Franklin Delano Roosevelt, the great democrat and citizen of the world, whose death is lamented by all men and all peoples of the earth, both free and oppressed. His name will have a prominent place in the history of humanity because of his self-immolation in the service of mankind without limitations, without rest, fear, or suspicion, and with noble and lofty inspiration in their legitimate and mutual aspirations for freedom and welfare.

I also wish to render homage to the heroism and the glory of the great fighting peoples--the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and China--to whose victorious efforts we owe the defeat of the forces of the Axis powers and the calling together of all peace-loving nations in order to organize international society and create the system of world security to protect and guarantee the legitimate rights of all peoples.

The courage, daring, and spiritual greatness of these peoples merit the gratitude of civilized humanity and they shall always be remembered by history. Their blood, sweat, tears--to recall the memorable words of Winston Churchill--have brought to the world, after noble sacrifices, this birth of justice.

But I also wish, in the name of the Government and of the people of Uruguay, to pay tribute to all countries--of any status or power--which have accompanied in their heroic crusade the United States, Great Britain, the Union of Soviet Socialist Republics, China, and Brazil; have taken risks through the conflict; and have sacrificed the lives of their sons, whose fighting and suffering have known no limit and no truce, in order to assure and establish the triumph of civilization. This tribute is also extended to the French people, which arose in the fight against Nazi-Fascism despite the faint-hearted surrender of their leaders in 1940, and whose Committee of Liberation the Uruguayan Government was the first to recognize.

Uruguay, in the most bitter hours of the conflict, had the honor to be faithful to the call of a civilization in danger. Without hesitation or fear of the power of the Axis, disregarding risks and reprisals, its people enlisted in the fight against agression from its very beginning. It

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prevented within its territory treason against the fighting nations; it vigorously suppressed the Fifth Column; it granted the status of non-belligerency to the countries fighting for liberty; it opened its ports and bases to the ships and airplanes of the Allies; it placed its raw materials at the disposal of the peoples at war against the Axis; it broke diplomatic and commercial relations with the members of the Tripartite Pact; it promptly declared a state of belligerency with Germany and Japan; and it did not officially send its troops to the theaters of war because they were not requested, but its volunteers--an unforgettable group of earnest young men--left their sacred remains in the battlefields of Africa and Europe.

America feels honored by the fact that the peoples of the Western Hemisphere did not hold back, nor did they hesitate. They contributed with measures of political defense, non-belligerency procedures, democratic loyalty, raw materials, broken relations, and declarations of war, to the struggle and triumph against the Axis powers. And at the bitter moment of the treacherous attack on Pearl Harbor on December 7, 1941, they tightened their bonds and intensified their efforts to express, materialize, and maintain, without defection or hesitation or fear, their fullest active solidarity toward the United States, the great and heroic nation of the continent, which was attacked in an unpardonable act of treachery. Another sister republic, Brazil, has sent forward its courageous expeditionary Army to the Italian front, where it is cooperating honorably in the Allied triumph.

Thus, the American peoples have been loyal collaborators in the struggle against aggression and conquest; and just as they have rendered an efficient and undeniable support throughout the struggle, within their means and resources, they also wish to cooperate, living up to the high ideals of their history and international conduct, in the tasks of organizing the world and consolidating the peace and welfare of mankind.

The so-called Latin American countries cannot rival the Great Powers in population or military and economic might; but, on the other hand, they possess an unfailing and precious moral strength derived from adherence to law, love of freedom, and respect for democratic ideals, a strength which cannot be ignored or set aside without injury to the human destiny.

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The small countries lacking in military power constitute at all times a power for the good of peace and international justice, because they depend entirely on law and must inevitably abolish aggression, threats of aggression, and violence. The sword of the conqueror and the ax of the executioner are banished by them. Consequently, in the future organization of the world these peoples without vanity and without aims of conquest can and must be considered as a great new power at the service of peaceful living among the nations, the rule of international law, and the ethical and juridical principles of civilization. Between the just and the unjust, they have always declared themselves for justice; between the lawful and the illegal, they have always decided in favor of law; between violence and security, they have always struggled for the maintenance and strengthening of the realm of peace. To assure the participation in international society of countries small in size and military strength, the enforcement of their rights, and the natural sway because of their large proportion in the earth's population, their spirit, their moral orientation, their wealth, and possibilities in international trade, would be equivalent to establish and consolidate an effective and unshakeable guarantee for the fulfillment of the essential and supreme purposes of the organization for solidarity and peace which is to arise out of the historic deliberations in San Francisco.

The Latin American countries constitute an eloquent proof of all that I have said. They had not been attacked directly in the First World War, nor in the present war; they had no territorial problems or boundary disputes with the aggressor countries; they did not entertain plans for expansion nor did they covet territories; but in both cases they did not hesitate in deciding in favor of liberty against oppression, of justice against iniquity, siding strongly with the nations which defended in the world what Woodrow Wilson aptly called "the treasures of law".

Uruguay, in whose name I speak, has kept and still keeps unswerving fidelity to that spirit. It has not come to San Francisco to defend private or selfish interests, nor to discuss preeminences or win honors, nor to hinder with trivial obstacles the fundamental agreements on which will rest the solemn and greater function of the maintenance of peace after the approaching final victory. Uruguay has come to San Francisco to collaborate loyally in the organization of the world and of international security with constructive aims, without prejudices or illusions contrary

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to reality, but with the desire and hope that the world of the future will respond to and satisfy the ideal of justice which inspires the nations and men of all continents.

Victory is not a desideratum if it is not used for the benefit of humanity; and the cruel effort of years of struggle would be of little avail if the United Nations did not demonstrate that they are capable of winning the peace as well as the war, by their acts, by incarnating into living reality, and perfecting whenever possible, every day and every hour, the spirit of universal cooperation and concord which inspired the Dumbarton Oaks agreements and proposals.

Uruguay accepts those proposals and agreements, convinced that the essential and first thing to do is to create in the world an organization and a system of security which will suppress international banditry and prevent a return to the law of the jungle; but, together with its brothers of America--in accordance with what was agreed upon at the Inter-American Conference on Problems of War and Peace, recently held in Mexico City--it wishes the future world organization to gain the maximum efficiency and not to suffer from omissions or cleavages, but to prefect its structure to the greatest possible extent.

Uruguay is pleased by the creation of a world Organization in which the participating nations are recognized as being juridically the equal of one another, and the purpose of which is to guarantee international security; but it also desires that, among their more definite and precise aims, they may have those of permanently realizing the ideals for which free nations have fought and suffered in this war: the supremacy of law, the triumph of liberty, respect for the dignity of the human being, the outlawing of violence in any of its forms as an instrument for the settlement of disputes, and repudiation of doctrines of racial division and discrimination.

To this aspiration it adds the hope that the world Organization will expressly and categorically adopt the principle of the inviolability of the independence, territorial integrity, frontiers, and rights of nations, and that it will create adequate machinery for preventing or repressing acts of aggression.

For Uruguay, the country which attacks any member of the peaceful community of nations must be considered an aggressor by all of them collectively, and all of them,

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in turn, must act to find a juridical settlement of the dispute and, in lieu thereof, to defend the State attacked, with arms if necessary.

The Act of Chapultepec, approved by the American nations at the Mexico City Conference, has adopted this principle and organized procedures for the prevention and sanction of threats of aggression, at the suggestion of Uruguay, Brazil, and Colombia. My country fervently hopes that that memorable international instrument will be integrated with the world Organization and will lay the necessary foundation for studying a way to see that defense, both material and in respect to acts involving the independent personality of the countries and the quarantine and punishment of acts of aggression, will be effected by regional organizations, with the support of all the members of the International Organization.

Continental regionalism must be connected with the world Organization and should mobilize forces only upon the acquiescence of the latter. We shall thus avoid creating new forms of conflict later.

Security must be collective, universal, and coercive. (The proceedings of the Conference were interrupted when a paper bearing the headlines "Nazis Quit" was brought into the room and shown to the Conference. Mr. Molotov, being informed that the report of Nazi surrender was without official confirmation, shortly directed the translator to proceed.)

With respect to the framework itself of the Organization to be established, Uruguay accepts the Dumbarton Oaks agreements as a system imposed by the needs and contingencies of the state of war and of what will follow in the immediate future, in the character of a first imperfect stage, but one that can be perfected in the future, transitory and provisional in nature, and lasting only until the final consequences of the conflict are liquidated and it is possible therefore to restore a statute of international society without the deficiencies which appear in those agreements.

It is not the peace of force that we desire, but that of harmony, justice, and the general welfare.

The contention for organized coercive action--the only effective form in its case--against the aggressor

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who resorts to force in seeking aims which justice denied him and which he could not attain by regular peaceful juridical means, is a reality which we must also contemplate.

The order that is to be established for regulating institutional life will not be perfect, but it must indeed be effective.

Only through collaboration of all large and small nations, weak or strong in military might, whatever their creed, race, or political organization, will it be possible to build a secure system of peace in the world. For this, it is indispensable, before all and above all--and I expressly emphasize it--to fulfil loyally and correctly what is agreed upon.

Uruguay accepts the organization of an Assembly as a body that is fully representative of the nations, in the understanding that all of them will act therein under the same juridical category and on a level of perfect equality--that is to say, that there will be no superior states and inferior states, nor states with privileges and states without them, nor states which have a form of hierarchy and quality and states which appear in a rank and file line of countries with lesser rights. In this same concept, it deems it advisable that the powers of the Assembly be strengthened in order to promote and facilitate solutions tending to consolidate the peace and stimulate international cooperation.

With respect to the projected Security Council, my country affirms that, in keeping with its old traditions, it sustains the hope that the Council will be formed by procedures of democratic origin, it being necessary that it be directed by members chosen by the Assembly without distinction as to prerogatives or rights.

In the present circumstance, however, Uruguay accepts, as a transitory situation, that the four Great Powers--the United States of America, the United Kingdom, the Union of Socialist Soviet Republics, and China--which have borne the heaviest load of the war, have contributed most decisively to victory and will have the most serious duties and responsibilities for the maintenance of the future peace, should be assured seats on the Council, but not indefinitely and only for a period which may be judged advisable, say eight or ten years, for example.

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But, as it already maintained in a statement of September 28, 1944, it desires that France be included in the category of big members of the Council not subject to election by the Assembly, as a tribute to her role as champion of liberty, to her moral significance, to her sorrow and sacrifices in the trials of war and to her permanent collaboration in the processes and destinies of universal culture.

It is also of the opinion that the Latin American nations should be considered for membership in the Council in view of their proven ideals of international peace and harmony.

With respect to the constitution of the International Court of Justice, Uruguay believes that all differences and controversies between countries which cannot be settled by friendly means or arbitral procedures, should without any exception be submitted to its jurisdiction and decision. It maintains this, because it has the conviction that all international conflicts are susceptible of solution by law; and because it entertains the fear that, if distinctions are made between political and juridical disputes, and if the former should be eliminated from the scope of the International Court of Justice, the situation might tend to strengthen the intervention of force in disputes or controversies between states.

In its opinion, the Court should be universal and the only one, as is due the very attributes of justice, precluding, consequently, courts of special jurisdiction or for specific zones of the world.

Uruguay also favors the establishment of the Economic and Social Council directly elected by the Assembly, which would be free, in social and economic matters, to make recommendations to its member states.

In this Organization and in its wise future action, my country has great interests and hopes, since it previously had the honor of declaring that "peace should not be considered an end in itself but rather a starting point, a means and an instrument to effect the improvement of economic and spiritual living conditions of peoples."

It would not be possible to attain the international peace longed for by all, if social peace is not attained. For this purpose, it is indispensable that the economic life of the world be laid on more equitable foundations, that cooperation between countries respond to active principles

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and be affected with equity and amplitude; and that the popular masses do not have the dangerous dissatisfaction in their living standard which produces social conflicts, rebellions, and wars. The greatest wealth is man himself, and, consequently, the people without dividing lines--in one word, humanity--composed of persons under all flags. Hence, to promote the economic welfare and development of the human species is to combat war and to base lasting peace on harmony of interests and the extension of justice.

Uruguay has endeavored to preserve, defend, and guard this fundamental and precious wealth by providing under a decree of July 26, 1944, that its delegates to conferences and congresses of the post-war express the need of combating the disturbing practice of "dumping" in international trade. To this end it has proposed: that governments and peoples give preference in commercial interchange to the merchandise and products of countries in which there prevail effectively the juridical and ethical principles of protection of workers against exploitation by the state or by individuals; to reject the merchandise and products of countries which obtain a lower cost for them at the expense of the rights, health, and freedom of the working masses; and to refrain from entering into commercial agreements with nations which maintain labor organizations oppressive to human beings.

This principle, in the opinion of Uruguay, should guide the activities and work of the Economic and Social Council.

If there is to be an organization entrusted with security, another with justice, and another for the economic and social planning of the world, there should also be an organization entrusted with culture.

My country feels that it is desirable to organize a council charged with promoting, encouraging, and initiating the relations of cultural interchange between the nations, for the same reason that it believes in the spirit, in the moral forces, and in the factors of intelligence which have definitely served as decisive motives for taking up arms and stimulating the conscience in the struggle against the Axis powers.

There will not be peace in the world if there is no peace in the spirit.

It is necessary to reach it for the rebirth of the ideals at the end of the painful crisis of the world,

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the knowledge and the interchange of the values of culture, the dissemination of noble ideas which will pacify the soul and will unite mankind, the propagation of the pacific spirit and the development of the movement called "moral disarmament", which fosters respect and love for law, and ethics, which recommends the correction of history and geography text books which prevent understanding and agreement, and unites nations, classes, and individuals in the collective duties and sentiments of civilization.

If poisoned words and dishonest teachers have been able to prepare the war, generous words and truthful teachers must maintain peace.

But a stable and sane peace cannot be attained if nothing is done for the democratization of the world and the rule of freedom. For Uruguay, peace and democracy constitute complimentary objectives, each of which is a guarantee and a motive for the other. This is its thesis of law.

In this regard it feels that in the proposed International Organization there should not be admitted nations professing doctrines of aggression and war, which are inclined to undermine or destroy the order of juridical peace in the world.

However, in order to be a member of international society, it is not enough in its opinion to present the titles of "peace-loving nations", but it is also necessary to be a freedom-loving nation.

For this reason, restating a thought in which it believes, Uruguay puts forward a formula according to which it would be required that the states aspiring to admission to the community of nations effectively respect the essential liberties inherent in the human being. Without this condition, admission should be refused.

The concept of equality imposes necessarily the non-intervention principle, which must be firmly and fully established by the international association under the following conditions alone:

(a) The freedom of a state may not reach at any time a point which is incompatible with the rights and the pacific relations of the others; and

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(b) In the event that any state should make an attempt, or prepare for an attempt against such rights and such peaceful relations, collective intervention by all nations in order to reestablish peace would be proper and justified.

Within the international community there is reason for regional organizations, which may even be indispensable, such as the inter-American system, under the condition that their action should fall within the scope of the international community, and that in no case would the regional organizations be able to set one continent or region against another continent or region, and that they do not represent an isolation of the nations composing them in opposition to the other nations of the world.

Uruguay believes that the co-existence of regional systems with the world community could be implemented on the following bases:

(a) The juridical systems of the world organization an the regional organizations must not exclude or roplace each other, but must be implemented and coordinated so as to strengthen the rule of law; and

(b) The states composing a regional organization should have the right to address themselves to all the jurisdictions of the world Organization and shall participate in the juridical guarantees, the security plans, and the systems of cooperation existing therein.

Uruguay, therefore, Mr. President and Delegates, adheres to the establishment of an international juridical order that would not jeopardize but instead consolidate the fruits and results of the victorious thrust of the free peoples against the Axis powers. As the work of peoples which are still engaged in the struggle among ruins, battles, and hopes, it will not yet be a perfect and finished accomplishment. But this will no doubt be attained in the course of time, as a consequence of the aspiration and constructive decision of all peoples of good will. The stage of development will begin immediately upon its foundation.

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The first day of its existence will also be the first day of work, of renovation, and of progress. Then, as now, as yesterday and as ever, the Republic of Uruguay will act in the service of the law.

MR. MOLOTOV (translation): This session is now adjourned. The next plenary session will be held in this same place at 3:30 p.m., Monday, April 30.

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The United Nations Conference on International Organization

Doc. 33 (English)
P/9
April 30, 1945

C234654

PLENARY

AGENDA FOR THE FIFTH PLENARY SESSION

April 30, 1945

(1) Report of the rapporteur of the meeting of heads of delegations on the organization of the Conference

(2) Statements by chairmen of delegations wishing to speak

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The United Nations Conference on International Organization

Doc. 42 (English)
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PLENARY

VERBATIM MINUTES OF THE FIFTH PLENARY SESSION

Opera House, April 30, 1945, 3:34 p.m.

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MR. EDEN: Fellow Delegates, Ladies and Gentlemen: The Fifth Plenary Session of the United Nations Conference on International Organization is hereby convened. For the convenience of my fellow delegates, I now announce that the Sixth Plenary Session will be held in this hall tomorrow, Tuesday afternoon, at 3:30 o'clock.

The first item on our agenda today is the Report of the Rapporteur of a meeting of the heads of delegations on the organization of the Conference.

I call upon the Chairman of the Delegation of Cuba, Rapporteur of the meeting of the heads of delegations.

MR. BELT: Mr. Chairman, Fellow Delegates: The chairmen of all delegations represented at the United Nations Conference on International Organization held their third meeting on April 30, 1945, at 11 a.m.; the Honorable Edward R. Stettinius, Jr., President of the Conference, acted as chairman.

Seating of the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic at the Conference:

The meeting recommends to the Conference in plenary session that the Conference, having decided that the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic be invited to be initial members of the proposed International Organization, their representatives be permitted to take their seats at the Conference immediately, as they have requested through the representative of the Soviet Union.

MR. EDEN: Any observations on that resolution? (pause) No observations? The resolution is approved.

MR. BELT: Seating of the Argentine Republic at the Conference:

The meeting recommends to the Conference in plenary session that the representatives of the Argentine Republic should be permitted to take their seats at the Conference immediately.

MR. EDEN: Any observations on that resolution?

MR. EDEN: I call on the chief delegate of the Union of the Soviet Socialist Republics.

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MR. MOLOTOV (in Russian):

INTERPRETER (in English): Mr. Chairman, Ladies and Gentlemen: The Soviet Delegation consider the question of inviting Argentina to this Conference an important one.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I will discuss this question in Russian, which most of you are not familiar with. I know, however, that Russian is quite suitable for a just cause.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The question of inviting Argentina to this Conference was only brought up before the delegates today, and it had never been discussed previously by representatives of the four sponsoring powers. It is quite natural, therefore, that the Soviet Delegation, desiring to acquaint themselves with this question, and to let all the other members of this Conference do likewise, suggest that its discussion be postponed for a few days.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Anybody knows that in this war against our common enemy Argentina has held a special place; it is equally well-known that for these past years of war, neither the foreign nor the domestic policies of the Argentine regime has met with the other United Nations' approval. You will know what I mean when I quote a statement made by the former Secretary of State, Mr. Hull and published on September 8, 1944:

"Secretary of State Hull yesterday branded Argentina as headquarters for a Fascist movement in this hemisphere and a potential source of infection for the rest of the Americas."

Allow me to quote another authoritative statement made by President Roosevelt on October 1, 1944:

"I have been following closely and with increasing concern the development of the Argentine situation in recent months. This situation presents the extraordinary paradox of the growth of Nazi-Fascist influence and the increasing application of Nazi-Fascist methods in a country of this hemisphere at the very time that those

forces of oppression and aggression are drawing ever closer to the hour of final defeat in Europe and elsewhere in the world."

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I consider both statements authoritative and reliable. But they were made several months ago. The situation in Argentina may have changed since then. I understand that certain representatives of American countries hold the view that the situation has changed for the better there. All I should like to ask of you is that the Soviet as well as other delegations be given a chance to acquaint themselves at length with the facts and to satisfy themselves that the situation in Argentina has really improved and that statements like the above correspond to the facts. But this takes time, or, at least, a few days.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Imagine what would happen if we acted rashly and invite Argentina to this Conference, although in the present war she has been assisting the Fascists who are our enemies, and failed to invite Poland which is an Ally. Poland is known to hold in this war an honorable place among Allied nations which have devoted all their efforts to the struggle against our common foe. The heroic Polish people have been fighting in our ranks and making innumerable sacrifices. We cannot afford to forget about all this. To invite Argentina, which has been helping our common enemy throughout this war, and not to invite the Provisional Polish Government, which is now functioning in liberated Poland and enjoys an enormous prestige among the Polish people, would be taking a course that might affect adversely the prestige of this Conference.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): No one can deny the fact that the Polish Government now functioning in Warsaw and all over Poland is a democratic government. This Provisional Polish Government is strongly supported by the people and is carrying on a struggle against our common enemy side by side with our Allies.

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MR. MOLOTOV (in Russian):

INTERPRETER (in English): We also remember that the Governments of the United States, Great Britain, and the Soviet Union had undertaken to promote the reorganization of this Government on a broader democratic basis. I have no doubt that this excellent decision responds to the wishes of the Polish people, too, and so we must do our best to implement it as soon as possible.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): It is also obvious that the question of reorganizing the Polish Government is not a matter for this Conference. It has to be dealt with by the three Allied Governments and especially by the Poles themselves. We all want in Poland a government having a broader democratic basis, a government with which diplomatic relations will be established by all Allied governments. This is understood. But if we are not supposed to undertake at this Conference the settlement of the Polish issue as a whole, neither must we ignore the fact that an international conference is being held at this very moment which is not attended by representatives of the Polish people. In any case we cannot refuse a seat at this Conference to representatives of the Polish people, our heroic Ally, while granting one to representatives of Argentina, which in this war has not been helping us, but our enemies.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): It may be argued that Argentina has sinned, but that her sins may be forgotten. This may be true, perhaps we should really forget Argentina's sins. But let me ask you: If certain sins committed by Argentina may be forgotten, why should we forget Poland's services, why should we forget the great services of the Polish Nation in the struggle against our common foe?

MR. MOLOTOV (in Russian):

INTERPRETER (in English): We have at this Conference an Indian Delegation. But India is not an independent state. We all know that the time will come when the voice of an independent India will be heard, too. Nevertheless we share the view held by the British Government which suggested that representatives of India should be granted a seat at this Conference, imperfect though her status is.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): We have at this Conference a Philippine Delegation. But the Philippines are not an independent country. We know full well that the time will come when we shall be able to hear the voice of independent Filipinos, too. But we have agreed with the United States Government, which suggested that the Philippines have a voice even with their present status.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The Soviet Union still has no diplomatic relations with certain governments represented at this Conference. In spite of this fact the Soviet Government, meeting half way the suggestions of Great Britain and the United States of America, raised no objections to the invitation of all the delegations present here, no matter whether the countries in question maintain diplomatic relations with all of the sponsoring states. We felt that in this case we were bound to meet the wishes of Great Britain and the United States. All this was prompted by a desire on the part of the Soviet Union to come to terms with the other sponsoring governments on Conference matters.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Up to now all invitations to this Conference have been approved unanimously by the four sponsoring governments which hold an equal position here. We consider this a very good rule and are opposed to any disruption of our unity.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I think that we should all value our unanimity and try to insure that any new suggestion that has not been sufficiently studied by anyone, be given serious thought. That is why we think it proper that the question of Argentina should be settled in exactly the same manner as others have been, but not in all haste.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The Soviet Delegation suggest that the question of inviting Argentina to this Conference be postponed for a few days for further study.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): This is the only request made by the Soviet Delegation.

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MR. EDEN: I have been asked to recognize the Delegate of Colombia. I call upon the Minister of Foreign Affairs of Colombia to speak.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): Mr. Chairman and fellow delegates: Spanish has always been the language of justice. I hope that on this occasion it will also be the language of clarity.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): As the Latin American Delegate I feel that I must say that there is involved here a question of principle. It is that we do not judge governments in view of their domestic policy, but in view of their international policy and international conduct.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): In examining the question of Argentina, we must realize that we are dealing here not with a neutral nation but with a nation that has declared war on the Axis powers, a war that is not yet ended.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): While it is true that Argentina has declared war at a late hour, it is nevertheless a nation that has adhered to the declaration of war and to the responsibilities involved. While it may not be in a position to participate in the armed conflict, it certainly is in a position to contribute heavily towards the rehabilitation of the peoples Nazi Fascism has affected in its destructive war.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The United States Government and other American governments, including the Government that I represent, have spoken strong words of reproof concerning the conduct of Argentina. The words quoted by the Delegate of the Soviet Union are true; however, those words refer to conduct in the past.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The Government of the United States under the Presidency of Franklin Delano Roosevelt did not object to the action of the Mexico City Conference

relative to the invitation to Argentina, at the same time requiring Argentina to meet certain conditions, such as the declaration of war on the Axis powers. Argentina has met these conditions. The word of honor of the other American nations on this matter should be confirmed here.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): I wish to make but a brief allusion to the comparison that has been established by the delegate of the Soviet Union between the Argentine question and the Polish problem. Surely it would be an act of injustice if Poland who has suffered so much in the war were not to have a voice in the organization of peace. However, I must point out that there is no effort made in sessions of the Conference or its committees to avoid the question of an invitation to Poland. That is a question pending the action of the three powers regarding the interior organization of Poland and her government, the question being which government represents Poland. But here let me state that fortunately for Poland, her cause is in very good hands, in the hands of those three nations.

MR. CAMARGO (In Spanish):

INTERPRETER (in English): The Latin American governments had not thought to intervene in the Polish question. We maintain the principle that we must not intervene with the interior organization of other governments. We do realize, however, that after the destruction of Poland it has been necessary that the strong hands of the three strong governments should help in Poland to establish a situation that will defend the interests of the United Nations. Colombia's vote will be one in full harmony with whatever may be the vote of the three nations.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The Argentine case is different. We are dealing here with a nation that has declared war. We are not interested in determining or analyzing the character or quality of her government. We are merely interested in affirming that as long as there be a government in Argentina that shall maintain Argentina in the position that it has taken we shall consider Argentina as now a belligerent nation.

MR. CAMARGO (in Spanish):

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INTERPRETER (in English): The other cases, Mr. Chairman, I submit the cases of India and the Philippines, have no relation whatsoever with this problem, no relation at all with the discussion in hand. They could have been considered and can be considered with the question of the acceptance as founding members of the International Organization of the Ukraine Republic and the Byelo-Russian Republic.

MR. EDEN: I have been asked to recognize the Delegation of Mexico. I call upon the Chief Delegate of Mexico to come to the Tribunal.

MR. PADILLA (in Spanish):

INTERPRETER (in English): Let my first expression be one of homage to Poland, the martyr nation, the people that has endured enormous sacrifices throughout its history. I feel certain that in expressing this homage to Poland you do not hear the voice of one man alone; it is the voice of the world expressing such homage. We all aspire to the day, to that early hour, when Poland, possessing all the dignity and respect that she deserves, shall rise from all the destruction and the sacrifices she has endured.

Now I would like to limit my words to the comparison that has been established between Poland and Argentina. These are, indeed, contrasting cases. Surely our Conference would welcome the voice of Poland in our Council. However, her admission is pending, because it is related with the Yalta Agreement drawn up by the Powers.

The case of Argentina is different. Of course, there too, there was a pact, an agreement. The Latin American nations decided to invite Argentina to join the American nations and the United Nations, to make of the whole of America one continental unit. Therefore, Argentina was invited to sign the Act of Chapultepec. What was the result to this invitation? Argentina welcomed that expression as coming from the 20 American nations, and readily expressed its willingness to sign the Act. However, that was not enough. Argentina, it was said, must declare war on the Axis.

MR. PADILLA (in Spanish):

INTERPRETER (in English): When the American nations were informed of the Yalta Conference, we expressed our willingness to cooperate with what had been planned by the powers.

MR. PADILLA (in Spanish):

INTERPRETER (in English): Now I ask why, within that spirit of coherence, unity, and fraternity that binds us all--binds us in such a way that we have expressed our approval to what the powers had compacted or agreed to at Yalta--are not the powers now recognizing, in the same spirit, what the 20 American nations have agreed to?

MR. PADILLA (in Spanish):

INTERPRETER (in English): Surely in questions of war, in questions where force is necessary to maintain the peace, the four powers must also have the authority for decision.

MR. PADILLA (in Spanish):

INTERPRETER (in English): But when we are dealing, as we do now, with a nation that does not present a situation of danger to unity in the family of nations, I raise the question, what objection can there be to recognizing that situation?

MR. PADILLA (in Spanish):

INTERPRETER (in English): While Argentina has been branded a Fascist nation, we must bear in mind that here a distinction must be made between the nation and her government. Argentina is a nation of democratic traditions, long-standing democratic traditions. Also, she has distinguished herself by her contributions to international law--a great nation that works--a great nation that feels--a great nation with a people that feels full sympathy with the Allied cause. While it is true that the Government accidentally divorced itself from the sentiments of her people, it would not be fair to punish the people for an accidental separation of the Government from those deep-rooted sentiments of her Nation.

MR. PADILLA (in Spanish):

INTERPRETER (in English): During the period when Argentina maintained a position of isolation, the other Latin-American Governments were constantly pressing upon her to define her situation clearly. Argentina continued its policy. The Latin American countries then took action, broke relations with the Argentine Government.

At the Mexico City Conference, definite requirements were established and placed before the Argentine Government for action. Action in compliance thereto was required to bring Argentina within the American family of nations again.

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Argentina complied with these requirements. It is true that when the Fascist Government of Argentina still existed, President Roosevelt used strong terms of condemnation, but when Argentina broke with the Axis powers and took the further step of declaring war on the Axis powers, President Roosevelt recognized the Argentine Government.

MR. PADILLA (in Spanish):

INTERPRETER (in English): In the Act of Chapultepec, there is a clause that reiterates the adherence of the Latin American countries to democratic principles. Argentina subscribed to this requirement. We have faith that Argentina will go on complying with these requirements. We fellow delegates also feel that nothing can unite nations more than democracy and liberty. When equality, the principle of democratic equality among nations, shall be practiced in our international conduct, then we shall consolidate the bonds of fraternity, justice, and peace among nations.

MR. EDEN: The Delegate of Belgium has asked to be recognized. I call upon the Foreign Secretary of Belgium.

MR. SPAAK (in French):

INTERPRETER (in English): We have heard, Ladies and Gentlemen, that the representative of the Soviet Union enjoyed speaking in the language that stood for justice; other delegations have enjoyed speaking in their language for clarity. May I be allowed to speak in the language of conciliation.

It seems to me that the question is not well set before us. Personally, I refuse to express any judgment whatsoever regarding the Argentine Government. I am not in a position to state whether it is Fascist or a democratic government. Furthermore, I feel that that is not the question before us. Neither do I feel that it is a question of principle, but rather a question of procedure.

The question that is before us is the question of inviting Argentina to take her seat immediately in our Conference of Nations.

Now, the Soviet Delegation has merely asked that this question be postponed for a few days so as to enable the Soviet Delegation to confer with the representatives of the other three great powers, in an effort to arrive at a decision that shall express their unanimity.

It seems to me that it will be wise for the assembly to grant this request, because it seems to me that the request of the Soviet Delegation is reasonable and legitimate. Surely we would all welcome with joy the arrival of another nation in the midst of our Conference.

Argentina, we recognize, is a nation with a long democratic tradition. It has made valuable contributions to international law. Her presence here would help in our deliberations. We would all want at this moment to be ready to say "Yes" to her coming, and thereby express our good will.

But it seems to me that there is another principle that we must bear in mind, equally important. It is the principle of maintaining complete unanimity between the four sponsoring nations. I believe that this is one of great importance in our minds--to maintain complete unanimity among the four sponsoring nations.

Also, let us try to be logical. We, the delegations of other nations, accepted, without questioning, the invitations as they were sent out by the four great powers. We accepted also the agreement reached at Yalta by the great powers regarding the representation of the Ukraine and the Byelo-Russian Republics as founding members of the International Organization.

Now, regarding Poland, it seems that we must postpone that question because it is attached to an agreement reached between the three powers. We would all welcome the arrival of Poland in our deliberations and will be eager to hear her voice. However, the agreement has not yet been reached between the three powers.

I insist again, let us try to be logical; let us make a last effort to maintain unanimity between the sponsoring nations.

I believe that it will be wise to grant the request established before you--set before you by the Soviet Delegation, because it is fundamentally a reasonable and legitimate request.

MR. EDEN: Fellow Delegates, I hope that before very long we shall be able to come to a decision as to whether we want to pronounce upon this matter now or to postpone it to a later date.

I have got still five names on the list; I thought you might like to know how we were getting on.

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I have been asked to recognize the Peruvian Delegation and I call on Ambassador Belaunde to come to the Tribunal.

MR. BELAUNDE: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen (continued in Spanish):

INTERPRETER (in English): I am happy to speak before you in Spanish--Spanish, the language of international law. For the founders of international law spoke in Spanish and it was in Spanish that Bolívar called on the American nations to convene at that historical congress. In Spanish, also, a great Argentinian pronounced that memorable phrase: "America for humanity."

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): The Delegation of Belgium, supporting the request expressed by the Soviet Delegation, has asked that this question be postponed for a few days. I feel definitely that such postponement of the question would be entirely useless. For what reason can such postponement be invoked? Is it desired to make a research or an analysis of the constitution of the Argentine Government? Is it desired to investigate its character? I submit that such investigation will be contrary to the principle of non-intervention and would lead to--it would merely be tantamount to saying Argentina is not to be present.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): True it is that the purpose is to maintain and establish unanimity, but this unanimity depends on the action of the four sponsoring nations. It does not depend on us. We ask that they consider our views and our feelings. We realize that this unanimity does not depend on us. It is a question, it seems to me, of faith in the actions as agreed on during the Mexico City Conference as was so eloquently pointed out by the Foreign Minister of Mexico, Ezequiel Padilla. The question for me is one that can be briefly stated. Do not the American nations constitute a juridical and moral unity? I ask then why do not other nations render homage and do honor to the actions concluded in Mexico in the Chapultepec Conference. We are now faced with the fact that Argentina has met the requirements placed upon her in the course of that Conference.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): We cannot forget, as has been so ably pointed out by the Delegate of Belgium, the long-standing democratic tradition of Argentina.

The South American continent was made free by two great liberating forces of men, those from the North under the leadership of Bolívar, those in the South moving northward under the leadership of San Martín.

I speak with deep emotion. Peru can never forget San Martín, the Argentine, the liberation of Chile, and finally the liberation of Peru.

It is true that the Argentine Government may have deviated from its long-standing democratic traditions But now we are faced with the fact that the Argentine Government has incorporated itself juridically and morally into the family of American nations. This cannot be denied. This cannot be questioned. This question, therefore, cannot be postponed.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): The question for postponement can only be applied in a situation that calls for an investigation--a situation that is doubtful. But it cannot be applied to the present situation, where there is no doubt, where there is nothing to question regarding the actions taken in the Mexico City Conference.

Although the Argentine Government of that time may have made deviations, we are now faced with the fact that the Argentine Government has complied with the Mexico City Conference requirements. Argentina, furthermore, we must bear in mind, generously furnished food and raw materials during the war. Argentina stands out for its great service to culture. It was one of the first Latin American nations to modify her school systems, adopting reforms inspired by the educational system of the United States.

We admire also the great literary movement of our sister republic and also the significant contributions that she has made in the Pan American Conferences. In 1890 she came out strongly for the condemnation of all territorial conquest. In the Drago doctrine, she made a great contribution to juridical thought. It was also Argentina that made the contribution to our inter-American system expressed in the system of consultation of foreign ministers. Keeping all of this in

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mind we feel that we cannot postpone this question. We voted wholeheartedly for the acceptance of the Ukraine Republic and Byelo-Russian Republic as initial members of the international organization. We had expected that the Soviet Delegation would support the Argentine question.

Fellow Delegates, in the flags here present there is one missing, the blue and white flag of Argentina, that crossed the Andes liberating three nations. I feel that along with the figures of Washington and Bolívar we must have the eminent figure of San Martín of Argentina.

MR. EDEN: Fellow Delegates, I have been asked to recognize the Delegation of the United States of America. I call upon Mr. Stettinius, Secretary of State of the United States.

MR. STETTINIUS: Mr. Chairman, Fellow Delegates, I wish to refer to the fact that last Saturday evening the Foreign Ministers of the four sponsoring governments met with a committee representing the American republics, the Foreign Ministers of Mexico, Brazil, and Chile, in my private living quarters, at which time this matter was thoroughly discussed. I also wish to refer to the fact that this matter was referred to the Executive Committee for attention on a suggestion of the Soviet Union, and was dealt with by the Executive Committee this morning. At the recent Mexico City Conference of the American republics, there was unanimously passed a resolution urging Argentina to declare war against the Axis powers and to align her policy to coincide with her other sister-republics in the prosecution of the war against the Axis, and to sign the Act agreed upon at the Conference, the Act of Chapultepec, many of the provisions of which related to the prosecution of the war, as you will all recall. The American republics feel that Argentina has complied with this resolution, and earnestly desire to have Argentina associated with them at this Conference in San Francisco. The United States Government is in entire accord with this desire of its sister American republics.

Mr. Chairman, Fellow Delegates, I should like also to refer to the fact that this question was thoroughly thrashed out this morning at the Executive Committee meeting, and that at the Executive Committee meeting a favorable vote was taken that Argentina should be permitted to attend this Conference. It was then thoroughly thrashed out at the Steering Committee, which was attended by all the

chairmen of all the delegations, and a favorable vote was taken that Argentina should be permitted to take her place at this Conference. Ladies and Gentlemen, I plead with you to reach a decision in this matter and act now in order that we may get on with our sacred task for which we have met.

MR. EDEN: Fellow Delegates, you have heard the appeal of the Secretary of State of the United States that we should now come to a decision on this issue. May I remind you what the decision is to which we have to come? Whether the question of the admission of Argentina should be postponed for some days, as suggested by Mr. Molotov on behalf of the Union of Soviet Socialist Republics or whether that decision should be taken now. Now, the first question I have to put to you is, "Are you prepared to take a decision upon the matter," that is to say, to vote upon whether to postpone or not? Are you prepared to do that now, without any further speeches? Those in favor, please say "Aye". Those to the contrary? (pause) Good.

Now, therefore, we come to take our decision, and I repeat, the issue is whether we should defer the question for a few days on the motion of the representative of the Soviet Socialist Republics, or whether we should admit Argentina now. I suggest that the most convenient way of taking the vote will be if those who wish to defer decision, if the leaders of the delegations who wish to defer the decision, will first stand up when I call on them to do so, and after that I will call on those who wish admission to take place now. There are two questions. I hope that is clear. Now will those in favor, the heads of delegations in favor of postponing this issue in accordance with the motion moved by Mr. Molotov, be good enough to rise in their places? (pause) Thank you, Gentlemen. I am obliged. The number is seven.

Will those who wish for the present, immediate admission of the Argentine, please rise--leaders of delegations--please rise in their seats to be counted? Thank you, Gentlemen. The number is 28.

Is there a representative of France that we did not recognize? Thank you. The representative of France declares the desire of his delegation to abstain from the vote., Isn't that right?

MR. BIDAULT, Head of the French Delegation: I request an explanation on a point of procedure. In what manner should a delegation manifest its decision to abstain from voting?

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MR. EDEN: If any delegation wishes to abstain it remains seated on both occasions. Fellow Delegates, we have now taken a vote on whether the matter should be postponed or not, and we have decided it shall not be postponed. Now I shall put the positive question to the Conference. Those in favor of the admission of Argentina in accordance with the terms previously agreed at our Steering Committee this morning, please stand up. The heads of delegations. Thank you, Gentlemen. Thirty-one. Those against? Heads of delegations, please stand up. Thank you, Gentlemen. Four against. The resolution as moved before our Steering Committee is therefore, I declare, approved in Plenary Session this afternoon.

Now sir, I will call upon our Rapporteur, who I think is still patiently waiting to continue to read his report.

MR. BELT: Report on the organization of the Conference: The meeting refers to the Conference in plenary session and recommends approval of its report on the organization of the Conference referred to by the Rapporteur of the Second Plenary Session, April 27, 1945, point 5 of the Rapporteur's report of that date.

Mr. Chairman, Fellow Delegates. If you will allow me, I shall not now read this report, a copy of which has already been sent to every one of you. I do this in order to save time.

MR. EDEN: I hope my fellow delegates are impressed by the last suggestion. I ask them whether they are prepared now to approve the report on the organization of the Conference which has been circulated to us all which has been referred to by the Rapporteur. Are there any objections? I declare the report approved.

Fellow Delegates, we now resume the speeches in our Fifth Plenary Session. I recognize the Minister of Foreign Affairs and Chairman of the Delegation of Colombia.

MR. LLERAS CAMARGO: Mr. President, Fellow Delegates, Ladies and Gentlemen:

It is already easy to understand, from the addresses we have heard in the first few days of the Conference, the spirit which moves us.

We are under the tremendous influence of the most devastating war which humanity has ever endured. We sense the anxious vigilance of the soldiers and sailors of the

United Nations, of our peoples, of the humble folk of the world, watching over each and every one of our acts and words. Fresh in our minds is the memory of--one might better say remorse for--the dismal failures of the prior world organization in the preservation of peace. For that very reason we are more realistic and far-seeing and, at the same time, we feel obliged to be more audacious in our experiments. We do not believe today, as in 1919, that this has been the last war; rather, we share the prudent fear that others may occur if we do not act here with care and energy. For the purpose of preventing another war we are prepared to subordinate sentiments, and even principles, which we deemed, and still deem, to be fundamental. We are ready to deposit part of our individual sovereignty as nations in the common treasury in order to build up capital against possible future aggressors.

Furthermore, with the aim of adjusting our conduct to reality, we have talked of international hierarchy more than at any previous conference. It almost seems as though none of us has used the word "nations" without explaining that there are large, middle-sized, and small nations. We have said that some have more responsibility and greater duties than the rest for the security of the world, and must consequently, be in possession of better means to comply with their responsibilities adequately. Juridical equality seems thus to be subordinated to political responsibility. We small nations well understand that otherwise the world organization would be feeble and we are ready to accept the fact that security, which is based on the force to be employed against the violators of international law, should be likewise a question of hierarchy in responsibility.

Nevertheless, I have thought that it would not be completely lacking in interest to present the point of view of an American nation, a small nation, of course, as to the possible agreements which may emerge from our deliberations. Colombia early entered into the fraternity of the United Nations. It has not been neutral in the war since December 1941. Like the other republics of the hemisphere, it declared its solidarity with the United States, attacked at Pearl Harbor. Its little Army, recruited from a people dedicated to the arts of peace, has not had the painful privilege of fighting at the side of the large armies. Its cities have not been bombarded, its women have not suffered the sad absence of their men under arms, its territory has not been invaded nor its people enslaved. It has offered but modest

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cooperation to the war effort of the United Nations, compared with the sacrifice of other countries, but it has given everything that has been asked of it. On the other hand, as is the case with any other republic of our continent, we can affirm without fear of contradiction that the peace and security of the world would have never been endangered by any conflict which originated in intrigues or machinations on the part of the American nations or through their foreign policy, nor has any person beyond the seas found any reason for anxiety in our political structure. It is true that there is no way of giving sufficient recognition to the spirit and sacrifice of the peoples who have fought the war to reestablish justice. But, in considering a world peace organization, it is well also to remember the importance in preserving peace, of the fact that there is a whole continent which has known how to maintain it and is, day by day, perfecting the rules of international law in order to apply them rigorously in the relations of its states among themselves, as well as with the other states of the globe.

Our contribution to the war has been of two sorts: one moral and inestimable, when we declared our solidarity with the United States at a moment when the outcome of the war was not only uncertain but seemed to indicate clearly the triumph of the powers of despotism. The other, strategic: when all of the American states formed a united front and established strict vigilance over the activities of the Axis in America, we discouraged any effort to breach the defenses--then still weak--which the United States was endeavoring to erect throughout the world to check the attacks of Germany and Japan. If there had been an opening in America for the pacific or military penetration of an enemy who at that time had the most ambitious of plans for world dominion, who can say that the course of the war would not have been longer or perhaps more doubtful?

But we do not wish to overestimate our role nor even that of the Latin American troops and the Latin American aviators who are fighting overseas. As a whole, we are a group of small nations from the military point of view. But peoples who are growing, like ours, do not have a static place in the international community and they should be thought of as a potential force, still undefined but capable of transforming themselves, as the United States did in a century, to a higher scale of development.

From another point of view, war comes closer to our shores as the world gets smaller through the expansion

and growing rapidity of communications. It is not easy to understand why, as we become more actively and intensively linked to the western civilization from which we drew our language, our tradition, our religions, our culture, we should pay greater tribute to force and uncertainty, but we accept it as an inescapable fact. In the Napoleonic wars in the last century, which were also world wars, we took advantage of the European bedlam to obtain our independence. But in the first World War of this century some of us American states were belligerents and other neutrals. In the present war there was no neutrality nor could there be any. In the next one, if unfortunately there should be one, we would be unconditional belligerents and we are fully aware of the fact that the devastation and suffering which have been inflicted on most of the countries here represented would fall on all of the Americas, without exception, from pole to pole. Our concern with universal peace and security is, therefore, no less than that of those countries which have known insecurity and war in its most cruel manifestations. The countries of Latin America experienced violence and instability in a century and a half of domestic strife over the political principles to dominate in each state; if they hate war it is because they have undergone it; there is little difference between dying from a bayonet wound on an Andean plateau and being smashed by an ingenious robot bomb. But we have been able in general to banish war from our international relations. And we know full well that another world war, breaking out in another continent for whatever reason foreign to our direct interests, would still be our war. It is our unequivocal duty to sit with you to discuss the best means of making such a war impossible precisely because we are small, almost defenseless, countries as compared with the great powers but with an undeniable place in the front ranks of peace-loving nations, that is, of those nations who neither seek nor welcome wars and renounce them as an instrument of national policy.

The Dumbarton Oaks Proposals are based on an exact and practical evaluation of this truth; the small nations cannot guarantee the peace and security of the world; only the large ones can. We are all in agreement. But the basis for this truth lies in the fact that it is only the great powers which can menace the peace and security of the world. When, in the fall of 1944, the Dumbarton Oaks Proposals were discussed and approved it did not seem as clear as it does today that the three aggressor nations of the Axis would not again be in a position to

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attack for a long time, perhaps never. The mechanism set up in the draft Charter is influenced by the war effort against a definite enemy; it is and always will be sufficient to deal with that enemy. But is there any among us who believes that, when the capacity of Germany, Japan, and Italy is destroyed another war will be impossible? No. We are realists and we fear another war the source of which is absolutely unforeseeable. The mechanism should be effective for any war, against any aggressor. The pointing out of deficiencies in the Proposals which has taken place here is only the indirect expression of the fact that none of our governments believes that aggression can be banished from the world simply by the unconditional surrender of the present aggressors.

But Colombia, like the other countries of America which expressed their thought in the resolutions of Mexico City, has confidence in the will for peace of the United Nations, large and small, victorious in this war. It believes that, in general, the mechanism of Dumbarton Oaks assures a long peace but a provisional one. Colombia believes that the generation which waged the war, which led it and backed it, is capable of keeping the peace. But it also believes that this system is a compromise, as has been said here, between the realities of 1945 and the aspirations of humanity. No American state can think otherwise because the inter-American system, functioning, of course, in a less complex continent, is unquestionably more perfect. The inter-American system proscribes all violence, all acquisition of territory by force, all intervention or interference of one country in the internal affairs of another, all aggression and, furthermore, unequivocably defines the aggressor. Should the latter appear on the scene, the Pan American community would condemn it and apply sanctions by the democratic majority of its representative bodies; there is no privileged vote nor right of veto against such a decision. In accepting a different and less perfect system, we citizens of the Americas would not renounce our system; on the contrary, we would conserve the hope that the whole world might some day be ruled by the principles and procedures which have guaranteed peace, security, justice, and respect to all our nations and which have permitted us to live unarmed. But we are fully aware that if we did not join this world organization, inadequate and imperfect though it might be, we should not be contributing to the peace of the world and that, in any event, we should have to face any war which might break out beyond our hemisphere, through no fault or responsibility of ours.

It was with this criterion that we participated in good faith in the League of Nations. It may not be out

of order to recall that the only two interventions of that organization which stand out as examples of efficiency took place in two cases centering in the Americas: In the conflict between Colombia and Peru, countries which submitted to the decision of the League and one of which had part of its territory administered by authorities of the League until the end of the incident, and the other, with less brilliant results, in the Chaco War.

But, so far as Colombia is concerned, it understands that no regional system like the inter-American one, or any other that might be established on a similar basis, can and should suffer any setback or detriment as long as, like ours, it shows that it is fully consistent with the aims of the general organization and, in addition, shows its efficacy in maintaining the peace and security of part of the world. The inter-American regional system is an old and excellent political institution and it was so recognized very clearly, although badly defined, by the Covenant of the League of Nations as the typical regional system. We citizens of the Americas will never ask for special privileges for our system and I believe that we all agree that, if there were three or four similar ones which guaranteed regional peace with the efficiency which ours has shown, great progress would be made toward permanent universal peace. The regional system must be coordinated with the sole world system and it cannot have different objectives than those of the world organization. But the regional methods, pacific and coercive, which the regional system may employ to guarantee peace or to prevent and punish aggression, so long as they are applied within the spirit of the procedures of the world organization and with the sole purpose of preserving a just peace and the rule of justice, should not be subject to the veto of a single nation if, as is the case with the Pan American system, this right of veto is not granted to any of the nations in the regional group. If there were to be an act of aggression in or against the Americas, all of the countries of the American system should come to the aid of the victim in accordance with our undertakings at Mexico. No nation of the Americas, still less if it were the aggressor, could veto the action taken to prevent or repulse the aggression. On the other hand, within the world organization, a nation foreign to the conflict could do so and arrest the action at any moment with only a single negative vote. Some of us of the American States have well-grounded fears that the presumption that the regional group would be in error and that, on the contrary, the state which has the right to paralyze the group's action cannot be wrong, is too forced

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a presumption to be a guarantee of peace, and would instead contribute to disorder.

It is clear that the defect lies in the voting procedure in the Security Council and not in the relations of the world organization and the regional one. But Colombia is prepared to concede that this voting procedure may be necessary to maintain the unstable equilibrium of another part of the world, destroyed by the barbarity of Nazism, which will enter once more, from now on, into a new experiment to try to find a solution for its age-old conflicts. In this part of the world, miraculously spared from catastrophe and miraculously stable, which has settled its territorial problems, which relies on perfected and respected public treaties, which consequently is in a position to ascertain who is the aggressor and when there is aggression, such a procedure might unleash war instead of assuring peace. In accord with its undertakings at Chapultepec, Colombia believes that if the system of voting in the Security Council be approved as recommended, because it is deemed necessary for the security of the world, autonomy of regional arrangements like the Inter-American one should be amplified so that its decisions could not be vetoed by a single nation in the Security Council.

I am well aware that the old nations whose beginnings and history are interwoven with the history and the beginnings of mankind may listen with certain explicable doubts to us of the American states when we proclaim our confidence in the juridical and political methods which we have adopted in the international field. Nevertheless, these doubts are not justified. In reality, we are only a young branch of the civilization of Christianity and of the West. There is nothing in our culture nor in the forms of our political and social life in which a man of the old world cannot recognize the basic roots, which are the nature or the will of his own forebears. However, through an understandable phenomenon, the great antitheses which were created in the political thought of the West were resolved without great struggles in American syntheses and in an atmosphere more favorable to the unlimited growth of man. The first clashes in modern times between democracy and autocracy took place in England; while the struggle continued fiercely and cruelly on the other side of the Atlantic, here, in the broad reaches of the British colonies the conflict was settled with marvelous ease. None of the concepts of international law which govern the relations of the peoples of this hemisphere can be termed a typically American creation.

But how much effort, how many wars, how much pain, how much misery has it cost European civilization for centuries to implant a principle which, among us, is accepted at a Pan American meeting as a natural accord of wills without opposition from any important national interest? We are not, because of this, better or worse but only more fortunate. And we do not feel, nor shall we feel, it to be unjust or arbitrary that every time that the old hemisphere is shaken by a new conflict, caused by complications dating back through the centuries, the American continent should interest itself in its settlement, including the shedding of its blood. If classical civilization were to undergo a disaster, ours, which is identical, would be tied to its destiny. The short experience of America is that the past and present of Europe are the immediate future of America and not the reverse. Thus, we have the privilege of foretelling our destiny by reading the pages of the history of our civilization as it was unfolded on the other side of the ocean. We are not and should not be regionalists and we could not be, even if we wished. We speak today of the continent as of a unit, it is true, but this is for one reason: because we will not be able to say that the world is a unit until the task which we are beginning now, in San Francisco, becomes perfected and a long peace permits us to have a little more confidence in our capacity to make it a permanent one--without need for recourse to force.

But, Fellow Delegates, any explanation as to the feelings of America regarding the problems of the world is unnecessary. One by one, the representatives of all the nations meeting here have rendered tribute to the memory of Franklin Delano Roosevelt. Each one has found a special reason for affection, for admiration, for gratitude, interpretating the sorrow of his nation because Roosevelt was a friend of all the nations and the good neighbor of humanity. Franklin Delano Roosevelt was an American, the greatest of our times, the most American of all. We owe the development of our regional system to his generous, straightforward and fortunate policy as a true American but the old world owes him more, the victory of the United Nations, the liberation of many oppressed peoples and the peace which we must guard zealously at this Conference.

MR. EDEN: Fellow Delegates, while the hour is late, I think that you all feel we should hear one more orator tonight. The list is still a long one and we must get on. I propose therefore to call one more speaker tonight.

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Before calling upon him, I would like to announce to the Plenary Session the decision taken unanimously by the Steering Committee this morning that at the opening of our next session, that is tomorrow afternoon, the first speaker should be one who is esteemed in his knowledge, wisdom, and experience, Field Marshal Smuts of the Union of South Africa.

I now call on the Minister of Foreign Affairs and Chairman of the Delegation of Ecuador, whose speech will be translated later into English by Ambassador Ballen.

MR. PONCE ENRIQUEZ (in Spanish):

MR. DURAN BALLÉN (in English): Mr. Chairman, and Fellow Delegates, Ladies and Gentlemen:

To occupy this history-making rostrum to express with loyalty and precision the concepts which inspire the Ecuadorian attitude at this United Nations Conference on International Organization is indeed an honor and a privilege.

We, the representatives of 46 nations, have not come to San Francisco to lay down a set of conditions leading to another war but to build the foundation for an enduring peace. And so it is that our responsibility emerges, as creators of an international structure equipped with essential elements of preservation and defense, without recurring in the original mistakes which so mortally affected the old League of Nations, whose brief experience demonstrated to the world, in a pathetic way, that the spirit of peace which it sheltered lacked the positive means to live and to survive in a universe charged with unrestrained appetites and pitfalls.

To win the peace is a more complex task than to win the war because whereas victories are inspired by the firm will of those who achieve them, aided by all sorts of destructive techniques, to win the peace moral disarmament is necessary, that is to say, the instinct of violence of which men and states are possessed must be uprooted.

The findings of the Dumbarton Oaks Conference merely suggested the path along which the San Francisco Conference was to travel in order to achieve its transcendental task.

There were gathered in its text, by way of experiment, the elements of a system of world organization, fortified

to be sure, by the high prestige of the powers who attended that memorable meeting.

Yet, inseparably allied with its text, the Atlantic Charter had already stated the moral substance of certain guiding principles of international good neighborliness, which the San Francisco Conference cannot afford to disregard without nullifying itself.

There is, furthermore, as a background, as far as the guidance and behavior of America in this great assembly are concerned, the Mexico Conference recently held by the republics of the Western Hemisphere, where among other subjects, a chapter on international organization was debated and whose common aims were embodied in an instrument approved and subscribed without reservation by all the delegations which attended.

May I now be allowed, Sir, to present a bird's eye view of the suggestions of the Republic of Ecuador in connection with the Dumbarton Oaks plan.

In the opinion of my Government the structure of the international organization must rest on three indispensable foundations:

1. Its universality, so that, in any immediate or remote period of time all sovereign states of the world and those which might hereafter attain sovereignty may be admitted;

2. The efficacy of its mechanism to establish a worthy system of collective security; and

3. Its strict adherence to the supreme principles of justice and right without which the organization would degenerate into a mere political alliance carrying in its bosom the germ of its own disintegration.

For, in truth, Sir, we must now admit that the abstract production of writers and experts in international law, plentiful though it be, has been inadequate to preserve peace; libraries are bulging and curricula are saturated with captivating and promising treatises and speculative works. But has such plausible effort produced the improvement of man or raised international life to a moral level in which each one receives what belongs to him and where the ideas of aggression and defense, of conquest and liberation have been banished? Definitely no; because at the core of the problem of war and peace for the fit

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solution of which millions of men have given their lives and wealth and prosperity of so many nations have been destroyed, there lies a spirit of insincerity which, disregarding what people are and want, gives way to momentary political expediency--source of all calamities and fruitful root for new and unending conflicts.

Universality, security, and right: this is then what Ecuador demands of an international organization worthy of a world in which our aspirations of peace and justice might become a reality.

Applying these principles to the Dumbarton Oaks Proposals, we maintain that it is necessary to embody in its principles those without which the Charter of the world organization would be shorn of ideals. Unless the supremacy of moral law is recognized as the guiding rule of conduct of states; unless their juridical equality is proclaimed beyond those practical or political inequalities which stand between them; unless force is prescribed as a method of settling international conflicts; unless internal and external sovereign rights of states are respected within the limits imposed by the obligations arising from the interdependence of members of the international community; unless the principle of non-intervention is upheld as the full expression of that respect, the covenant of the future association of states will have no greater value than as a document maintained in force by a system of political equilibrium exercised by the Government subscribing and ratifying it, susceptible of becoming disjointed and falling apart at the first sign of reciprocal incompatibility among the forces supporting it.

On the other hand, if the internal democracy of states aims at transmitting its essence to international existence, it is advisable that the General Assembly of the Organization be established as the organ directly representing all the states composing it and that it be endowed with the authority and powers of which the Dumbarton Oaks plan is so greatly lacking, so that within the framework of its functions it might be enabled to lay down the principles and rules of international law or to amend them progressively, thus becoming in a way an international legislative power.

Ecuador agrees with the requirement that the responsibility to maintain peace and international security rest with the Council of the Organization, granting it sufficient authority to accomplish this. But in the realm of ethical values any responsibility must be enforceable. Consequently,

it is imperative to confer on the General Assembly the supervision of the fulfillment of the obligations pertaining to the Council.

It would be highly plausible to increase the number of members of the Security Council, granting a numerically superior representation to small states in order to strengthen that organ, situating its roots in universal public opinion and with due respect to the system of proportion of representation.

Concerning the voting arrangement in the Council, an earnest analysis leads us to declare it inacceptable that the majority required for decisions concerning questions other than those of procedure, that is the most important ones, should include the vote of all permanent members since this is equivalent to breaking the principle of juridical equality among states, reducing those who have no permanent seats to a deplorable and unjust condition of inferiority and, even more deplorably, to provoke the collapse of the functions of the Council in the not impossible case that any one of its permanent members should wish to interfere with its smooth running.

In such a strange situation, we would have not an association of states, but the almighty will of a single state against the consensus of the others, that is, an undeniable example of anarchy within a seemingly internationally organized world.

Likewise subject to criticism is the right granted to members of the Council to vote on decisions concerning preventive or repressive measures to be undertaken against acts of aggression which they themselves might commit while such right is denied in the case of controversies of lesser significance to which they may be a party.

This break in the unity of the regime whereby the vote is denied in less serious decisions of the Council while it is permitted in the more serious and urgent cases, coupled with the proposed majority requirement, presents a possible case where the collective security system may be powerless to repel or to avoid aggression or the threat of aggression by a member state of the Security Council.

Under these circumstances, the seed of aggression would fall on fertile soil to be harvested in future deadly wars which the Organization could neither avoid nor check from its position of mere spectator.

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The elimination of these imperfections from the Charter would tend to invigorate it in the light of truth and justice lest in a not too long period of time it lose definitely its efficacy, as was the case with the Covenant of the late League of Nations.

It seems likewise advisable that, if it is not possible to establish compulsory jurisdiction for the international Court of Justice over all international differences, the optional clause which leaves it to the will of the states to accept or to reject the jurisdiction of the Court in their legal disputes be stricken from the statute so that the states will be obliged to submit such disputes to that high tribunal.

In the chapter on peaceful settlement of controversies it would seem indispensable that the San Francisco Conference impart all necessary strength to the method of conciliation, because of the flexibility of its application and its psychological efficacy, and trusting the Assembly with the task of approving a statute of regional or continental commissions which, while depending from the Assembly, might exercise conciliation with ample powers in all international divergences of a political character occurring within the respective region or continent.

Such commissions would have jurisdiction over conflicts large and small, particularly those arising among the larger powers, whose might and magnitude no peace organization could otherwise resist, given the reality of things and the past experience of history.

Because of the degree of maturity reached by the regional Inter-American system, the Delegation of Ecuador would hope that in the sub-chapter on regional agreements the Conference should take cognizance of the personality and existence of such a system as a geographical, historical, and political structure ruled by custom and by written law and equipped with its own organs for the achievement of its objectives of peace, security, and international justice coincident with those sought by the world Organization.

Likewise the Delegation of Ecuador suggests the creation of a new organ which might be entitled "Educational and Cultural Council" similar to the Economic and Social Council proposed by the Dumbarton Oaks plan, whose essential mission would be to promote understanding and peace among nations within a growing process of universalization of the values of education and human culture tending to bring about in this manner an international association of mind as the root and forerunner of an international association of states.

This then, sir, is the outline of our high hopes in connection with the international organization of the Dumbarton Oaks Proposals. But it would not be sufficient to fashion its body with wisdom and skill if we neglect the question of its soul, of its inner purpose, of its vital sense, or, in other words, of the real aspirations of nations often contrary to the cold substance of text.

With this in mind, I am taking the liberty of expressing that the Republic of Ecuador, as a member of America and a staunch believer in the American system, in its broader or continental sense, would wish that the world Organization be inspired by the spiritual values as well as the positive institutions of the Inter-American regional system because we are convinced that through the immutability of destiny such a system meets the requirements of a just and free international community based on the reciprocal respect of its component states and nourished by the vigor of a progressive democracy.

If the peace that we seek is to be a just peace and the organization which we are building is to be an efficient organization, let us "Americanize" the world, so to speak, and let us "Americanize" it among other reasons in tribute to Franklin Delano Roosevelt, peerless champion of our supreme ideals as a spiritual monument to his memory, survivor of time, for while his death has deprived us of his physical presence, burying it in the past, his immortal spirit watches over us from a lofty summit pointing the way as he says: "This time, my friend, you dare not lose the peace."

MR. EDEN: Fellow Delegates, the Fifth Plenary Session of the United Nations Conference on International Organization is hereby closed.

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The United Nations Conference on International Organization

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PLENARY

VERBATIM MINUTES OF THE SEVENTH PLENARY SESSION

Opera House, May 1, 1945, 8:30 p.m.

Mr. Soong Presiding

MR. SOONG: Fellow Delegates, Ladies and Gentlemen, the Seventh Plenary Session of the United Nations Conference on International Organization is hereby convened.

This evening we shall hear some further statements by chairmen of delegations who have expressed a wish to address the Conference.

The Chair first recognizes the Cuban Ambassador to the United States and Chairman of the Delegation of Cuba.

MR. BELT: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen, the Cuban Delegation declares that it is anxious to contribute its share of sincere good will and intense effort toward the creation of an international organization based on the one outlined at Dumbarton Oaks.

Our Delegation deeply feels its full responsibility and is not unaware that the task now before us is both arduous and difficult, but it has the firm conviction that the purpose for which the peace-loving nations are here convened will not result in a mere chimerical illusion.

For centuries, humanity has endeavored to achieve a closer union among all peoples, thereby outlawing war. Neither repeated failures, cruel deceptions nor unforeseen catastrophes have sufficed to dissuade her from persisting in the attainment of this goal. Today, once more, we gather here in this hospitable city of San Francisco, intent on an identical endeavor.

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The task before us looms gigantic. Yet history has repeatedly taught us that what yesterday seemed an unattainable Utopia results in the positive progress of today and in the new and marvelous hopes of tomorrow.

All that surrounds us strengthens this conviction and enlivens our faith in ultimate success.

Let us consider the case of the United States of America: When the delegates of the Thirteen Colonies gathered in Philadelphia to adopt a constitution as a free country, it appeared almost impossible that colonizers of such divergent and dissimilar origins, beliefs, and traditions could ever finally integrate this powerful nation that is today, that is known by the name of the United States of America.

And if we look beyond her frontiers toward this entire continent, our eyes behold a firm union of nations, which, in 1826, seemed but a romantic dream conceived in the mind of the great Simon Bolívar.

If these two apparent Utopias of the North and the South have become a living reality, why should we not have unshakable faith in the union of all the peoples of the world, guided by identical ideals of liberty, justice, and peace?

To attain this goal, the indispensable factor is: faith in one another.

True, we cannot pretend, in a few weeks, to achieve the miracle of drafting a perfect world organization; but if we succeed in instilling into the proposed Charter a human and generous spirit, we will not have failed in our task.

We have come to offer humanity an instrument of peace: we have not come to barter advantages for advantages. Nor have we come in order to seek benefits at the expense of our neighbors. We must destroy forever the dangerous concept that right is that which is useful exclusively for our nation, and substitute for it this other concept: Right is, in the final analysis, that which is useful for humanity.

If we disregard the necessity for making all reasonable concessions and justifiable sacrifices, neither we, nor our sons, nor the sons of our sons, will live in a peaceful world.

We recognize the fact that Britain, China, Russia, and the United States of America have won the war, and that by their great heroism and unnumbered sacrifices they have crushed our common foe.

We fully realize our inability to build a world organization capable of maintaining peace and security, if we do not have their generous cooperation, great experience, fabulous resources, and enormous strength. But it would likewise be impossible to construct an organization capable of maintaining peace and security, if the great powers should pretend to impose their decisions, based on their superior force.

"Let us only hope" with the Chinese philosopher, "that the dream of world organization may have less the character of the Delian Confederacy. The tragical motivation of that historical drama was that the heroine, Athena, democratic and brilliant and arrogant, loved freedom of the other cities."

The Cuban Delegation will strive for a world organization based on nothing more, nor less, than true democracy. Or in other words: equal rights for all nations and submission to the will of the majority.

Nevertheless, it may be desirable in certain cases to require a vote by some proportion larger than a majority, but never to require unanimity, because this would mean an exceptional privilege whereby a single vote would make null and void the votes of all the other members of the Organization. This procedure obviously would be contrary to the very essence of democracy.

In reference to the Security Council as outlined at Dumbarton Oaks, the Cuban Delegation wishes to state that we are against permanent members in the Security Council, for this also constitutes an utterly undemocratic privilege. Nevertheless, we recognize the necessity of the full cooperation and presence at the Council of the representatives of the powers who, through the might of their resources and the sacrifice of their peoples, are bringing this war to a victorious conclusion.

And as regards the International Court of Justice, we consider that its resolutions must be compulsory for all the members of the Organization.

After yesterday's session in the Steering Committee, I do not need to insist on our stand in the matter of the inter-

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American regional system, of which we are justly proud. It is our conviction that this system should function autonomously within the world Organization, in order that the single vote of any member of the Security Council may not annul its decisions.

It is impossible for me to mention the inter-American system without expressing our deep joy and happiness for the splendid demonstration of union and solidarity that the American republics gave yesterday in this assembly--a union and solidarity which had its greatest apostle in the best friend the Americas ever had, Franklin D. Roosevelt. His great spirit will guide us always, and we are confident that his human and generous policies will be carried on by President Truman, genuine representative of all that is best in this great American nation.

In conclusion, let us humbly pray that with the help of God, we may attain the goal of peace on earth, good will toward men, and that the Golden Gate of San Francisco will be the wide and miraculous entrance through which humanity will advance toward that new and better world to which we all so anxiously aspire.

MR. SOONG: The Chair next recognizes the Minister for Foreign Affairs and the Chairman of the Delegation of Luxembourg.

MR. BECH (speaking in French; translation follows): Mr. Chairman, Ladies and Gentlemen: The night before his death, President Roosevelt wrote this phrase in his last address: "The only limit to our realizations of tomorrow will be our doubts of today . . ."

It seems to me that, from the outset of our work, this thought of the late President should be ever present in our minds, just as I think it will be well, at critical moments in our discussions, to turn our thoughts toward the already haloed figure of the great humanitarian, Franklin Delano Roosevelt, whose faith in a better world was never shaken by doubt and whose indomitable will to make this world a reality was never crippled by discouragement.

Among the peoples of the earth who mourn him is my little country, which the President held in particular affection. He never missed a chance to express this affection or to show it in his actions. How can we find words to express our sorrow and our gratitude to the memory of the President and to the great American Nation whose triumphant armies have liberated our territory and restored our independence and freedom? Not far from my country's capital, thousands

of American soldiers who fell in the battle for the Ardennes lie beneath their wooden crosses. Far from their native land, they rest in the soil they liberated with their blood. There they sleep, surrounded by the affectionate devotion and boundless gratitude of a small sister-nation. Their last resting-place will remain forever one of the sacred shrines of Luxembourg.

When I think of these dead and of the millions of others who fell, victims of Teutonic and Japanese aggression, the mere thought that our work could end in failure seems sheer treason.

We have come together here to prevent this terrible slaughter from recurring. Our predecessors failed in this after the First World War. Yet in spite of the failure of the first institution set up to maintain peace, the peoples have kept faith in international solidarity. They will not permit, they would not forgive their leaders if they returned to a policy of balance of power, which would inevitably result in a race for armaments heading straight for another war.

The protection of peace can only be insured on the basis of collective security. The Geneva League is dead, but its fundamental principle, the spirit of international solidarity, lives again in San Francisco. The best proof of this is that the Dumbarton Oaks plan resembles the Covenant like a brother--a more robust brother, a more realistic one who has cast aside the Utopian dreams of his elder and gained wisdom and experience from past errors and misfortunes.

I feel sure you will allow me, as an old Genevese, to salute the memory of the late President Wilson and of the great and worthy pioneers who after the last war, for the first time in history, dared to put their trust in the solidarity of mankind in order to insure peace. If they failed, and failed nobly, it is because, as Winston Churchill said at Harvard, their work was neglected and betrayed. Like the late President Roosevelt who invited us to attend these new peace meetings, President Wilson was a son of this great country whose soul is a happy blend of idealism and realism.

The United States, together with the Union of Soviet Socialist Republics, are today among the United Nations which will assume the responsibility for maintaining peace.

One of the chief causes which undermined the Geneva venture is thus ruled out. The League of Nations was intended to be armed, but it was born without shield or sword--in other words, it was still-born. The international organization born of our discussions will have

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the necessary armed forces to insure respect for its decisions. A great French writer once said that a judge is nothing but a poor dreamer unless he is backed by a police force. Taking national selfishness into account, what could be expected of Geneva's judge?

Who can deny that the powers, and privileges which the five principal guardians of the future organization have taken upon themselves and ask us to confirm are rather exclusive? But should we really have expected that the great powers, in coming here, and we too in our turn, could forget that it was they who brought the German giant to his knees, that it is they who tomorrow will make an end of his Japanese accomplice, and, moreover, that it is they too who will have to shoulder the greater part of the responsibility in warding off and overthrowing any future aggression?

Authorized spokesmen of the great powers have stated that the text of the Dumbarton Oaks plan which sanctions the rights and obligations of these great powers, far from being inspired by a spirit of domination, are designed to serve better the common cause of the United Nations. I accept the omens, and I hope and believe that there will be some way of conciliating the principle of equal sovereignty for all peaceful nations, as stressed in the Moscow declarations in a system which will take into consideration the responsibility of the great powers.

Gentlemen, as the representative of a small country whose voice must be a humble one in the concert of the nations, it would be ungracious of me not to follow the advice given us this morning by our chairman to make our speeches brief.

Let me just say that my country brings to this Conference the most active and trustful good-will.

The plan submitted to us is fair. It promises only what it can reasonably accomplish. It does not hold out to us the myth of promising permanent peace and security. It only aims at guaranteeing the maximum security which can be achieved in the imperfect world in which we live. It is true that it offers no guaranty against another catastrophe in the event of misunderstanding between the great powers. But so far even the most fanatical theoretical planners have not found the magic formula which would provide this guaranty.

The Dumbarton Oaks plan is a suitable one, and will work as long as we remain united in the spirit which animates us all today, large countries and small; to oppose war with the will to peace of hundreds of millions of men. Whatever changes our discussions may bring about in the Dumbarton

Oaks Proposals, the new International Organization for the maintenance of peace and security will not reach perfection.

Still it will have the great advantage of being able to insure the maintenance of order immediately and for as long as we remain faithful to it in the future. Sheltered by the security it will achieve, it will be possible to organize the world on the basis of recognized and ratified international law and to restore the sway of right over might.

In the past, peace meant absence of war, and not the setting up of an international order founded on justice.

It is up to us to create this international order. Our success depends on how we answer this question: Who comes before justice or peace?

It has been said that the Charter we are about to give the world will have no worth apart from the spirit with which we imbue it.

May we all resolve to serve the future International Organization, and not to use it as an instrument to promote our nation's interests and seek to make them prevail.

May I, before ending, recall a parable?

A man was passing near the site of a new cathedral. He asked one of the workmen what he was doing, and the man replied: "I am breaking stones." A second workman said: "I am earning my salary", and a third, to whom he put the same question, turned his eyes, bright with religious fervor, toward the half-finished cathedral, and answered, "I am building a cathedral."

May the spirit and faith of that workman animate all of us here who are called upon to build the framework of peace, and the name of San Francisco, the name of the Saint whose life was a single canticle of peace, will be blessed by generations to come.

MR. SOONG: The chair now recognizes the Prime Minister and Minister of External Affairs, the Chairman of the Delegation of New Zealand.

MR. FRASER: Mr. President, Fellow Delegates and Ladies and Gentlemen, as so many of the delegates have said, we are meeting under the shadow of a great and tragic loss. Never in history was the loss of any person so widely mourned,

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nor was there ever such a widespread sense of personal loss on the part of the masses of the people throughout the world. Millions of ordinary folks who never had any opportunity of meeting Mr. Roosevelt felt that they had lost a personal friend. He had made such a deep impression upon them with his concern for the peace and security of the world on the one hand, and on the other his deep desire to benefit the mass of the people--the common man--and particularly the underprivileged. New Zealand has sent her message of sympathy to the American nation, and we sympathize with the United States in the loss of one of its greatest statesmen, a President who will rank with Washington and Lincoln and Jefferson. The name of Roosevelt will ever be in the forefront because he belonged to the world as well as to the United States. He will ever be in the forefront of history.

My thoughts go to his life companion, to Mrs. Roosevelt, who so ably and steadfastly and courageously stood by her husband's side in support of every good cause. I would like, and I know every delegate, everybody in this hall tonight, would like her to know that we are thinking of her, and our kindest thoughts go out to her in her bereavement and sorrow.

The Prime Minister of Canada, Mr. Mackenzie King, referred to Mr. Cordell Hull. I would like to associate myself with that reference. Mr. Hull worked so hard to translate the ideas and conceptions and ideals of President Roosevelt in regard to a world Organization into actual operation that it must be a deep disappointment to him not to be with us. I hope that his health will so improve that before the Conference adjourns, we can welcome Mr. Hull among us, and he will be sure of a reception worthy of his great work and achievements in promoting international freedom and security.

Already the summoning of this Conference and the steps taken to organize it are considerable achievements. The fact that the United Nations in the midst of war will turn to the work of preparing for peace, and I hope permanent peace, is characteristic of the attitude and outlook and objective of the United Nations during the whole of this world catastrophe. The United Nations went to war to prevent and to stop aggression and to establish peace on a sound foundation. It is something to be proud of that we are meeting in the midst of a war that in the Pacific is likely to continue for some considerable time. We are meeting in the midst of war to establish peace.

And I want to express my own great satisfaction at the spirit in which the Conference opened, at the tone of the opening speeches of Mr. Stettinius, of Mr. Soong, of Mr. Molotov, and of Mr. Eden. There was evident a burning desire to establish an organization that will give us world security, and there was also a breadth of view and tolerance that was most encouraging. They said that the Dumbarton Oaks Proposals were not sacrosanct; not above criticism. They did not say that the Proposals could not be amended, but that they were open for amendment. Indeed, the representative of the Soviet Union said elsewhere that there would not be much sense in calling a Conference and submitting the Proposals unless they were open to amendment. That is the spirit in which I hope the Conference will be continued.

One word about references that have been made to the part--the very noble part--played by all the United Nations who participated and still participate in the war. I don't think that it is possible to evaluate the contribution of any nation. Poland, France, Belgium, Holland, Norway, Czechoslovakia, Yugoslavia, Greece, China, the British Dominions, the smaller nations, some of whom will be important nations once more, all gave of their utmost. They gave and are giving to the full limit of their capacity, to the full extent of their resources, and they have suffered accordingly. The European small nations that I have mentioned chose the path of honor and risks--sacrificed everything and risked extermination as nations rather than betray the cause of mankind--and I include the nation of my predecessor at this table, Luxembourg, which has played such a splendid part.

I cannot single out the achievements of the United Kingdom, but I should just like to point out that after Dunkirk, Britain alone, with only her daughter nations around her, held the pass for mankind. If Britain had not stood firm, and ready to fight in the streets and in the hills and the valleys of her country, then the cause of freedom and justice would have been overthrown and trampled underfoot.

I have no time to portray the retreat of the Russian Armies to Stalingrad or their recovery and reorganization and their triumphal march to Berlin.

And I have no time to do adequate justice to the contribution of the United States, which began when the President on behalf of his Government and of the Nation gave help and assistance to Britain and the other United Nations, then in such a perilous position; and when the lend-lease

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proposals were brought forward--the most generous action of a non-belligerent power toward a power at war in the history of the world. From that moment to the time of Pearl Harbor the organization of America's mighty resources and its wonderful achievements on land, sea, and air, in Europe, in Asia, and in the Pacific, until up to the present moment of its rapidly increasing triumphs, America has stood behind us first and then came with us shoulder to shoulder. Without the large nations--without Britain, the Union of Soviet Socialist Republics, and the United States--there would have been no triumph; rather a world dominated by eternal tyranny. But neither could the great powers have carried on successfully if it had not been for the steadfast stand taken by some of the small powers and the rallying around of others.

One word about New Zealand's part. As soon as the cable came from the British Cabinet that Britain was at war with Germany, New Zealand sprang to the side of our mother country and from that moment, because we knew that if aggression had not been stopped earlier, a stand had to be taken then or all mankind would be overwhelmed, and from that moment, like our sister Dominions, Canada and Australia, and South Africa, and India, all under the British flag, have organized to the limit of our capacity. Our casualties have been 1 in 47 of our population. Our deaths have been 1 in 151 of our population. No country has suffered more casualties as far as I can ascertain, but New Zealand will count that as a worthy sacrifice, however hard it is upon the people and the homes and the mothers of our country, if at this Conference we can lay the foundations of security among the nations and have peace on earth.

As I have said already, there has been no attempt on the part of the spokesmen of the four great powers to hold up Dumbarton Oaks as sacrosanct, or to say: "Here are our proposals. Take them or leave them." As a matter of fact, if we are successful at this Conference, then we will save mankind, and there can be no question about the good will in the Conference or the good will that is expressed among the delegates. But good will in itself, however estimable and helpful, is not enough. We must see to it that the machinery that is to translate that good will into actual operation for the benefit of mankind is efficient and can do the job that we intend to do.

The New Zealand Government has carefully examined the Dumbarton Oaks Proposals and we think that they are, on the whole, admirable and a great contribution toward the goal that we are aiming at. But we also think that, however creditable the achievement of Dumbarton Oaks has been--and we give it full credit--however fine a spirit of mutual accommodation and cooperation has been, we still think that there is room for improvement and that there are a number of glaring weaknesses which we suggest an effort should be made to remedy.

First of all, I would say that a great weakness is the absence of any definite pledge of the members to protect one another from aggression. There is no clear declaration that the security of individual members is the objective; no embodiment of the stirring claims of the Atlantic Charter. And I would pause to say that we who welcome the Charter, who have hailed it as the Magna Carta of mankind, do not think that it was ever intended simply as an indication. We believe that when it was brought forward it was meant by President Roosevelt and Mr. Churchill as a document to help in the emancipation of mankind.

That document rang out in these words: that the peace we aim at is one which "will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want."

We suggest that there should be an unequivocal pledge to resist all forms of aggression.

I see it suggested in the press that our Russian friends are contemplating something of the kind, to produce something of that nature. I am not aware whether that is so or not, but I sincerely hope that something will be done in that direction. There should be some international rule of conduct, some standard by which to judge a nation's conduct; and I submit that that is unfortunately missing in the present proposals.

New Zealand would wish the Charter we are about to draft to place at the core of the undertakings which the members assume, an unequivocal pledge to resist all acts of external aggression against any member of the Organization. We think that this provision, more than any other, would give life and meaning to the world Organization and would assure to all states a positive advantage in adhering to the Charter.

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The peoples of the world deserve to know--they have a right to know--what rule of conduct is to guide their assembled representatives in deliberating every critical phase of the relationships between nations. They should know by what measure, or standard, the acts of their own country, or other countries, should be measured. They should have the international rule of conduct set before them clearly and simply; and, in the opinion of the New Zealand Government, this can be done only by a universal pledge by each and every nation that all acts of external aggression should be resisted.

I should add that while the territorial integrity and political independence of each member should be preserved against external aggression, changes in the status quo should at the same time be possible, although not under force or threat of force. The Declaration of the Act of Chapultepec, agreed to by all the American nations in Mexico City recently, would meet what we consider to be an imperative necessity. There the words are set forth in the Act of Chapultepec, to which 20 or 21 of the American republics have given assent--a document that they have accepted and signed--there we have a declaration, a pledge in regard to aggression which might very well be adopted, modified to suit the occasion, in our proposed Constitution.

The second major deficiency which we see in the Dumbarton Oaks Proposals is the excessive authority which is conferred on the great powers. We fully realize that the primary condition for the success of the Organization is that the more powerful nations should remain united in support of it, and we realize also that no security program is worth pursuing unless it commands the adherence of the great powers. We feel, however, that the part which the smaller powers may take in framing the decisions of the world Organization could, without any loss of security, be enlarged.

On matters of peace and war, no responsible government, large or small, can sign away its right to pass judgment itself in its own Parliament and through its own Constitution and forms.

The country which I represent has never shirked its responsibilities in the defense of freedom and the democratic way of life. These responsibilities mostly have been called for and mostly been fulfilled in times of war when the price of shouldering them has been at its highest peak--the price that is measured in death and bloodshed and sacrifice. New Zealand asks that she now be given an opportunity to

meet adequately her responsibilities in a time of peace. We are not prepared to consent to be relegated to a position of "theirs not to reason why, theirs but to do or die".

I do not for a moment overlook the fact that the great powers must have inevitably a predominant voice on matters which call for the use of armed force. But, clearly there will be difficulty in the way of accepting a proposal under which the great powers retain for themselves the right to say in every important case whether the Organization shall act or not and whether they themselves shall be bound or not, and are at the same time vested with the right to deny the smaller powers not only a vote but a voice in these matters.

In our view the powers of the General Assembly should therefore be so wide as to give that body the right to consider any matter within the sphere of international relations.

The Security Council would have its specific powers but the powers of discussion and recommendation of the Assembly should not be constitutionally limited.

We would also propose that when sanctions are called for by the Security Council, endorsement by the Assembly should normally be required, and that all members should be bound by the Assembly's decision.

This course should not necessitate any delay in taking action, since there are likely to be in the future, as there have always been in the past, some indications--some at any rate--some indications of even a rapidly developing dangerous situation, and, in cases of extreme urgency, the Security Council should have power to act. In our view so long as the Council does not falter in its duty and acts in accordance with the principles of the Charter, the other members of the Organization will be both eager and willing to support it as the occasion may require.

Another matter of major importance to which I wish to refer concerns the veto rights of the great powers. Can proposals embodying this principle and prerogative possibly be regarded as a sound basis for the building of a lasting world Organization?

The veto which can be exercised by one of the great powers, both in regard to itself and other nations, is unfair and indefensible and may, if retained and exercised, be destructive not only to the main purposes of the

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International Organization but to the Organization itself. For instance, under the existing provisions one of the five permanent members, which may clearly be an aggressor, can use its power of veto to prevent its own condemnation, or even its designation as an aggressor.

It is quite true that even if the power of veto was withdrawn, one of the great powers, after it had been designated as aggressor by the Security Council, could decide to defy and flout the decision of the Council. In that case the enforcement of the Council's decision by the means mentioned in paragraph 3 of Section (B) of Chapter VIII of the Draft Proposals would probably mean war between the nations on the Security Council and the delinquent nation, and that would be a dreadful calamity, and indeed a catastrophe, which no one would wish to contemplate. It can be asked, then, is the result not the same whether there is a veto power or not--namely the successful defiance of the decision of the Security Council. My answer is that there is a great difference between a nation defying the Council in violation of its pledge to accept, observe, and loyally abide by that decision, and a nation being legally empowered to defy the Security Council, and that is what the provisions mean at the moment.

Under the Draft Proposals, after a great power by common consent and agreement has been solemnly indicated as an aggressor, obviously nothing further can be done if that power exercises its right of veto. It "gets off with it". It is also clear that if the veto is exercised in such a case, defiantly and perhaps even cynically, the faith of men and of nations in the world Organization would collapse. The veto of the five large powers should not be insisted on. But apparently the veto is a condition up to the present moment of the unity of the three powers--Russia, the United States, and the United Kingdom--in the promotion of the world Organization. It may be an inevitable condition. If this is so, I am afraid that the other countries will have no option but to accept it, because I believe that any organization that will bring the nations of the earth together to discuss matters of importance to the world, even if that discussion is to a large extent frustrated and negatived, is better than no world Organization. At the same time, while accepting the distasteful and possibly disastrous veto, there is no need for us to justify or applaud it, or to refrain from efforts in future years to have it removed.

But what about the veto which can be exercised by one of the permanent powers on the Security Council in respect to aggression by other nations? Surely the inclusion of this particular form of veto has been unintentional. I believe that it was never intended that a great power should be entrusted with the right of veto in regard to the aggression of a small power. If this use of the veto survives it will bring about a situation that will be preposterous and will destroy respect for the world Organization. For instance, one small power may be an aggressor against another small power, but one of the great powers can even veto the matter being made a subject for consideration by the Security Council.

It is even held by some who have studied the Proposals, that a great power could prevent any discussion in such circumstances, but I am of the opinion that discussion could take place in the Security Council up to the point when a vote is taken as to whether the question is one for the Security Council to consider and handle.

If a great power could cast a cloak of protection over a small aggressor power by the exercise of the right of veto, then the work of the Security Council would be reduced to complete futility.

While we feel that the veto as a whole should not and cannot survive as a permanent arrangement, we are firmly of the opinion that if its adoption in some form is inevitable its operation should be restricted exclusively to enforcement action under Chapter VIII, Section B.

This matter has admittedly been the subject of much discussion and already the great powers have made concessions. They have not asked for the power of veto in their own cases up to the point of the application of sanctions, but under the present provisions they will retain the veto in the case of others, both for the application of sanctions and for the preliminary stages. The New Zealand Government considers that this proposal is not only wrong but ridiculously and absurdly wrong, and should not be upheld. I feel certain that the decision arrived at was never arrived at intentionally and therefore can be corrected at this Conference.

Another matter to which I would refer concerns trusteeship. In our view the Charter should include the application of the principle of trusteeship to the government of dependent peoples. The object of that trust is the welfare of those peoples, and the powers to be conferred on the Organization to this end should be the subject of discussion and negotiation.

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Finally I would like to stress the supreme importance for world security of effective economic and social cooperation. The New Zealand Government therefore attaches great importance to the provisions of the Charter respecting the functions of the Economic and Social Council.

As I stated at the outset of my remarks, the maintenance of peace is the paramount problem that confronts us. This is a moral problem and not merely a mechanical one to be solved by procedures, however carefully devised and comprehensive their nature.

The failure of the League of Nations, one of the noblest conceptions in the history of mankind, was a moral failure on the part of the individual members, and was not due to any fundamental defect of the machinery of the League. The League of Nations failed because its members would not perform what they undertook to perform. It failed because of the recession that took place in public morality in the face of the rising tide of Fascism and Nazism. It failed because the rule of expediency replaced that of moral principles.

I would therefore stress that unless in the future we have the moral rectitude and determination to stand by our engagements and our principles, then the procedures laid down in this new Organization will avail us nothing, the sufferings and the sacrifices our people have endured will avail us nothing, and the countless lives of those who have died in this struggle for security and freedom will have been sacrificed in vain.

I would plead most earnestly that the members of the new Organization should seek international equity, both political and economic, that the members will in all circumstances keep their pledged word and their faith, that the members will never again allow aggression in any shape or form in any part of the world.

I speak for a country which although small in area and population has made great sacrifices in two world wars. I speak for New Zealanders who have died and are buried thousands of miles from their own land in a cause they believe to be just, and I speak for millions of New Zealanders yet to be born.

This is a moment of time which will not recur in our lives and it may never recur again. The world may well be bound for all time by what we who are here today make of our heavy and onerous responsibility here and now.

It is my deep fear that if this fleeting moment is not captured the world will again relapse into another period of disillusionment, despair, and doom. This must not happen.

There appeared in the "San Francisco Chronicle" on Thursday last a grim and moving picture of the cemetery of the Fifth Marine Division on Iwo Jima. Underneath were these words "FOR US THE LIVING--row upon row the graves at Iwo Jima testify to the cost of that little island alone--a cost that delegates of the San Francisco Conference are resolved shall not have been in vain. The men of the Fifth Marine Division who lie in this cemetery fought that their sons and grandsons would not have to fight, and the United Nations' discussions here will carry on that battle, to implement the peace, to organize for security, to insure that there will be no more far-flung graveyards to mark the path of future wars."

These words, and the photograph of the graveyard, which can be multiplied time and time and time again almost without number in every part of the world where battle has been joined with the forces of tyranny and aggression, these words point for us the lesson and the task.

I hope, and you hope, and the world hopes that we will be big enough for the task and that we can accomplish it and save the world from future war, aggression, bloodshed, and soul-destroying tyranny.

MR. SOONG: Finally, the Chair recognizes the Minister for Foreign Affairs and Chairman of the Delegation of Venezuela, who will be the last speaker of the evening.

MR. PARRA-PÉREZ (speaking in French; translation follows): Mr. Chairman, Fellow Delegates: It is indeed difficult to believe that any international assembly has ever been more important than this one in San Francisco, both because of the task assigned to it and because of the time of its meeting. And it is most encouraging that, even before having won total victory and although we are actually on the eve of this great event, the United Nations should have already determined to organize peace on a sound and equitable basis. All men await with bated breath the event which humanity has so ardently desired ever since the beginning of this tragic era. The campaigns of the United Nations against the German aggressors have already met with a most brilliant success, and we can also see dawning a victorious conclusion to their campaign against the Japanese aggressors and the end of the sufferings of the peace-loving nations of the world.

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If an atmosphere of optimism can arise from the ruins which invading armies leave in their path, it must certainly exist in the will, proven by our presence here, to create an international organization which would prevent a repetition of these aggressions. And it is evident that no moment could have been more propitious, for an attempt to establish peace, than this one, when the war effort is reaching its zenith and as the victorious powers cooperate in a brotherhood that we would like to see ever more close and more lasting. What indeed could be the final objective of the United Nations if it is not precisely to establish an organization capable of preventing the repetition of this ghastly tragedy. To affirm that peace is one and indivisible is an elementary truth; and just as it was absolutely necessary to pool the energies of so many nations, with each one contributing according to its abilities, in order to overcome the aggression of the totalitarian powers which had set out to conquer the world, so is it today necessary that the peace-loving nations cooperate actively and without any reservation in order effectively to guarantee peace.

All the United Nations have contributed and are still contributing to ensure the victory of our common ideals and interests. But there are some, among them, whose terrible sacrifices have earned the respect and the gratitude of the whole world. The courage of the occupied countries has been unequalled, likewise the spirit of resistance of peoples which the military machine of the aggressor nations was never able to break, even in the darkest moments and when their triumph appeared, in the eyes of many, unavoidable. This spirit of the occupied nations, to which we render a deeply-felt and respectful homage, has been the most conclusive proof of the immortal nature of the ideal which inspires the United Nations and for which they are fighting. But it is certain that victory, that victory which will benefit the entire world, could not have been won without the decisive contribution of those United Nations which have at their disposal the greatest human, military, industrial, and economic resources and which have, without stint, drafted these into the service of the common cause. And this is a historical fact, of great political significance, that we cannot ignore. How, indeed, could we have even dreamed of victory had it not been for the admirable endurance of the Chinese people, first victims of totalitarian aggression? Or for the traditional tenacity of the British nation and of its Dominions, whose air force and powerful fleet stood up against the enemy at the most critical moment of this war? Or for the unequalled courage of the Soviet Armies that have been able to drive the enemy, at the point of the sword, right back to its own capital, a symbol no later than yesterday, and the source of evil ambition? Or, above all, for the inestimable resources and the unlimited spirit of sacrifice of the people of the United States of

America, whose sons are now fighting in all parts of the world beneath their flag, which has always flown in the wind of freedom? And none amongst us, Gentlemen, nor anywhere else indeed, can underestimate the part played by France in this war. The French people never accepted defeat as final, and the resistance movement, together with reorganized French forces, have played an important part and still play it in our common victory. Today, side by side with their Allies, French forces repeat on German soil the prowesses of their ancestors.

Because the main responsibility of the war effort rested on the shoulders of these great nations, the main responsibility in the establishment of peace must rest with them too. Fortunately, the San Francisco Conference offers the best proof that these nations have not only understood their responsibilities but are also determined to assume them fully. The Dumbarton Oaks Proposals, the topic and purpose of our deliberations, constitute both a valuable contribution on the part of these powers toward the organization of future peace and a proof that it is not their intention to impose, ne varietur, their way of thinking on the other United Nations. On the contrary, these documents indicate their desire to see each one of the United Nations offer its own contribution to the establishment of a world Charter. And this is why I do not hesitate to attribute to this Conference the name and character of an oecumenical constituent assembly. And just as this international organization must include all peace-loving nations, so that each one of them may serve a positive purpose therein, so the Charter of the Organization must be the fruit of the loyal cooperation of all and reflect, in its basic principles, their common beliefs.

As far as my own country is concerned, I may say or rather repeat that it believes that the Dumbarton Oaks Proposals, though they may indeed be improved by some amendments, constitute a proper foundation for the establishment of an effective international organization. It is extremely encouraging to note that this is also the opinion of all the nations represented here. My Government has taken the liberty of suggesting some amendments to the original draft, amendments which it considers important, although they do not envisage modification of the general structure of the Proposals. I shall spare you an exposition of our views, especially as they have been expressed in a memorandum that has already been distributed among all the delegations. In formulating these amendments, Venezuela was inspired by its traditional devotion to the principle of universal

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cooperation, and by its desire to see the instrument which will be the fruit of our discussions endowed with as much power as possible in order to permit the greatest possible freedom of action in accomplishing the aims of the Organization. I believe, however, that you will now allow me to emphasize a few of the principles and general arguments which are particularly dear to the Venezuelan people and to its Government.

First of all, I wish to stress our desire to see incorporated in the new Charter of Nations, in an explicit manner if possible, certain essential principles which Venezuela, like many other nations, has always upheld, not only as a member of the American community which, as you know, is bound together by a number of diplomatic and legal instruments which are, so to speak, the law throughout our continent. These principles, of course, are not specifically American and have been adopted and defended by all civilized peoples. Thus, for instance, I dare hope that we may all be able to set forth in a formal manner: firstly, the absolute equality of all member states of the new Organization; secondly, respect for the territorial integrity of these states and our duty to abstain from any attempt at intervention in their internal organization, whether political or social; thirdly, our obligation to have recourse to peaceful means in order to solve international controversies, and the condemnation of the use of force as a means of solving them; fourthly, the non-recognition of annexation of territory achieved without the previous freely expressed consent of the peoples interested.

The indivisible nature of peace, to which I have already alluded, again leads the world to consider the need for the creation of an organization whose character will be universal, and within which all peace-loving nations will be represented in an appropriate manner and will enjoy the means of defending both general peace and their own individual interests, the latter being always closely bound to the former. But I do not believe that the nature of such an organization would be incompatible with the existence of regional arrangements regulating relations between a limited number of states. The contrary would be more true. But these regional arrangements must be based on the same principles of international cooperation and must aim at preventing or solving conflicts that

might arise among the parties to them. And in this connection, may I presume to suggest that, of all regional arrangements so far established, the inter-American one has worked out best. My eminent friend and colleague, Mr. Serrato, Minister of Foreign Relations of Uruguay, and after him, several others of our colleagues as well, gave here magnificent speeches praising the happy understanding that exists among the American nations and which we who live on this continent believe to be one of the cornerstones of future peace. It is absolutely necessary to maintain this understanding. And we will therefore have to establish the procedure for an effective cooperation, with the world organization and within it, of the inter-American system which is already functioning fully and is founded on political solidarity, economic cooperation, and mutual assistance for the safeguarding of the territory and independence of the states concerned. The inter-American agreements were considerably strengthened by the recent Mexico Conference; and I may say that we who worked at the Conference never lost sight of the universal significance of our task, nor of the ideas which I have just expressed here.

In speaking of inter-American agreements, I wish to express, in the name of my country, the very sincere joy we feel as we see the Argentine Republic join in the tasks of the United Nations at this Conference where its contribution will be, I am sure, worthy of its loftiest and most noble traditions. I wish moreover to endorse the statements made here yesterday in honor of this great people; and I greet its arrival in our midst, not only because I represent an American nation but also because the political, economic, and cultural importance of the Argentine made that country's case important to the whole world and not merely, as might be thought, to our continent. Now indeed the entire community of American nations is bound together and ready, as ever, to work toward international justice and concord; and this we will do not as a blind and previously indoctrinated league but as a free association of sovereign states, each one of whom has jealously retained its freedom of opinion and of decision.

One of the most delicate problems submitted to us here is that of the respective powers of the Security Council and of the General Assembly. This problem is not new and it arose in the past when the Covenant of the League of Nations was being drawn up. The procedure then adopted is today very much criticized, as

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indeed is all that Geneva achieved. But in all sincerity I would not hesitate to state that the decisive causes for the failure of the League of Nations were not due to weaknesses inherent in its Covenant. The formula used in the Dumbarton Oaks Proposals is not the same as that of the Geneva Covenant and has the advantage of being new. It seems in any case to fit the exceptional circumstances in which this international organization is being founded, as it is presented to us. But I will not conceal the fact that my Government hopes, as indeed do many other governments, that the formula adopted here will be able to follow a timely evolution toward procedures that will be more democratic and represent better the community of nations.

One of the elements of international organization considered by everyone as essential to the progress of relations between states, is undoubtedly the International Court of Justice. And I believe that one of the chief aims of our deliberations must be to grant it the most complete authority and the greatest effectiveness in the administration of its activities.

If the lessons of the past and the horrible vision of the present are to be of any value in the eyes of man, he must obviously not limit his efforts to preventing or solving conflicts once they have already arisen. It will therefore be necessary that the new organization be able to enforce measures of active cooperation in order to find, for the economic and social problems posited before the world, solutions which will be compatible with a satisfactory order in international relations. To state it more exactly, it will be necessary to establish a peace which I would even call militant, because it would abandon its purely defensive position and adopt a positive action in attacking the true causes of friction between states in the various fields of economic and social activity. There exist instruments for this kind of action, such as the magnificent International Labor Organization, whose achievements between the two wars have fully justified all hopes founded on it and render its continued existence absolutely necessary. Other organs are in the process of creation and their principles are being discussed by the governments interested. Still others are being planned and will soon take shape. This inevitable multiplicity of functions in itself suggests the need for coordination, and it seems to me that the Dumbarton Oaks plan of an Economic and Social Council, dependent on the General Assembly, truly deserves the approval that all governments have expressed concerning it.

In this field of economics and also in the field of demography, the world will have to face two fundamental problems: that of an equitable distribution of raw materials necessary to industry, and that of an appropriate planning of migratory movements, not merely to achieve a better geographical balance of populations, but also in order that a great number of countries may be able to develop to the maximum their economic resources, and in order that the standard of living of all nations may be raised; thus ensuring social justice and stability, which alone can maintain peace among nations. That is why it seems desirable, even necessary, that international organizations exist whose purpose would be to contribute toward the solution of problems of this sort, while at the same time respecting, of course, the sovereign rights and the freedom of the states involved in such delicate matters.

As a mere reminder and to stress its importance in the eyes of my Government, I shall now refer to the problem of transportation which, as you know, has undergone in recent times intense development and will certainly demand some coordinating action on an international scale.

Before closing, I wish to mention here an idea which, I am sure, is dear to all of you and to which I myself have been devoted all my life; I mean intellectual cooperation. I believe sincerely that the organization of peace will never rest on sound foundations if there exists no close mutual understanding between the minds and hearts of men. The peoples of the world must know each other morally and spiritually before they can manage to dispel the distrust and ignorance which keep them apart. We must build up a kind of intellectual network, above the network of the physical communications system which exists between nations, or parallel to it. The present formula of intellectual cooperation must therefore be revised and expressed in terms both more exact and more extensive, in order to grant more importance to the educational aspects of its action. In the Americas we have with some success tried methods which might be adapted to a world plan. This war has, moreover, left in its path not only terrible devastation in all physical fields but also vast spiritual anarchy. It will be absolutely necessary to undertake the intellectual and moral reconstruction of the world as well as its material reconstruction, and with equal energy.

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Gentlemen, this Conference opens under the auspices of certain and close victory, and at a time of mourning for the whole world. It is still difficult for us to admit the terrible truth that President Roosevelt is no more; fallen in the heat of battle, as the war's most glorious hero, he remains among us, through his spirit and his work, the very first artisan of the peace. Posterity will confirm the opinion of his contemporaries and will revere in him one of the greatest figures of all times; the world will be grateful to him because, in the midst of this terrible catastrophe of war and throughout its duration, he toiled for the establishment of the reign of justice. Under the inspiration of his example, we can be sure that no problem, however acute, can ever divide the United Nations; and that the close coalition of victory, far from breaking asunder, will enlarge its scope and grow stronger as the years go by. That is the most fervent hope which I have come here to express on behalf of the Government and of the people of Venezuela.

MR. SOONG: This concludes the speeches which have been scheduled for this evening.

Tomorrow the Eighth Plenary Session of the Conference will be held at 3:30 p.m. in this hall. At that session this series of statements by the chiefs of delegations will be concluded. The final group of speakers to be heard tomorrow are the Chairmen of the Delegations of Mexico, Nicaragua, Norway, Panama, Peru, Syria, and Yugoslavia.

The Seventh Plenary Session of the Conference is hereby adjourned.

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The United Nations Conference on International Organization

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PLENARY

VERBATIM MINUTES OF THE FIFTH PLENARY SESSION

Opera House, April 30, 1945, 3:34 p.m.

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MR. EDEN: Fellow Delegates, Ladies and Gentlemen: The Fifth Plenary Session of the United Nations Conference on International Organization is hereby convened. For the convenience of my fellow delegates, I now announce that the Sixth Plenary Session will be held in this hall tomorrow, Tuesday afternoon, at 3:30 o'clock.

The first item on our agenda today is the Report of the Rapporteur of a meeting of the heads of delegations on the organization of the Conference.

I call upon the Chairman of the Delegation of Cuba, Rapporteur of the meeting of the heads of delegations.

MR. BELT: Mr. Chairman, Fellow Delegates: The chairmen of all delegations represented at the United Nations Conference on International Organization held their third meeting on April 30, 1945, at 11 a.m.; the Honorable Edward R. Stettinius, Jr., President of the Conference, acted as chairman.

Seating of the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic at the Conference:

The meeting recommends to the Conference in plenary session that the Conference, having decided that the Ukrainian Soviet Socialist Republic and the Byelo-Russian Soviet Socialist Republic be invited to be initial members of the proposed International Organization, their representatives be permitted to take their seats at the Conference immediately, as they have requested through the representative of the Soviet Union.

MR. EDEN: Any observations on that resolution? (pause) No observations? The resolution is approved.

MR. BELT: Seating of the Argentine Republic at the Conference:

The meeting recommends to the Conference in plenary session that the representatives of the Argentine Republic should be permitted to take their seats at the Conference immediately.

MR. EDEN: Any observations on that resolution?

MR. EDEN: I call on the chief delegate of the Union of the Soviet Socialist Republics.

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MR. MOLOTOV (in Russian):

INTERPRETER (in English): Mr. Chairman, Ladies and Gentlemen: The Soviet Delegation consider the question of inviting Argentina to this Conference an important one.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I will discuss this question in Russian, which most of you are not familiar with. I know, however, that Russian is quite suitable for a just cause.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The question of inviting Argentina to this Conference was only brought up before the delegates today, and it had never been discussed previously by representatives of the four sponsoring powers. It is quite natural, therefore, that the Soviet Delegation, desiring to acquaint themselves with this question, and to let all the other members of this Conference do likewise, suggest that its discussion be postponed for a few days.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Anybody knows that in this war against our common enemy Argentina has held a special place; it is equally well-known that for these past years of war, neither the foreign nor the domestic policies of the Argentine regime has met with the other United Nations' approval. You will know what I mean when I quote a statement made by the former Secretary of State, Mr. Hull and published on September 8, 1944:

"Secretary of State Hull yesterday branded Argentina as headquarters for a Fascist movement in this hemisphere and a potential source of infection for the rest of the Americas."

Allow me to quote another authoritative statement made by President Roosevelt on October 1, 1944:

"I have been following closely and with increasing concern the development of the Argentine situation in recent months. This situation presents the extraordinary paradox of the growth of Nazi-Fascist influence and the increasing application of Nazi-Fascist methods in a country of this hemisphere at the very time that those

forces of oppression and aggression are drawing ever closer to the hour of final defeat in Europe and elsewhere in the world."

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I consider both statements authoritative and reliable. But they were made several months ago. The situation in Argentina may have changed since then. I understand that certain representatives of American countries hold the view that the situation has changed for the better there. All I should like to ask of you is that the Soviet as well as other delegations be given a chance to acquaint themselves at length with the facts and to satisfy themselves that the situation in Argentina has really improved and that statements like the above correspond to the facts. But this takes time, or, at least, a few days.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Imagine what would happen if we acted rashly and invite Argentina to this Conference, although in the present war she has been assisting the Fascists who are our enemies, and failed to invite Poland which is an Ally. Poland is known to hold in this war an honorable place among Allied nations which have devoted all their efforts to the struggle against our common foe. The heroic Polish people have been fighting in our ranks and making innumerable sacrifices. We cannot afford to forget about all this. To invite Argentina, which has been helping our common enemy throughout this war, and not to invite the Provisional Polish Government, which is now functioning in liberated Poland and enjoys an enormous prestige among the Polish people, would be taking a course that might affect adversely the prestige of this Conference.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): No one can deny the fact that the Polish Government now functioning in Warsaw and all over Poland is a democratic government. This Provisional Polish Government is strongly supported by the people and is carrying on a struggle against our common enemy side by side with our Allies.

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MR. MOLOTOV (in Russian):

INTERPRETER (in English): We also remember that the Governments of the United States, Great Britain, and the Soviet Union had undertaken to promote the reorganization of this Government on a broader democratic basis. I have no doubt that this excellent decision responds to the wishes of the Polish people, too, and so we must do our best to implement it as soon as possible.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): It is also obvious that the question of reorganizing the Polish Government is not a matter for this Conference. It has to be dealt with by the three Allied Governments and especially by the Poles themselves. We all want in Poland a government having a broader democratic basis, a government with which diplomatic relations will be established by all Allied governments. This is understood. But if we are not supposed to undertake at this Conference the settlement of the Polish issue as a whole, neither must we ignore the fact that an international conference is being held at this very moment which is not attended by representatives of the Polish people. In any case we cannot refuse a seat at this Conference to representatives of the Polish people, our heroic Ally, while granting one to representatives of Argentina, which in this war has not been helping us, but our enemies.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): It may be argued that Argentina has sinned, but that her sins may be forgotten. This may be true, perhaps we should really forget Argentina's sins. But let me ask you: If certain sins committed by Argentina may be forgotten, why should we forget Poland's services, why should we forget the great services of the Polish Nation in the struggle against our common foe?

MR. MOLOTOV (in Russian):

INTERPRETER (in English): We have at this Conference an Indian Delegation. But India is not an independent state. We all know that the time will come when the voice of an independent India will be heard, too. Nevertheless we share the view held by the British Government which suggested that representatives of India should be granted a seat at this Conference, imperfect though her status is.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): We have at this Conference a Philippine Delegation. But the Philippines are not an independent country. We know full well that the time will come when we shall be able to hear the voice of independent Filipinos, too. But we have agreed with the United States Government, which suggested that the Philippines have a voice even with their present status.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The Soviet Union still has no diplomatic relations with certain governments represented at this Conference. In spite of this fact the Soviet Government, meeting half way the suggestions of Great Britain and the United States of America, raised no objections to the invitation of all the delegations present here, no matter whether the countries in question maintain diplomatic relations with all of the sponsoring states. We felt that in this case we were bound to meet the wishes of Great Britain and the United States. All this was prompted by a desire on the part of the Soviet Union to come to terms with the other sponsoring governments on Conference matters.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): Up to now all invitations to this Conference have been approved unanimously by the four sponsoring governments which hold an equal position here. We consider this a very good rule and are opposed to any disruption of our unity.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): I think that we should all value our unanimity and try to insure that any new suggestion that has not been sufficiently studied by anyone, be given serious thought. That is why we think it proper that the question of Argentina should be settled in exactly the same manner as others have been, but not in all haste.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): The Soviet Delegation suggest that the question of inviting Argentina to this Conference be postponed for a few days for further study.

MR. MOLOTOV (in Russian):

INTERPRETER (in English): This is the only request made by the Soviet Delegation.

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MR. EDEN: I have been asked to recognize the Delegate of Colombia. I call upon the Minister of Foreign Affairs of Colombia to speak.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): Mr. Chairman and fellow delegates: Spanish has always been the language of justice. I hope that on this occasion it will also be the language of clarity.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): As the Latin American Delegate I feel that I must say that there is involved here a question of principle. It is that we do not judge governments in view of their domestic policy, but in view of their international policy and international conduct.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): In examining the question of Argentina, we must realize that we are dealing here not with a neutral nation but with a nation that has declared war on the Axis powers, a war that is not yet ended.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): While it is true that Argentina has declared war at a late hour, it is nevertheless a nation that has adhered to the declaration of war and to the responsibilities involved. While it may not be in a position to participate in the armed conflict, it certainly is in a position to contribute heavily towards the rehabilitation of the peoples Nazi Fascism has affected in its destructive war.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The United States Government and other American governments, including the Government that I represent, have spoken strong words of reproof concerning the conduct of Argentina. The words quoted by the Delegate of the Soviet Union are true; however, those words refer to conduct in the past.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The Government of the United States under the Presidency of Franklin Delano Roosevelt did not object to the action of the Mexico City Conference

relative to the invitation to Argentina, at the same time requiring Argentina to meet certain conditions, such as the declaration of war on the Axis powers. Argentina has met these conditions. The word of honor of the other American nations on this matter should be confirmed here.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): I wish to make but a brief allusion to the comparison that has been established by the delegate of the Soviet Union between the Argentine question and the Polish problem. Surely it would be an act of injustice if Poland who has suffered so much in the war were not to have a voice in the organization of peace. However, I must point out that there is no effort made in sessions of the Conference or its committees to avoid the question of an invitation to Poland. That is a question pending the action of the three powers regarding the interior organization of Poland and her government, the question being which government represents Poland. But here let me state that fortunately for Poland, her cause is in very good hands, in the hands of those three nations.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The Latin American governments had not thought to intervene in the Polish question. We maintain the principle that we must not intervene with the interior organization of other governments. We do realize, however, that after the destruction of Poland it has been necessary that the strong hands of the three strong governments should help in Poland to establish a situation that will defend the interests of the United Nations. Colombia's vote will be one in full harmony with whatever may be the vote of the three nations.

MR. CAMARGO (in Spanish):

INTERPRETER (in English): The Argentine case is different. We are dealing here with a nation that has declared war. We are not interested in determining or analyzing the character or quality of her government. We are merely interested in affirming that as long as there be a government in Argentina that shall maintain Argentina in the position that it has taken we shall consider Argentina as now a belligerent nation.

MR. CAMARGO (in Spanish):

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INTERPRETER (in English): The other cases, Mr. Chairman, I submit the cases of India and the Philippines, have no relation whatsoever with this problem, no relation at all with the discussion in hand. They could have been considered and can be considered with the question of the acceptance as founding members of the International Organization of the Ukraine Republic and the Byelo-Russian Republic.

MR. EDEN: I have been asked to recognize the Delegation of Mexico. I call upon the Chief Delegate of Mexico to come to the Tribunal.

MR. PADILLA (in Spanish):

INTERPRETER (in English): Let my first expression be one of homage to Poland, the martyr nation, the people that has endured enormous sacrifices throughout its history. I feel certain that in expressing this homage to Poland you do not hear the voice of one man alone; it is the voice of the world expressing such homage. We all aspire to the day, to that early hour, when Poland, possessing all the dignity and respect that she deserves, shall rise from all the destruction and the sacrifices she has endured.

Now I would like to limit my words to the comparison that has been established between Poland and Argentina. These are, indeed, contrasting cases. Surely our Conference would welcome the voice of Poland in our Council. However, her admission is pending, because it is related with the Yalta Agreement drawn up by the Powers.

The case of Argentina is different. Of course, there too, there was a pact, an agreement. The Latin American nations decided to invite Argentina to join the American nations and the United Nations, to make of the whole of America one continental unit. Therefore, Argentina was invited to sign the Act of Chapultepec. What was the result to this invitation? Argentina welcomed that expression as coming from the 20 American nations, and readily expressed its willingness to sign the Act. However, that was not enough. Argentina, it was said, must declare war on the Axis.

MR. PADILLA (in Spanish):

INTERPRETER (in English): When the American nations were informed of the Yalta Conference, we expressed our willingness to cooperate with what had been planned by the powers.

MR. PADILLA (in Spanish):

INTERPRETER (in English): Now I ask why, within that spirit of coherence, unity, and fraternity that binds us all--binds us in such a way that we have expressed our approval to what the powers had compacted or agreed to at Yalta--are not the powers now recognizing, in the same spirit, what the 20 American nations have agreed to?

MR. PADILLA (in Spanish):

INTERPRETER (in English): Surely in questions of war, in questions where force is necessary to maintain the peace, the four powers must also have the authority for decision.

MR. PADILLA (in Spanish):

INTERPRETER (in English): But when we are dealing, as we do now, with a nation that does not present a situation of danger to unity in the family of nations, I raise the question, what objection can there be to recognizing that situation?

MR. PADILLA (in Spanish):

INTERPRETER (in English): While Argentina has been branded a Fascist nation, we must bear in mind that here a distinction must be made between the nation and her government. Argentina is a nation of democratic traditions, long-standing democratic traditions. Also, she has distinguished herself by her contributions to international law--a great nation that works--a great nation that feels--a great nation with a people that feels full sympathy with the Allied cause. While it is true that the Government accidentally divorced itself from the sentiments of her people, it would not be fair to punish the people for an accidental separation of the Government from those deep-rooted sentiments of her Nation.

MR. PADILLA (in Spanish):

INTERPRETER (in English): During the period when Argentina maintained a position of isolation, the other Latin-American Governments were constantly pressing upon her to define her situation clearly. Argentina continued its policy. The Latin American countries then took action, broke relations with the Argentine Government.

At the Mexico City Conference, definite requirements were established and placed before the Argentine Government for action. Action in compliance thereto was required to bring Argentina within the American family of nations again.

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Argentina complied with these requirements. It is true that when the Fascist Government of Argentina still existed, President Roosevelt used strong terms of condemnation, but when Argentina broke with the Axis powers and took the further step of declaring war on the Axis powers, President Roosevelt recognized the Argentine Government.

MR. PADILLA (in Spanish):

INTERPRETER (in English): In the Act of Chapultepec, there is a clause that reiterates the adherence of the Latin American countries to democratic principles. Argentina subscribed to this requirement. We have faith that Argentina will go on complying with these requirements. We fellow delegates also feel that nothing can unite nations more than democracy and liberty. When equality, the principle of democratic equality among nations, shall be practiced in our international conduct, then we shall consolidate the bonds of fraternity, justice, and peace among nations.

MR. EDEN: The Delegate of Belgium has asked to be recognized. I call upon the Foreign Secretary of Belgium.

MR. SPAAK (in French):

INTERPRETER (in English): We have heard, Ladies and Gentlemen, that the representative of the Soviet Union enjoyed speaking in the language that stood for justice; other delegations have enjoyed speaking in their language for clarity. May I be allowed to speak in the language of conciliation.

It seems to me that the question is not well set before us. Personally, I refuse to express any judgment whatsoever regarding the Argentine Government. I am not in a position to state whether it is Fascist or a democratic government. Furthermore, I feel that that is not the question before us. Neither do I feel that it is a question of principle, but rather a question of procedure.

The question that is before us is the question of inviting Argentina to take her seat immediately in our Conference of Nations.

Now, the Soviet Delegation has merely asked that this question be postponed for a few days so as to enable the Soviet Delegation to confer with the representatives of the other three great powers, in an effort to arrive at a decision that shall express their unanimity.

It seems to me that it will be wise for the assembly to grant this request, because it seems to me that the request of the Soviet Delegation is reasonable and legitimate. Surely we would all welcome with joy the arrival of another nation in the midst of our Conference.

Argentina, we recognize, is a nation with a long democratic tradition. It has made valuable contributions to international law. Her presence here would help in our deliberations. We would all want at this moment to be ready to say "Yes" to her coming, and thereby express our good will.

But it seems to me that there is another principle that we must bear in mind, equally important. It is the principle of maintaining complete unanimity between the four sponsoring nations. I believe that this is one of great importance in our minds--to maintain complete unanimity among the four sponsoring nations.

Also, let us try to be logical. We, the delegations of other nations, accepted, without questioning, the invitations as they were sent out by the four great powers. We accepted also the agreement reached at Yalta by the great powers regarding the representation of the Ukraine and the Byelo-Russian Republics as founding members of the International Organization.

Now, regarding Poland, it seems that we must postpone that question because it is attached to an agreement reached between the three powers. We would all welcome the arrival of Poland in our deliberations and will be eager to hear her voice. However, the agreement has not yet been reached between the three powers.

I insist again, let us try to be logical; let us make a last effort to maintain unanimity between the sponsoring nations.

I believe that it will be wise to grant the request established before you--set before you by the Soviet Delegation, because it is fundamentally a reasonable and legitimate request.

MR. EDEN: Fellow Delegates, I hope that before very long we shall be able to come to a decision as to whether we want to pronounce upon this matter now or to postpone it to a later date.

I have got still five names on the list; I thought you might like to know how we were getting on.

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I have been asked to recognize the Peruvian Delegation and I call on Ambassador Belaunde to come to the Tribunal.

MR. BELAUNDE: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen (continued in Spanish):

INTERPRETER (in English): I am happy to speak before you in Spanish--Spanish, the language of international law. For the founders of international law spoke in Spanish and it was in Spanish that Bolívar called on the American nations to convene at that historical congress. In Spanish, also, a great Argentinian pronounced that memorable phrase: "America for humanity."

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): The Delegation of Belgium, supporting the request expressed by the Soviet Delegation, has asked that this question be postponed for a few days. I feel definitely that such postponement of the question would be entirely useless. For what reason can such postponement be invoked? Is it desired to make a research or an analysis of the constitution of the Argentine Government? Is it desired to investigate its character? I submit that such investigation will be contrary to the principle of non-intervention and would lead to--it would merely be tantamount to saying Argentina is not to be present.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): True it is that the purpose is to maintain and establish unanimity, but this unanimity depends on the action of the four sponsoring nations. It does not depend on us. We ask that they consider our views and our feelings. We realize that this unanimity does not depend on us. It is a question, it seems to me, of faith in the actions as agreed on during the Mexico City Conference as was so eloquently pointed out by the Foreign Minister of Mexico, Ezequiel Padilla. The question for me is one that can be briefly stated. Do not the American nations constitute a juridical and moral unity? I ask then why do not other nations render homage and do honor to the actions concluded in Mexico in the Chapultepec Conference. We are now faced with the fact that Argentina has met the requirements placed upon her in the course of that Conference.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): We cannot forget, as has been so ably pointed out by the Delegate of Belgium, the long-standing democratic tradition of Argentina.

The South American continent was made free by two great liberating forces of men, those from the North under the leadership of Bolívar, those in the South moving northward under the leadership of San Martín.

I speak with deep emotion. Peru can never forget San Martín, the Argentine, the liberation of Chile, and finally the liberation of Peru.

It is true that the Argentine Government may have deviated from its long-standing democratic traditions But now we are faced with the fact that the Argentine Government has incorporated itself juridically and morally into the family of American nations. This cannot be denied. This cannot be questioned. This question, therefore, cannot be postponed.

MR. BELAUNDE (in Spanish):

INTERPRETER (in English): The question for postponement can only be applied in a situation that calls for an investigation--a situation that is doubtful. But it cannot be applied to the present situation, where there is no doubt, where there is nothing to question regarding the actions taken in the Mexico City Conference.

Although the Argentine Government of that time may have made deviations, we are now faced with the fact that the Argentine Government has complied with the Mexico City Conference requirements. Argentina, furthermore, we must bear in mind, generously furnished food and raw materials during the war. Argentina stands out for its great service to culture. It was one of the first Latin American nations to modify her school systems, adopting reforms inspired by the educational system of the United States.

We admire also the great literary movement of our sister republic and also the significant contributions that she has made in the Pan American Conferences. In 1890 she came out strongly for the condemnation of all territorial conquest. In the Drago doctrine, she made a great contribution to juridical thought. It was also Argentina that made the contribution to our inter-American system expressed in the system of consultation of foreign ministers. Keeping all of this in

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mind we feel that we cannot postpone this question. We voted wholeheartedly for the acceptance of the Ukraine Republic and Byelo-Russian Republic as initial members of the international organization. We had expected that the Soviet Delegation would support the Argentine question.

Fellow Delegates, in the flags here present there is one missing, the blue and white flag of Argentina, that crossed the Andes liberating three nations. I feel that along with the figures of Washington and Bolívar we must have the eminent figure of San Martín of Argentina.

MR. EDEN: Fellow Delegates, I have been asked to recognize the Delegation of the United States of America. I call upon Mr. Stettinius, Secretary of State of the United States.

MR. STETTINIUS: Mr. Chairman, Fellow Delegates, I wish to refer to the fact that last Saturday evening the Foreign Ministers of the four sponsoring governments met with a committee representing the American republics, the Foreign Ministers of Mexico, Brazil, and Chile, in my private living quarters, at which time this matter was thoroughly discussed. I also wish to refer to the fact that this matter was referred to the Executive Committee for attention on a suggestion of the Soviet Union, and was dealt with by the Executive Committee this morning. At the recent Mexico City Conference of the American republics, there was unanimously passed a resolution urging Argentina to declare war against the Axis powers and to align her policy to coincide with her other sister-republics in the prosecution of the war against the Axis, and to sign the Act agreed upon at the Conference, the Act of Chapultepec, many of the provisions of which related to the prosecution of the war, as you will all recall. The American republics feel that Argentina has complied with this resolution, and earnestly desire to have Argentina associated with them at this Conference in San Francisco. The United States Government is in entire accord with this desire of its sister American republics.

Mr. Chairman, Fellow Delegates, I should like also to refer to the fact that this question was thoroughly thrashed out this morning at the Executive Committee meeting, and that at the Executive Committee meeting a favorable vote was taken that Argentina should be permitted to attend this Conference. It was then thoroughly thrashed out at the Steering Committee, which was attended by all the

chairmen of all the delegations, and a favorable vote was taken that Argentina should be permitted to take her place at this Conference. Ladies and Gentlemen, I plead with you to reach a decision in this matter and act now in order that we may get on with our sacred task for which we have met.

MR. EDEN: Fellow Delegates, you have heard the appeal of the Secretary of State of the United States that we should now come to a decision on this issue. May I remind you what the decision is to which we have to come? Whether the question of the admission of Argentina should be postponed for some days, as suggested by Mr. Molotov on behalf of the Union of Soviet Socialist Republics or whether that decision should be taken now. Now, the first question I have to put to you is, "Are you prepared to take a decision upon the matter," that is to say, to vote upon whether to postpone or not? Are you prepared to do that now, without any further speeches? Those in favor, please say "Aye". Those to the contrary? (pause) Good.

Now, therefore, we come to take our decision, and I repeat, the issue is whether we should defer the question for a few days on the motion of the representative of the Soviet Socialist Republics, or whether we should admit Argentina now. I suggest that the most convenient way of taking the vote will be if those who wish to defer decision, if the leaders of the delegations who wish to defer the decision, will first stand up when I call on them to do so, and after that I will call on those who wish admission to take place now. There are two questions. I hope that is clear. Now will those in favor, the heads of delegations in favor of postponing this issue in accordance with the motion moved by Mr. Molotov, be good enough to rise in their places? (pause) Thank you, Gentlemen. I am obliged. The number is seven.

Will those who wish for the present, immediate admission of the Argentine, please rise--leaders of delegations--please rise in their seats to be counted? Thank you, Gentlemen. The number is 28.

Is there a representative of France that we did not recognize? Thank you. The representative of France declares the desire of his delegation to abstain from the vote. Isn't that right?

MR. BIDAULT, Head of the French Delegation: I request an explanation on a point of procedure. In what manner should a delegation manifest its decision to abstain from voting?

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MR. EDEN: If any delegation wishes to abstain it remains seated on both occasions. Fellow Delegates, we have now taken a vote on whether the matter should be postponed or not, and we have decided it shall not be postponed. Now I shall put the positive question to the Conference. Those in favor of the admission of Argentina in accordance with the terms previously agreed at our Steering Committee this morning, please stand up. The heads of delegations. Thank you, Gentlemen. Thirty-one. Those against? Heads of delegations, please stand up. Thank you, Gentlemen. Four against. The resolution as moved before our Steering Committee is therefore, I declare, approved in Plenary Session this afternoon.

Now sir, I will call upon our Rapporteur, who I think is still patiently waiting to continue to read his report.

MR. BELT: Report on the organization of the Conference: The meeting refers to the Conference in plenary session and recommends approval of its report on the organization of the Conference referred to by the Rapporteur of the Second Plenary Session, April 27, 1945, point 5 of the Rapporteur's report of that date.

Mr. Chairman, Fellow Delegates. If you will allow me, I shall not now read this report, a copy of which has already been sent to every one of you. I do this in order to save time.

MR. EDEN: I hope my fellow delegates are impressed by the last suggestion. I ask them whether they are prepared now to approve the report on the organization of the Conference which has been circulated to us all which has been referred to by the Rapporteur. Are there any objections? I declare the report approved.

Fellow Delegates, we now resume the speeches in our Fifth Plenary Session. I recognize the Minister of Foreign Affairs and Chairman of the Delegation of Colombia.

MR. LLERAS CAMARGO: Mr. President, Fellow Delegates, Ladies and Gentlemen:

It is already easy to understand, from the addresses we have heard in the first few days of the Conference, the spirit which moves us.

We are under the tremendous influence of the most devastating war which humanity has ever endured. We sense the anxious vigilance of the soldiers and sailors of the

United Nations, of our peoples, of the humble folk of the world, watching over each and every one of our acts and words. Fresh in our minds is the memory of--one might better say remorse for--the dismal failures of the prior world organization in the preservation of peace. For that very reason we are more realistic and far-seeing and, at the same time, we feel obliged to be more audacious in our experiments. We do not believe today, as in 1919, that this has been the last war; rather, we share the prudent fear that others may occur if we do not act here with care and energy. For the purpose of preventing another war we are prepared to subordinate sentiments, and even principles, which we deemed, and still deem, to be fundamental. We are ready to deposit part of our individual sovereignty as nations in the common treasury in order to build up capital against possible future aggressors.

Furthermore, with the aim of adjusting our conduct to reality, we have talked of international hierarchy more than at any previous conference. It almost seems as though none of us has used the word "nations" without explaining that there are large, middle-sized, and small nations. We have said that some have more responsibility and greater duties than the rest for the security of the world, and must consequently, be in possession of better means to comply with their responsibilities adequately. Juridical equality seems thus to be subordinated to political responsibility. We small nations well understand that otherwise the world organization would be feeble and we are ready to accept the fact that security, which is based on the force to be employed against the violators of international law, should be likewise a question of hierarchy in responsibility.

Nevertheless, I have thought that it would not be completely lacking in interest to present the point of view of an American nation, a small nation, of course, as to the possible agreements which may emerge from our deliberations. Colombia early entered into the fraternity of the United Nations. It has not been neutral in the war since December 1941. Like the other republics of the hemisphere, it declared its solidarity with the United States, attacked at Pearl Harbor. Its little Army, recruited from a people dedicated to the arts of peace, has not had the painful privilege of fighting at the side of the large armies. Its cities have not been bombarded, its women have not suffered the sad absence of their men under arms, its territory has not been invaded nor its people enslaved. It has offered but modest

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cooperation to the war effort of the United Nations, compared with the sacrifice of other countries, but it has given everything that has been asked of it. On the other hand, as is the case with any other republic of our continent, we can affirm without fear of contradiction that the peace and security of the world would have never been endangered by any conflict which originated in intrigues or machinations on the part of the American nations or through their foreign policy, nor has any person beyond the seas found any reason for anxiety in our political structure. It is true that there is no way of giving sufficient recognition to the spirit and sacrifice of the peoples who have fought the war to reestablish justice. But, in considering a world peace organization, it is well also to remember the importance in preserving peace, of the fact that there is a whole continent which has known how to maintain it and is, day by day, perfecting the rules of international law in order to apply them rigorously in the relations of its states among themselves, as well as with the other states of the globe.

Our contribution to the war has been of two sorts: one moral and inestimable, when we declared our solidarity with the United States at a moment when the outcome of the war was not only uncertain but seemed to indicate clearly the triumph of the powers of despotism. The other, strategic: when all of the American states formed a united front and established strict vigilance over the activities of the Axis in America, we discouraged any effort to breach the defenses--then still weak--which the United States was endeavoring to erect throughout the world to check the attacks of Germany and Japan. If there had been an opening in America for the pacific or military penetration of an enemy who at that time had the most ambitious of plans for world dominion, who can say that the course of the war would not have been longer or perhaps more doubtful?

But we do not wish to overestimate our role nor even that of the Latin American troops and the Latin American aviators who are fighting overseas. As a whole, we are a group of small nations from the military point of view. But peoples who are growing, like ours, do not have a static place in the international community and they should be thought of as a potential force, still undefined but capable of transforming themselves, as the United States did in a century, to a higher scale of development.

From another point of view, war comes closer to our shores as the world gets smaller through the expansion

and growing rapidity of communications. It is not easy to understand why, as we become more actively and intensively linked to the western civilization from which we drew our language, our tradition, our religions, our culture, we should pay greater tribute to force and uncertainty, but we accept it as an inescapable fact. In the Napoleonic wars in the last century, which were also world wars, we took advantage of the European bedlam to obtain our independence. But in the first World War of this century some of us American states were belligerents and other neutrals. In the present war there was no neutrality nor could there be any. In the next one, if unfortunately there should be one, we would be unconditional belligerents and we are fully aware of the fact that the devastation and suffering which have been inflicted on most of the countries here represented would fall on all of the Americas, without exception, from pole to pole. Our concern with universal peace and security is, therefore, no less than that of those countries which have known insecurity and war in its most cruel manifestations. The countries of Latin America experienced violence and instability in a century and a half of domestic strife over the political principles to dominate in each state; if they hate war it is because they have undergone it; there is little difference between dying from a bayonet wound on an Andean plateau and being smashed by an ingenious robot bomb. But we have been able in general to banish war from our international relations. And we know full well that another world war, breaking out in another continent for whatever reason foreign to our direct interests, would still be our war. It is our unequivocal duty to sit with you to discuss the best means of making such a war impossible precisely because we are small, almost defenseless, countries as compared with the great powers but with an undeniable place in the front ranks of peace-loving nations, that is, of those nations who neither seek nor welcome wars and renounce them as an instrument of national policy.

The Dumbarton Oaks Proposals are based on an exact and practical evaluation of this truth; the small nations cannot guarantee the peace and security of the world; only the large ones can. We are all in agreement. But the basis for this truth lies in the fact that it is only the great powers which can menace the peace and security of the world. When, in the fall of 1944, the Dumbarton Oaks Proposals were discussed and approved it did not seem as clear as it does today that the three aggressor nations of the Axis would not again be in a position to

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attack for a long time, perhaps never. The mechanism set up in the draft Charter is influenced by the war effort against a definite enemy; it is and always will be sufficient to deal with that enemy. But is there any among us who believes that, when the capacity of Germany, Japan, and Italy is destroyed another war will be impossible? No. We are realists and we fear another war the source of which is absolutely unforeseeable. The mechanism should be effective for any war, against any aggressor. The pointing out of deficiencies in the Proposals which has taken place here is only the indirect expression of the fact that none of our governments believes that aggression can be banished from the world simply by the unconditional surrender of the present aggressors.

But Colombia, like the other countries of America which expressed their thought in the resolutions of Mexico City, has confidence in the will for peace of the United Nations, large and small, victorious in this war. It believes that, in general, the mechanism of Dumbarton Oaks assures a long peace but a provisional one. Colombia believes that the generation which waged the war, which led it and backed it, is capable of keeping the peace. But it also believes that this system is a compromise, as has been said here, between the realities of 1945 and the aspirations of humanity. No American state can think otherwise because the inter-American system, functioning, of course, in a less complex continent, is unquestionably more perfect. The inter-American system proscribes all violence, all acquisition of territory by force, all intervention or interference of one country in the internal affairs of another, all aggression and, furthermore, unequivocably defines the aggressor. Should the latter appear on the scene, the Pan American community would condemn it and apply sanctions by the democratic majority of its representative bodies; there is no privileged vote nor right of veto against such a decision. In accepting a different and less perfect system, we citizens of the Americas would not renounce our system; on the contrary, we would conserve the hope that the whole world might some day be ruled by the principles and procedures which have guaranteed peace, security, justice, and respect to all our nations and which have permitted us to live unarmed. But we are fully aware that if we did not join this world organization, inadequate and imperfect though it might be, we should not be contributing to the peace of the world and that, in any event, we should have to face any war which might break out beyond our hemisphere, through no fault or responsibility of ours.

It was with this criterion that we participated in good faith in the League of Nations. It may not be out

of order to recall that the only two interventions of that organization which stand out as examples of efficiency took place in two cases centering in the Americas: In the conflict between Colombia and Peru, countries which submitted to the decision of the League and one of which had part of its territory administered by authorities of the League until the end of the incident, and the other, with less brilliant results, in the Chaco War.

But, so far as Colombia is concerned, it understands that no regional system like the inter-American one, or any other that might be established on a similar basis, can and should suffer any setback or detriment as long as, like ours, it shows that it is fully consistent with the aims of the general organization and, in addition, shows its efficacy in maintaining the peace and security of part of the world. The inter-American regional system is an old and excellent political institution and it was so recognized very clearly, although badly defined, by the Covenant of the League of Nations as the typical regional system. We citizens of the Americas will never ask for special privileges for our system and I believe that we all agree that, if there were three or four similar ones which guaranteed regional peace with the efficiency which ours has shown, great progress would be made toward permanent universal peace. The regional system must be coordinated with the sole world system and it cannot have different objectives than those of the world organization. But the regional methods, pacific and coercive, which the regional system may employ to guarantee peace or to prevent and punish aggression, so long as they are applied within the spirit of the procedures of the world organization and with the sole purpose of preserving a just peace and the rule of justice, should not be subject to the veto of a single nation if, as is the case with the Pan American system, this right of veto is not granted to any of the nations in the regional group. If there were to be an act of aggression in or against the Americas, all of the countries of the American system should come to the aid of the victim in accordance with our undertakings at Mexico. No nation of the Americas, still less if it were the aggressor, could veto the action taken to prevent or repulse the aggression. On the other hand, within the world organization, a nation foreign to the conflict could do so and arrest the action at any moment with only a single negative vote. Some of us of the American States have well-grounded fears that the presumption that the regional group would be in error and that, on the contrary, the state which has the right to paralyze the group's action cannot be wrong, is too forced

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a presumption to be a guarantee of peace, and would instead contribute to disorder.

It is clear that the defect lies in the voting procedure in the Security Council and not in the relations of the world organization and the regional one. But Colombia is prepared to concede that this voting procedure may be necessary to maintain the unstable equilibrium of another part of the world, destroyed by the barbarity of Nazism, which will enter once more, from now on, into a new experiment to try to find a solution for its age-old conflicts. In this part of the world, miraculously spared from catastrophe and miraculously stable, which has settled its territorial problems, which relies on perfected and respected public treaties, which consequently is in a position to ascertain who is the aggressor and when there is aggression, such a procedure might unleash war instead of assuring peace. In accord with its undertakings at Chapultepec, Colombia believes that if the system of voting in the Security Council be approved as recommended, because it is deemed necessary for the security of the world, autonomy of regional arrangements like the Inter-American one should be amplified so that its decisions could not be vetoed by a single nation in the Security Council.

I am well aware that the old nations whose beginnings and history are interwoven with the history and the beginnings of mankind may listen with certain explicable doubts to us of the American states when we proclaim our confidence in the juridical and political methods which we have adopted in the international field. Nevertheless, these doubts are not justified. In reality, we are only a young branch of the civilization of Christianity and of the West. There is nothing in our culture nor in the forms of our political and social life in which a man of the old world cannot recognize the basic roots, which are the nature or the will of his own forebears. However, through an understandable phenomenon, the great antitheses which were created in the political thought of the West were resolved without great struggles in American syntheses and in an atmosphere more favorable to the unlimited growth of man. The first clashes in modern times between democracy and autocracy took place in England; while the struggle continued fiercely and cruelly on the other side of the Atlantic, here, in the broad reaches of the British colonies the conflict was settled with marvelous ease. None of the concepts of international law which govern the relations of the peoples of this hemisphere can be termed a typically American creation.

But how much effort, how many wars, how much pain, how much misery has it cost European civilization for centuries to implant a principle which, among us, is accepted at a Pan American meeting as a natural accord of wills without opposition from any important national interest? We are not, because of this, better or worse but only more fortunate. And we do not feel, nor shall we feel, it to be unjust or arbitrary that every time that the old hemisphere is shaken by a new conflict, caused by complications dating back through the centuries, the American continent should interest itself in its settlement, including the shedding of its blood. If classical civilization were to undergo a disaster, ours, which is identical, would be tied to its destiny. The short experience of America is that the past and present of Europe are the immediate future of America and not the reverse. Thus, we have the privilege of foretelling our destiny by reading the pages of the history of our civilization as it was unfolded on the other side of the ocean. We are not and should not be regionalists and we could not be, even if we wished. We speak today of the continent as of a unit, it is true, but this is for one reason: because we will not be able to say that the world is a unit until the task which we are beginning now, in San Francisco, becomes perfected and a long peace permits us to have a little more confidence in our capacity to make it a permanent one--without need for recourse to force.

But, Fellow Delegates, any explanation as to the feelings of America regarding the problems of the world is unnecessary. One by one, the representatives of all the nations meeting here have rendered tribute to the memory of Franklin Delano Roosevelt. Each one has found a special reason for affection, for admiration, for gratitude, interpretating the sorrow of his nation because Roosevelt was a friend of all the nations and the good neighbor of humanity. Franklin Delano Roosevelt was an American, the greatest of our times, the most American of all. We owe the development of our regional system to his generous, straightforward and fortunate policy as a true American but the old world owes him more, the victory of the United Nations, the liberation of many oppressed peoples and the peace which we must guard zealously at this Conference.

MR. EDEN: Fellow Delegates, while the hour is late, I think that you all feel we should hear one more orator tonight. The list is still a long one and we must get on. I propose therefore to call one more speaker tonight.

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Before calling upon him, I would like to announce to the Plenary Session the decision taken unanimously by the Steering Committee this morning that at the opening of our next session, that is tomorrow afternoon, the first speaker should be one who is esteemed in his knowledge, wisdom, and experience, Field Marshal Smuts of the Union of South Africa.

I now call on the Minister of Foreign Affairs and Chairman of the Delegation of Ecuador, whose speech will be translated later into English by Ambassador Ballen.

MR. PONCE ENRIQUEZ (in Spanish):

MR. DURAN BALLÉN (in English): Mr. Chairman, and Fellow Delegates, Ladies and Gentlemen:

To occupy this history-making rostrum to express with loyalty and precision the concepts which inspire the Ecuadorian attitude at this United Nations Conference on International Organization is indeed an honor and a privilege.

We, the representatives of 46 nations, have not come to San Francisco to lay down a set of conditions leading to another war but to build the foundation for an enduring peace. And so it is that our responsibility emerges, as creators of an international structure equipped with essential elements of preservation and defense, without recurring in the original mistakes which so mortally affected the old League of Nations, whose brief experience demonstrated to the world, in a pathetic way, that the spirit of peace which it sheltered lacked the positive means to live and to survive in a universe charged with unrestrained appetites and pitfalls.

To win the peace is a more complex task than to win the war because whereas victories are inspired by the firm will of those who achieve them, aided by all sorts of destructive techniques, to win the peace moral disarmament is necessary, that is to say, the instinct of violence of which men and states are possessed must be uprooted.

The findings of the Dumbarton Oaks Conference merely suggested the path along which the San Francisco Conference was to travel in order to achieve its transcendental task.

There were gathered in its text, by way of experiment, the elements of a system of world organization, fortified

to be sure, by the high prestige of the powers who attended that memorable meeting.

Yet, inseparably allied with its text, the Atlantic Charter had already stated the moral substance of certain guiding principles of international good neighborliness, which the San Francisco Conference cannot afford to disregard without nullifying itself.

There is, furthermore, as a background, as far as the guidance and behavior of America in this great assembly are concerned, the Mexico Conference recently held by the republics of the Western Hemisphere, where among other subjects, a chapter on international organization was debated and whose common aims were embodied in an instrument approved and subscribed without reservation by all the delegations which attended.

May I now be allowed, Sir, to present a bird's eye view of the suggestions of the Republic of Ecuador in connection with the Dumbarton Oaks plan.

In the opinion of my Government the structure of the international organization must rest on three indispensable foundations:

1. Its universality, so that, in any immediate or remote period of time all sovereign states of the world and those which might hereafter attain sovereignty may be admitted;

2. The efficacy of its mechanism to establish a worthy system of collective security; and

3. Its strict adherence to the supreme principles of justice and right without which the organization would degenerate into a mere political alliance carrying in its bosom the germ of its own disintegration.

For, in truth, Sir, we must now admit that the abstract production of writers and experts in international law, plentiful though it be, has been inadequate to preserve peace; libraries are bulging and curricula are saturated with captivating and promising treatises and speculative works. But has such plausible effort produced the improvement of man or raised international life to a moral level in which each one receives what belongs to him and where the ideas of aggression and defense, of conquest and liberation have been banished? Definitely no; because at the core of the problem of war and peace for the fit

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solution of which millions of men have given their lives and wealth and prosperity of so many nations have been destroyed, there lies a spirit of insincerity which, disregarding what people are and want, gives way to momentary political expediency--source of all calamities and fruitful root for new and unending conflicts.

Universality, security, and right: this is then what Ecuador demands of an international organization worthy of a world in which our aspirations of peace and justice might become a reality.

Applying these principles to the Dumbarton Oaks Proposals, we maintain that it is necessary to embody in its principles those without which the Charter of the world organization would be shorn of ideals. Unless the supremacy of moral law is recognized as the guiding rule of conduct of states; unless their juridical equality is proclaimed beyond those practical or political inequalities which stand between them; unless force is prescribed as a method of settling international conflicts; unless internal and external sovereign rights of states are respected within the limits imposed by the obligations arising from the interdependence of members of the international community; unless the principle of non-intervention is upheld as the full expression of that respect, the covenant of the future association of states will have no greater value than as a document maintained in force by a system of political equilibrium exercised by the Government subscribing and ratifying it, susceptible of becoming disjointed and falling apart at the first sign of reciprocal incompatibility among the forces supporting it.

On the other hand, if the internal democracy of states aims at transmitting its essence to international existence, it is advisable that the General Assembly of the Organization be established as the organ directly representing all the states composing it and that it be endowed with the authority and powers of which the Dumbarton Oaks plan is so greatly lacking, so that within the framework of its functions it might be enabled to lay down the principles and rules of international law or to amend them progressively, thus becoming in a way an international legislative power.

Ecuador agrees with the requirement that the responsibility to maintain peace and international security rest with the Council of the Organization, granting it sufficient authority to accomplish this. But in the realm of ethical values any responsibility must be enforceable. Consequently,

it is imperative to confer on the General Assembly the supervision of the fulfillment of the obligations pertaining to the Council.

It would be highly plausible to increase the number of members of the Security Council, granting a numerically superior representation to small states in order to strengthen that organ, situating its roots in universal public opinion and with due respect to the system of proportion of representation.

Concerning the voting arrangement in the Council, an earnest analysis leads us to declare it inacceptable that the majority required for decisions concerning questions other than those of procedure, that is the most important ones, should include the vote of all permanent members since this is equivalent to breaking the principle of juridical equality among states, reducing those who have no permanent seats to a deplorable and unjust condition of inferiority and, even more deplorably, to provoke the collapse of the functions of the Council in the not impossible case that any one of its permanent members should wish to interfere with its smooth running.

In such a strange situation, we would have not an association of states, but the almighty will of a single state against the consensus of the others, that is, an undeniable example of anarchy within a seemingly internationally organized world.

Likewise subject to criticism is the right granted to members of the Council to vote on decisions concerning preventive or repressive measures to be undertaken against acts of aggression which they themselves might commit while such right is denied in the case of controversies of lesser significance to which they may be a party.

This break in the unity of the regime whereby the vote is denied in less serious decisions of the Council while it is permitted in the more serious and urgent cases, coupled with the proposed majority requirement, presents a possible case where the collective security system may be powerless to repel or to avoid aggression or the threat of aggression by a member state of the Security Council.

Under these circumstances, the seed of aggression would fall on fertile soil to be harvested in future deadly wars which the Organization could neither avoid nor check from its position of mere spectator.

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The elimination of these imperfections from the Charter would tend to invigorate it in the light of truth and justice lest in a not too long period of time it lose definitely its efficacy, as was the case with the Covenant of the late League of Nations.

It seems likewise advisable that, if it is not possible to establish compulsory jurisdiction for the international Court of Justice over all international differences, the optional clause which leaves it to the will of the states to accept or to reject the jurisdiction of the Court in their legal disputes be stricken from the statute so that the states will be obliged to submit such disputes to that high tribunal.

In the chapter on peaceful settlement of controversies it would seem indispensable that the San Francisco Conference impart all necessary strength to the method of conciliation, because of the flexibility of its application and its psychological efficacy, and trusting the Assembly with the task of approving a statute of regional or continental commissions which, while depending from the Assembly, might exercise conciliation with ample powers in all international divergences of a political character occurring within the respective region or continent.

Such commissions would have jurisdiction over conflicts large and small, particularly those arising among the larger powers, whose might and magnitude no peace organization could otherwise resist, given the reality of things and the past experience of history.

Because of the degree of maturity reached by the regional Inter-American system, the Delegation of Ecuador would hope that in the sub-chapter on regional agreements the Conference should take cognizance of the personality and existence of such a system as a geographical, historical, and political structure ruled by custom and by written law and equipped with its own organs for the achievement of its objectives of peace, security, and international justice coincident with those sought by the world Organization.

Likewise the Delegation of Ecuador suggests the creation of a new organ which might be entitled "Educational and Cultural Council" similar to the Economic and Social Council proposed by the Dumbarton Oaks plan, whose essential mission would be to promote understanding and peace among nations within a growing process of universalization of the values of education and human culture tending to bring about in this manner an international association of mind as the root and forerunner of an international association of states.

This then, sir, is the outline of our high hopes in connection with the international organization of the Dumbarton Oaks Proposals. But it would not be sufficient to fashion its body with wisdom and skill if we neglect the question of its soul, of its inner purpose, of its vital sense, or, in other words, of the real aspirations of nations often contrary to the cold substance of text.

With this in mind, I am taking the liberty of expressing that the Republic of Ecuador, as a member of America and a staunch believer in the American system, in its broader or continental sense, would wish that the world Organization be inspired by the spiritual values as well as the positive institutions of the Inter-American regional system because we are convinced that through the immutability of destiny such a system meets the requirements of a just and free international community based on the reciprocal respect of its component states and nourished by the vigor of a progressive democracy.

If the peace that we seek is to be a just peace and the organization which we are building is to be an efficient organization, let us "Americanize" the world, so to speak, and let us "Americanize" it among other reasons in tribute to Franklin Delano Roosevelt, peerless champion of our supreme ideals as a spiritual monument to his memory, survivor of time, for while his death has deprived us of his physical presence, burying it in the past, his immortal spirit watches over us from a lofty summit pointing the way as he says: "This time, my friend, you dare not lose the peace."

MR. EDEN: Fellow Delegates, the Fifth Plenary Session of the United Nations Conference on International Organization is hereby closed.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234739

For the Prime Minister:

Mr. Naggiar of the French Delegation would like to call on you.

He was formerly, I believe, Consul General in Montreal.

W. J. T.

Clift Hotel
Prospect 4700

San Francisco
April 27, 1945

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April 27, 1945.

C234740

MEMORANDUM FOR

THE PRIME MINISTER -

Attached is a copy of amendments to the Dumbarton Oaks proposals that have been submitted by the Netherlands Delegation. These were sent here with a note that the document has been laid on the table of the Conference through the Conference Secretariat.

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Amendments

TO THE PROPOSALS FOR THE MAINTENANCE OF PEACE AND SECURITY AGREED ON AT THE FOUR POWERS CONFERENCE AT DUMBARTON OAKS SUPPLEMENTED AS A RESULT OF THE CONFERENCE OF YALTA, SUBMITTED BY

THE NETHERLANDS DELEGATION

TO THE SAN FRANCISCO CONFERENCE

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Amendments TO THE PROPOSALS FOR THE MAINTENANCE OF PEACE AND SECURITY AGREED ON AT THE FOUR POWERS CONFERENCE OF DUMBARTON OAKS SUPPLEMENTED AS A RESULT OF THE CONFERENCE OF YALTA, SUBMITTED BY

THE NETHERLANDS DELEGATION

TO THE SAN FRANCISCO CONFERENCE

IN JANUARY 1945, the Netherlands Government have presented certain suggestions to the Governments of the United Nations and the Governments associated with them in the present war, concerning the Proposals for the maintenance of peace and security agreed on at the Four Powers Conference of Dumbarton Oaks as published on October 9, 1944. Having taken cognizance of the results of the Yalta Conference with regard to these Proposals and of a number of observations made by various Governments and in the course of public discussion, the Netherlands Government have instructed their Delegation to submit the following amendments for consideration by the Conference. Whilst some of these amendments are of a largely technical nature, others concern matters of principle to which the Netherlands Government attach the greatest importance.

I

CHAPTER I (PURPOSES) AND II (PRINCIPLES)

Alternative Amendment

A (in case B is not accepted)

Insert in Chapter I sub 1 after the words "To maintain international peace and security";

"in conformity with the elementary principles of morality and justice and on the " basis of due regard for international law",

or

B (in case A is not accepted)

Insert in or add to the Chapter a statement setting forth the fundamental rights and duties of States.

Comment:

The Proposals state that one of the purposes of the Organisation should be: to maintain international peace and security. They do not state on which basis

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international peace and security should be maintained. The Netherlands Government consider the express indication of that basis as being indispensable. In the opinion of the Netherlands Government, this could be done by adopting either amendment *A* or *B*.

It is observed in this connection that the proposed voting procedure in the Security Council gives the permanent members of that Council special rights which tend to weaken the position of the other members of an Organisation based on the principle of the sovereign equality of all peace-loving states. The adoption of either of the amendments mentioned under *A* and *B* would afford these other members some reasonable compensation for and correction of this inequality.

As an example of a statement setting forth the fundamental rights and duties of states as mentioned sub *B*, the annex to this document reproduces "The principles for the International Law of the Future", formulated by a number of American and Canadian lawyers and published by the Carnegie Endowment for International Peace in its "International Conciliation"—Bulletin of April, 1944.

II

CHAPTER III (MEMBERSHIP)

Insert in paragraph 1 after the words "Membership of the Organisation should be open " to all peace-loving states":

"which may be expected on account of their institutions and by their international " behaviour faithfully to observe and carry out international commitments."

Comment:

The insertion of this rule, however important, would not appear to be necessary in so far as the States represented at the San Francisco Conference are concerned. The insertion would, however, seem to be useful in view of the admission into the Organisation at some future date of other States who, in order to qualify for admission, would thus be required to have given conclusive proof of their firm adherence to the rule "pacta sunt servanda".

III

CHAPTER V SECTION B
(FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY)

Insert at the end of the first sentence of par. 3:

", and to raise the suspension of that member".

IV

CHAPTER V SECTION B
(FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY)

Insert at the end of par. 5:

"A member of the Organisation which has not in due time paid its portion of the expenses " loses its right to vote in the Assembly and, if a member of the Security Council, forfeits " its seat thereon".

Comment:

A rule of this nature would tend to minimize the accumulation of arrears.

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V

CHAPTER VI SECTION C (VOTING)

Paragraph 3 to read:

" Decisions of the Security Council on all other matters should be made by an " affirmative vote including the concurrent votes of the permanent members and of one " half of, or—in cases in which the number of non-permanent members entitled to vote is " uneven—the majority of the non-permanent members, provided that in decisions " under Chapter 8, Section A and under the second sentence of paragraph 1 of Chapter " 8, Section C, a party to a dispute should abstain from voting".

Comment:

It seems desirable, if the interests of the non-permanent members of the Security Council are to be duly safeguarded, to prevent that a decision of the Security Council can be taken by a majority consisting of the votes of the permanent members plus that of only two non-permanent members.

VI

CHAPTER VIII

(ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION)

1. Section A (*Pacific Settlement of Disputes and Determination of Threats to the Peace or acts of aggression*)

Add two new paragraphs at the end of this Section, reading as follows:

8. "Should the Security Council deem that a failure to settle a dispute in accordance " with procedures indicated in paragraph 3 of Section A, or in accordance with its " recommendations made under paragraph 5 of Section A, constitutes a threat to the " maintenance of international peace and security, it should determine the existence of " such a threat".

9. "In general the Security Council should determine the existence of any threat " to the peace, breach of the peace or act of aggression".

2. Section B (*Action with respect to the existence of Threats to the Peace or Acts of Aggression*)

Paragraphs 1 and 2 to read as follows:

"1. Should the Security Council under paragraph 8 of Section A determine the " existence of a threat to the maintenance of international peace and security, it should " take any measures necessary for the maintenance of international peace and security in " accordance with the purposes and principles of the Organisation".

"2. Should the Security Council in general, under paragraph 9 of Section A deter- " mine the existence of any threat to the peace, breach of the peace or act of aggression, " it should decide upon the measures to be taken to maintain or restore peace and security".

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3. In connection with sub 1 and 2 above, Section A should bear the following title: " Pacific Settlement of Disputes and Determination of Threats to the Peace or Acts of " Aggression"; and Section B the title: "Action with respect to Existence of Threats " to the Peace or Acts of Aggression".

Comment:

A distinction should be made, so far as voting is concerned, between the *quasi-judicial function* of the Security Council in promoting the pacific settlement of disputes and its *executive function* in taking action for the maintenance of peace and security. It would seem desirable to treat the function of the Security Council in determining the existence of any threat to the peace, breach of the peace or act of aggression, as part of its quasi-judicial function and to stipulate therefore that in such cases also, a party to a dispute should abstain from voting.

VII

CHAPTER VI SECTION D (PROCEDURE)

Insert at the end of paragraph 5:

", and shall enjoy the same position with regard to discussion and voting as the other " party to the dispute".

Comment:

The adoption of this rule appears necessary if, as seems desirable, the position of parties to a dispute mentioned in this paragraph is to be equal.

VIII

CHAPTER VII

(AN INTERNATIONAL COURT OF JUSTICE)

Insert a new paragraph reading as follows:

" The Court shall give an advisory opinion of any legal question referred to it by the " General Assembly or the Security Council".

Comment:

If this Amendment is adopted the second sentence of paragraph 6 of Section A of Chapter VIII should be deleted.

In connection with Chapter XII (Transitional Arrangements) the Netherlands Delegation has been instructed to propose that an international commission be appointed by the General Assembly in its first meeting to determine to what extent and in what manner rights and duties of the League of Nations laid down in various international conventions should be transferred to the new Organisation or otherwise dealt with.

The Netherlands Government recommend that the provisions of the League of Nations Covenant with regard to the registration of Treaties as a condition for their validity be retained in the Charter of the new Organisation.

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Annex

PRINCIPLES FOR THE INTERNATIONAL LAW OF THE FUTURE

PRINCIPLE 1

Each State has a legal duty to carry out in full good faith its obligations under international law, and it may not involve limitations contained in its own constitution or laws as an excuse of a failure to perform this duty.

PRINCIPLE 2

Each State has a legal duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind.

PRINCIPLE 3

Each State has a legal duty to refrain from intervention in the internal affairs of any other State.

PRINCIPLE 4

Each State has a legal duty to prevent the organisation within its territory of activities calculated to foment civil strife in the territory of any other State.

PRINCIPLE 5

Each State has a legal duty to cooperate with other States in establishing and maintaining agencies of the Community of States for dealing with matters of concern to the Community, and to collaborate in the work of such agencies.

PRINCIPLE 6

Each State has a legal duty to employ pacific means and none but pacific means in seeking to settle its disputes with other States, and failing settlement by other pacific means to accept the settlement of its disputes by the competent agency of the Community of States.

PRINCIPLE 7

Each State has a legal duty to refrain from any use of force and from any threat to use force in its relations with another State, except as authorized by the competent agency of the Community of States; but subject to immediate reference to and approval by the competent agency of the Community of States, a State may oppose by force an unauthorized use of force made against it by another State.

PRINCIPLE 8

Each State has a legal duty to take, in cooperation with other States, such measures as may be prescribed by the competent agency of the Community of States for preventing or suppressing a use of force by any State in its relations with another State.

PRINCIPLE 9

Each State has a legal duty to conform to the limitations prescribed by the competent agency of the Community of States and to submit to the supervision and control of such an agency, with respect to the size and type of its armaments.

PRINCIPLE 10

Each State has a legal duty to refrain from entering into any agreement with another State, the performance of which would be inconsistent with the discharge of its duties under general international law.

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MEMORANDUM FOR DELEGATES AND ADVISERS

USE OF CARS BY THE DELEGATION C234747

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1. In addition to the cars which we have from Canada, the Transportation Pool has now placed at our disposal five cars, together with one for the Prime Minister. These cars are intended for official purposes but are available for general use if there is no official demand for them.

2. The rules under which the Transportation Pool operates require that requests for cars (except for the Prime Minister) be made through the Secretaries or Assistant Secretaries of Delegation. They have suggested that the best system would be to have the delegation office indicate each morning how many cars will be needed and at what times.

3. To meet the above suggestion, it would be best if delegates or advisers could tell the Secretary or Assistant Secretary each day at what time on the following day they are likely to want a car. Such requests can, of course, be supplemented at any moment to meet further needs, but a system of this type would be helpful in planning the use of the cars.

R.G. Robertson

Secretary

April 28th,1945.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234748

For Mr. N. A. Robertson:

I wish you would have instructions issued that this office be informed of any meetings arranged in the Prime Minister's Office.

For instance, there was one held today at 6 o'clock. We had no notification of this and had to hold out the would-be conferees to determine if they were coming at the Prime Minister's invitation.

Also some refreshments had been ordered but not sufficient to take care of the gathering.

W. J. T.

San Francisco
April 28, 1945

Mr. Turnbull -
the meetings referred to were called on very short notice -
- I'll try & let you know in time of any other meetings, but I don't think the P.M. should bother to send to the

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234749

For the Prime Minister:

Life Magazine are putting out a special edition covering Conference personalities.

Karsh has been commissioned to do the portraits for them, and is here in San Francisco. They are most anxious to have an early sitting as they want particularly to include your photograph in this edition.

WJT

San Francisco
April 28, 1945

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OFFICE OF THE PRIME MINISTER

C234750

MEMORANDUM

An Associated Press summary from Washington says the first activity arose from an AP flash from San Francisco at 4:35 pm PWT. Fifteen minutes later it was announced that President Truman was holding himself in momentary readiness to announce the end of the war in Europe.

Stephen Early next announced that there was no official confirmation from any source and that "as soon as we get it, the President will issue a proclamation and will read it on the air." Still later he announced that "the Proclamation is all ready". Asked if it were a proclamation announcing VE Day, he said "not exactly".

At ~~XXXX~~ 6:35 the President told a press conference at the White House that he had instructed Admiral Leahy to get in touch with Allied Headquarters in Europe. Leahy was informed from Allied HQ that "there was no truth whatsoever" in the rumour that Germany had surrendered.

28 IV. 45

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234751

For the Prime Minister:

The War Information Board have a request for a photograph with yourself and the other delegates in Conference instead of the posed standing photograph which has been the only one thus far taken.

WJT

San Francisco
April 28, 1945

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C234752

For the Prime Minister:

Mr. Bidault, head of the French Delegation, would like to return Mr. King's call.

He is in the St. Francis Hotel.

WJT

San Francisco
April 28, 1945

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MEMORANDUM
Office of the Prime Minister

C234753

Mr. Russell: Ottawa, S.F. April 28, 1945

Please add name of Mr. Eric Estorick as one of those who had an interview with the Prime Minister today.

WJT

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The United Nations Conference on International Organization

Doc. 17 (English)
G/10
April 28, 1945

C234754

ORDER OF THE DAY

April 28, 1945

Time	Body	Room	Remarks
10:30 a.m.	Plenary Session	Auditorium of the Opera House.	Chairmen of the delegations who desire to make statements will be recognized in alphabetical order. Dr. T. V. Soong, President of the Conference and Chairman of the Delegation of China, will preside at the Third Plenary Session.
3:30 p.m.	Plenary Session.	Auditorium of the Opera House	The report of the Credentials Committee will be received and acted upon. Chairmen of the delegations who desire to make statements will be recognized in alphabetical order. Mr. V. M. Molotov, President of the Conference and Chairman of the Delegation of the Union of Soviet Socialist Republics, will preside at the Fourth Plenary Session.

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C234755

May 3

Memorandum for the Prime Minister:

Baron Silvercruys would like to have you as his guest for dinner on Thursday next at 8:00 p.m. Room 220-221, St. Francis Hotel.

This will be informal. Invitations have also been extended to:

Mr. M. J. Coldwell
Mr. Jean Desy
Mr. L. B. Pearson
Major General Pope
Mr. N.A. Robertson

declined
May 4/45

W. J. Turnbull

San Francisco
April 28, 1945

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C234756

CANADIAN DELEGATION

Washington Press Summary

April 28-29, 1945

NEWS TREATMENT

The news fog which, it was bitterly claimed, hung over San Francisco did not blanket verbiage. The security cloak around U. S. delegates, on the other hand, was blamed for the prominence given rumors and the recourse to rehashes of old news.

Saturday night's false peace pushed the Conference out of the headlines on Sunday but it was not forgotten.

On Saturday, Conference developments had still been headline news, ranking with the Russian-Yank meeting. Emphases followed predictable lines. McCormick-Patterson, with lesser conservatives (e.g. Cleveland Plain Dealer, Atlanta Journal), bannered or headed their columns "Molotov Outsmarted in Bid to Seat Warsaw Poles", etc. Internationalists somewhat played down the Polish question by immediate follow-ups on Russian gains (e.g. New York Times, Washington Post, Chicago Sun).

Key sentiment in despatches was relief. With the chairmanship question settled, at last the Conference could get down to business. If a small-nations bloc had ever existed, it had now disappeared. Russia's ability to compromise augured success.

Vying with Russian news for front page interest was the "small nations" angle. Columns headed "Small Nations Fight Security Council Setup", etc., reported pressure to increase the Council to 14 or 15 following their success in enlarging the Executive Committee. Membership on the Executive Committee, it was thought, ensured a place on the Council. Rivalry for seats was understandable.

Paul Ward (Baltimore Sun) summed up delegates' criticisms as "gentle" but firm on improvements on the Dumbarton blueprint and fearful that in their rush to get through, the "Big Four" would bypass "perfectionism" amendments. Forde of Australia rated honorable mention. Canham (C. S. Monitor) and Marcus Duffield (N. Y. Herald-Tribune) studied his nine points in detail. They were "practical, constructive, and likely to be an excellent compromise solution", Canham thought. Parts of Mr King's speech were quoted in texts. The Canadian "functional" definition was useful for purposes of illustration and allusion. Arthur Evans (Chicago Tribune) anticipated a line-up of small powers behind Canada. There was no real attempt, however, as the search for leadership got under way, to put us in the limelight. France, it seemed, had bowed out in a realistic after-thought. Holland was the current favorite.

Despatches on the 29th were largely concerned with how the falst peace affected "diplomats". Half-inch column heads ("Parley Bogged on Hint of Reich Surrender", etc.) comforted readers with the thought that world statesmen were no less immune to Dame Rumor. Net results were all to the good. There was an increased determination to get on with the business.

Predictions anticipated the Argentine showdown. Other headache most frequently foreseen was the Vandenberg revision amendment. Heavy Russian opposition was expected.

Those who took time to look back on the week's achievements were by and large satisfied.

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COMMENT - Editorial, Columnist, Feature

Major Trends - Russia

Even a close reading of comment gave credence to Robert Albright's plaintive observation that the delegates themselves had to resort to the original Dumbarton Oaks charter to find out what it was all about. At first glance it looked like a bedside vigil at the difficult birth of the child of the Russo-American union.

Columnists and editors of every complexion explained, condoned and condemned the Russian "enigma" as personified by Molotov. Strongest trend was a plea for understanding on the grounds that upon the accord of the two greatest powers hung the success of the Conference and the peace of the world. The good faith and co-operation of Britain and China were taken for granted and both powers were relegated peacemaker roles. France was an uncertain quantity but at least "white". Even the small nations - big power controversy reflected the central interest. For example, the Molotov-Eden speeches were generally read in the light of divergent Eastern and Western security concepts.

Small Nations

Deep-seated anxiety over the root of the small nations - big power situation was apparent but for the moment energies were devoted to settling Russia. There was relief at Molotov's efforts to dispel fears that the U.S.S.R. regarded the Dumbarton charter as sacrosanct. Differences in stress, however, were quickly picked up.

Max Werner out-Kremlined the Kremlin. Dumbarton Oaks was an "entity" and immutable. Van Kleffens' "Aggressive statement" was the riddle of the Conference. Who was he leading? The composition and motive of the small-nations bloc must be carefully watched. Main task of the Conference was to maintain the big-power coalition for peace; guard against "deteriorationists".

Elliston (Washington Post) on the other hand, considered the Dutch memorandum the most outstanding of all the amendment suggestions and forecast their leadership.

Minor Trends

Regional systems:

Attlee's press conference frankness on regional alliances inspired one or two articles on this still background subject. Ben Gilbert (Washington Post) and Jay Haden (NANA) explained the U.S. change of heart since Chapultepec. There was some gentle sarcasm at Britain's unwillingness to believe that any system but her own was legitimate. Drew Pearson noted Dominion independence at the Conference; applauded Australia's alleged determination to fight the big power veto on Pacific regional agreements. Carroll Binder (Mineapolis Tribune) studied Russia's position; concluded that if the collective-regional pursuits clashed, she would unhesitatingly stick with her unilateral system. Russia regarded British and U. S. globality as quixotic.

Pacific Bases

This question had not hit editorial pages to any extent. Only comment seen were New York Times and Washington Evening Star endorsements of the compromise agreement.

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General Discussions

Organizational discussion on the Charter itself practically vanished. Only Walter Lippmann notably remained in the field.

Birmingham News editorials were devoted to abstractions on the philosophical use of force and the meaning of compromise. Justice, not force, was the true fundamental of peace and compromise "must not be the adulteration of what we perceive to be true" were its conclusions.

Eden's call for speed produced various reactions. Mark Sullivan warned that the Conference must not close before the world was well aware of the fundamental differences in the Russian-American position. (There was little chance.) Stokes urged there was no time to lose. Soon peace themes would be dominant.

Conclusion

Interesting by way of contrast was Lord Winster's (Baltimore Sun) report from London. There was disinterest and a rather weary cynicism. Some sort of agreement would come out of San Francisco but so had there been from Yalta and Teheran.

Faith on this side was almost frightening. Biblocal quotations and madonna motifs in letters-to-the-editor and cartoons, emphasis on the rights of petitioners of all groups, races and creeds to plead their causes before the world forum, nervous headlines when comparatively minor differences arose, bespoke the "dare not fail" attitude.

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C234759

Solemn Pontifical Mass

to implore God's blessing upon

The United Nations Conference on International Organization

on Sunday, the twenty-ninth of April

Nineteen hundred and forty-five

at ten-thirty o'clock in the morning

Civic Auditorium

San Francisco

Admit bearer and party

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C234760



The Archbishop of San Francisco

cordially invites you to a

Solemn Pontifical Mass

to implore God's blessing upon

the Delegates to

The United Nations Conference on International Organization

and His guidance in their labors and decisions

on Sunday, the twenty-ninth of April

Nineteen hundred and forty-five

at ten-thirty o'clock in the morning

Civic Auditorium

San Francisco

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The United Nations Conference on International Organization

Doc. 23 (English)
G/11
April 29, 1945
C234761

ORDER OF THE DAY

April 29, 1945

No meetings are scheduled for Sunday, April 29.

April 30, 1945

Time	Body	Room	Remarks
9:00 a.m.	Executive Committee (Provisionally established by the chairmen of delegations)	Veterans Building Room 223	
10:30 a.m.	Meeting of chairmen of delegations	Veterans Building Room 223	
3:30 p.m.	Plenary session	Opera House	The Conference will receive and consider a further report of the meeting of the chairmen of delegations concerning the organization of the Conference. Chairmen of delegations wishing to make statements will be recognized in alphabetical order. Mr. Anthony Eden, President of the Conference and Chairman of the Delegation of the United Kingdom, will preside at the Fifth Plenary Session.

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SFC/B

C234762

BROADCAST OVER C.B.C. NETWORK
Sunday, April 29th, 1945.

San Francisco, California.

Lester B. Pearson.

The United Nations Conference on International Organization - which is not, it should be emphasized, the United Nations Conference to decide the terms of peace against our enemies - is now well under way. It has not, of course, been an easy machine to get started; after all, a four-engined bomber needs a longer runway than a helicopter. Indeed, if it had not been for the preparatory discussions of the Big Four and all the preparatory administrative work of the United States Government, this Conference would not now be meeting at San Francisco or any place else. Those who complain too easily about the domination of the Big Four, should not forget that.

You have no doubt been reading and hearing a great deal about the Conference; the statesmen and personalities who are present; its inspiring San Francisco background, and the atmosphere in which it meets. I understand that enough news despatches have already been filed and radio talks written to pave a trans-Canada highway. There are well over one thousand accredited representatives of the working press and radio at San Francisco. That is a chastening thought to anyone who is asked to tell you what is going on here.

There/

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There are 46 countries at this Conference, beginning alphabetically with Australia and ending with Yugoslavia. These countries are represented at San Francisco by more than two thousand delegates, advisers, experts and secretaries. We are indeed a goodly number; I suspect that those who are responsible for opganization, arrangements, meetings, etc., think we are much too goodly a number. However, the fundamental importance of the matters under discussion certainly justifies the attendance in question, for every single country here, small or large, realizes that its future destiny, the happiness and well-being of its people, will in no small part be determined by what this Conference does.

The Conference has now been meeting for four days. It has been going through a process somewhat similar to that which a newly-elected House of Commons goes through. It has been organizing itself. It has begun a debate on general principles rather like the debate which takes place in Ottawa at the beginning of every session on the address in reply to the Speech from the Throne. The head of each delegation is being given a chance to state the general position of his country on the issues of the Conference. On the first day, the Big Four spoke. Mr. Anthony Eden's speech was eloquent and moving, a speech in the highest traditions of British

parliamentary/

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parliamentary oratory. It received a warm response in the crowded Opera House, for it gave the Conference a great moral lift. The centre of attention on that first day was also focussed on Russia's Foreign Minister, Mr. Molotov. That interest was natural and inevitable, and it will continue. We have a lot to learn about the U.S.S.R. But we do know that its power to ensure peace and justice in the world community is only equalled by the power that it has displayed in defeating our common foe.

On the second day, Mr. Mackenzie King spoke, and effectively, as the leader of the Canadian Delegation, while yesterday, eleven other delegates spoke. On this lovely spring Sunday, which vindicates even the most extravagant things that have been said about California's climate, the delegates are resting up. After all, we have 15 or 20 speeches ahead of us tomorrow and Tuesday.

I hope, in this connection, that I will not be considered cynical about the eloquence and sincerity of these speeches to come if I tell a story, based on my Geneva experiences. to indicate how difficult it is to listen hour after hour, even to the most eloquent international oratory. I recall the Disarmament Conference at Geneva, when the general discussion went on for several days. At these League meetings, you could put on earphones which would allow you to hear, in your own language, a simultaneous translation of the speech being given from the rostrom. There was sitting in front of me at this

Geneva/

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Geneva Conference a corpulent representative of a certain Latin American State. For the first day, he kept the ear-phones glued to his head, so that he would not miss a single word of any speech as it was being delivered. The second day, a little less enthusiastic, he took the ear-phones off, so that he would not have to bother following, in his own language, what was being daid on the platform. The third day, he put the ear-phones on again, but inside out, so that they would deaden the voice of the speaker and thereby permit him to slumber peacefully!

While the general discussion has been going on, the Steering Committee of the Conference, which consists of the Chief Delegate of each country, has been considering questions of organization.

It has made some important decisions, which have been already approved by the Conference. One concerned the admission of two additional Soviet republics to the original membership of the World Organization. Pessimists said that this would cause dissension and dispute. In fact, it was agreed to unanimously, amicably, and in short order.

The delicate question of languages has also been decided. The use of both English and French, as in Canadian parliamentary practice, was agreed.

Finally, the Conference has set up an Executive Committee of fourteen countries, which will, in effect,

be/

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be its active directing agency. It is a tribute to Canada's importance at this Conference that we have been included in this inner group. The inevitable deduction is being drawn that, when the Security Council is set up, its eleven members will be chosen from this group of fourteen.

As soon as the general public debate ends, and the questions of organization are decided, the Conference will begin to meet in Commissions. There are to be four such Commissions, each of which will tackle one part of the Conference's agenda. After probably a very brief general discussion, the four Commissions will each divide into technical committees. The hard work of the Conference will then begin, for the committees will have to descend from lofty generalities to the hard practical job of reaching agreement on the precise provisions and language of the World Charter, which is to result from this Conference.

The Plenary Sessions of the Conference and the meetings of the Commissions are held in public, with the press and photographers and members of the general public present.

The meetings of the technical committees of the Conference, however, will be held in private. There will be nothing theatrical about them. It will be plain, shirt-sleeve diplomacy.

The division of the work of the Conference between the four Commissions is fairly simple. There is

one/

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one Commission on General Provisions, one on the Assembly, one on the Security Council, and one on Judicial Organization.

The first Commission, on general provisions, has two committees under it. The first will deal with preamble, purposes and principles. It is this committee which will have to find some satisfactory way of meeting the almost universal demand that the concept of justice be written formally into the Charter, and not left implicit as at present. To do this, the Charter should set forth as clearly and precisely as possible the rules, principles, and criteria which the various organs of the new World Organizations are to follow in arriving at their decisions. These should express in simple language certain moral precepts of justice, equity and fair dealing. The United Nations are fighting this war because there are things more important even than peace. They are therefore unlikely to agree to a Charter which, because of ambiguous language, could be interpreted, in even the most remote contingency, to mean that the Security Council in its efforts to preserve or restore peace should connive or wink at any injustice.

The second committee of the First Commission will deal with membership and amendments. The 46 States which are represented at this Conference and the two additional Soviet republics will all be entitled to become charter members/

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members of the Organization. Poland will be entitled to become a charter member and to be represented at this Conference as soon as it has a government recognized by all four of the powers which have sponsored this Conference - the U.S., U.K., U.S.S.R., and China. It is tragically unfortunate that Poland, the first state actively and openly to fight the German aggressor in this war, should have no such government today.

Counting Poland, the two Soviet republics and the 46 States here represented, the new Organization will start with 49 charter members.

The other main problem of this committee, the amendment procedure, is basic. Whatever comes out of San Francisco will be a compromise. It will not, it cannot, be perfect. There is no use in conceiving of the reform of the world in one single plan. If we insist on perfection here, we might not get anything. We would merely make the <u>best</u> the enemy of the good. The compromise which will result from San Francisco, may be well fitted to the conditions of war and of transition from war to peace. Some of its provisions, however, may prove later to be not so well fitted to normal peacetime conditions. It is therefore essential that the Charter be flexible and relatively easy to amend. This means that careful consideration will have to be given to the Dumbarton Oaks formula under which any one of the five Great Powers could prevent any amendment from coming into force.

The/

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C234768

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The Second Commission of the Conference - that on the Assembly - is going to work through four committees. The first two will deal with one of the important problems before the Conference - a problem which arises out of the demand of small and middle states that the powers of the Assembly should be increased - that it should be something more than just a public forum, an international debating society.

The third committee of Commission Two will discuss the formation of the Economic and Social Council; the fourth committee the problem of international trusteeship over dependent territories.

We of the Canadian Delegation are especially interested in the third committee on economic and social matters. We feel that the primary task of the new World Organization must be to remove the causes of international friction and international dispute. What we are trying to create here is a League for Peace, not a League for War. There must always be in reserve overwhelming force on the side of peace, but the use of that force, or even the threat of its use, must become the deplorable exception, not the general rule. The new international Organization must therefore come to think and act less and less in terms of force and more and more in terms of forces - the forces that create or destroy international amity and goodwill; the forces that create poverty or promote well-being.

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It is with such forces that the Economic and Social Council will be concerned, and it should be given enough power and prestige to make its concern effective.

The Third Commission of the Conference is the one on the Security Council. It has four committees. One is on structures and procedures. It will deal with proposals made by various delegations, that nations such as Canada, The Netherlands and Brazil, which are willing and able to put force behind peace, should have a greater chance of being elected to the Council than other powers which are either, because of their smallness, unable to contribute much force, or are unwilling to bind themselves to make such a contribution. This is a matter on which the Canadian Delegation has already expressed its interest.

The second committee will deal with one of the central tasks of the new World Organization, how to provide the best possible procedures for the peaceful settlement of disputes between nations - procedures of mediation, conciliation, and arbitration - to supplement procedures for judicial settlement.

The third committee is called "enforcement arrangements". This is the committee which will deal with the organization of force against a breaker of the world's peace. It will, however, be limited to discussing the use of force against middle and small powers because

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the Big Five will probably have a veto on the use of force against themselves.

This veto power of the Great Powers, in this and in other respects, simply means that though our new League of Nations will have more teeth than the old ever had, and that is a great improvement, these teeth can be used only to bite the smaller countries when they misbehave. For this reason, it may be argued that the teeth need dental attention. Well, they will probably get it in committee three of Commission Two. Remember, however, dentistry consists of filling teeth as well as in pulling them out.

Remember, also, that the Great Power, though it has a veto on decisions to use force against it, is pledged equally with the Small Power not to commit aggression which would necessitate such force. If it breaks that pledge, its right of veto or the absence of that right, is of little practical consequence.

There is one other aspect of this question of enforcement of the decisions of the Security Council that is of particular interest to the Canadian Delegation, and concerning which we will make our interest known at the proper time. It is this. Should the decisions of the Council - which involve military or economic sanctions - be automatically binding on a non-member of the Council, even if that non-member, though important to their carrying out, has not been consulted about the matter or participated

in/

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in the decision. We say that such an obligation would be difficult indeed for any country to accept, and we will suggest methods by which this difficulty can be resolved without weakening in any way the power of the Council to take speedy and effective action against aggression.

The principle behind this position was stated clearly and concisely by our Prime Minister in his opening speech to the Conference, when he said:

"We recognize the principle that power and responsibility must go hand in hand, and that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace. Power, however, is not exclusively concentrated in the hands of any four or five states and the Conference should not act on the assumption that it is. Such a position would not only be contrary to the facts, as they have been demonstrated in the past five years, but it would also be dangerous to the cause of security itself. For it would foster in many smaller countries the development of a new type of isolationism - a feeling that the task of preserving the peace could be left exclusively to the great powers."

There/

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There is one other committee in this very important Third Commission, to deal with the delicate and difficult problem of how to fit regional arrangements, such as the Inter-American Security System, into the general International Organization.

The last Commission, Number Four, is on Judicial Organization. The main job of this Commission will be to complete the drafting of a statute for an International Court of Justice. Fortunately, the greater part of the work on this problem has already been done by a preliminary meeting of experts which took place in Washington just before this Conference opened.

Well, from all this you will have gathered that there is lots of work ahead at San Francisco. I can assure you that the Canadian Delegation will play its full part in that work. That part will, I hope, be both constructive and realistic; not influenced by considerations merely of national prestige or by impractical abstractions.

We know - and we cannot say it too often - that what comes out of San Francisco is a beginning, not an end. After a week of the Conference, after listening to the delegates of the Great Powers, and speaking to some of them, I feel more confident than ever that what we will do here will have within it the seed of hope and progress and achievement. That is all we have any right to expect. Whether that seed grows and flourishes depends entirely on what the nations do with it. Remember this, however.

The/

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The proposals we are discussing here, and which I think will be accepted, embody the pledge of all the United Nations; not some of them, but all of them, great and small, to co-operate in the work of ensuring peace and promoting welfare. They also establish - even if they do not reach - the objective which we must seek to attain; that national force must ultimately be brought under international control if peace is to be guaranteed. Starting from, not ending with, Dumbarton Oaks and San Francisco, we must seek to make certain that never again shall an aggressor be permitted to strike down one nation after another before the peace-loving nations of the world organize and take concerted action against it. If we have not learned from the history of the last thirty years that that must be the supreme objective towards which we must all strive, we are incapable of learning any lesson.

There is no use fooling ourselves that it is going to be easy to attain that objective or, having attained it, to consolidate our position and defend it against counterattacks. The struggle for victory over war is even harder than the struggle for victory in war. It will be a slow, tough process. There must be superb organization. There must be brilliant improvisation. At times, caution; at other times, a willingness to run great risks for great objectives. At all times a refusal to permit temporary reverses to shake our belief in ultimate victory. Above all, no false optimism about the possibility

of/

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of an early victory. There is no easy and upholstered way from the foxhole to the millenium. We shall not secure victory over war at San Francisco. But we must, as Commander Stassen has said, win at San Francisco a "beachhead in the battle for a just and lasting peace", the beachhead not being "the final goal, but only the jumping-off place for the long, hard drive toward victory". We must be very sure that we get at San Francisco as large and effective a beachhead as possible.

To that high endeavour, for which our men are dying on every far corner of this shrinking world, the least we can do, every one of us, is to pledge our hearts, and our minds and our souls. If we fail, then we might as well agree with the cynic who referred to this war as "the little one before the last".

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OFFICE OF THE PRIME MINISTER

File

MEMORANDUM

C234776

For the Prime Minister:

Mr. Tom Ross of Hamilton (former member) put in a call for you this evening.

I informed the operator that you could not be reached at that time.

WJT

Read by P.M.

San Francisco
April 30, 1945

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C234777

CLIFFORD R. JOHNSON
106 Campus Road
Staten Island 1, N. Y.

April 30, 1945

A REVOLUTIONARY IDEA FOR PEACE

for

SAN FRANCISCO

Special Attention of
Prime Minister Mackenzie King

Delegation of Canada
San Francisco Conference

Dear Delegates:

As never before in its history, the world is searching for some form of collective action to handle the problem of the aggressor nation. Although I fully realize that the world's intellectual giants of all ages have applied their abilities to the problem with the results that are familiar to all, yet I do not hesitate to announce with the God inspired confidence of a David, an idea that can revolutionize the world's search for a practical peace formula to solve the aggressor nation problem.

The idea or formula is to provide a provision for unequivocally defining the term "Peace-loving" state as used in the Dumbarton Oaks Plan - Chapter III (which reads - Membership of the organization should be open to all peace-loving states). The idea is as follows:

> A peace-loving state is hereby defined as any nation which gives its people the right to vote in a referendum for peace or war except in the case of direct invasion and except for the use of joint military power by this Organization. - Any nation participating at the San Francisco Conference which does not comply with this definition within five years shall be automatically dropped from membership.

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In giving serious consideration to any plan for dealing with the control of war, it is well to remember that from the beginning of time it has always been the Rulers or the Ruling Classes who decided the question of war or peace and that, moreover, the common people of all countries have always been opposed to war. The tremendous possibilities of the War Referendum principle must be conceded when it is seen that this idea is simply a practical method of harnessing, for the first time in the world's history, the almost universal oppcsition to war of the common people, the ones who are forced to pay for war with their lives, their money, their suffering, and so forth. Needless to say it will also harness the power of religion to prevent war. It will enable every person to be a direct and positive force for peace. Then every Christian could be satisfied that the unselfish consideration of all plus their understanding of good or God, would be equally weighed in the final result. It would encourage and strengthen the individual and collective growth of Christianity as never before.

To show that the War Referendum principle is in absolute harmony with the democratic idea is a simple proposition. Democracy in its fullest sense can be defined as - Rule by the consent of the governed, a phrase used in the Declaration of Independence. The War Referendum principle is really a method of honestly and efficiently registering the will of the majority with respect to a question of Peace or War. It is equivalent to balloting directly for an idea instead of voting for men who only promise to support that idea. It cannot be denied that a Referendum on vital or supreme issues is democracy functioning at its best.

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Up to the present time, no nation in the world has made provision to declare war by the Referendum principle, although it is very gratifying to state that the United States has had such a proposal in the Congress since 1935. Democracies and Dictatorships are exactly alike with respect to a declaration of war, the common people having no part in making the decision. All prospective member nations would be on an equal footing in so far that each would have to change its political structure by adopting the War Referendum principle as already defined.

The aggressor nations of to-day are first-class examples that selfishness and dictatorships breed war. Unselfishness and democracy are their opposites and so they must promote peace. And, needless to say the War Referendum Principle is a perfect channel for registering the power of unselfishness, a basic Christian quality.

While I recognize only too well that the causes of war are many and complex, still I feel that an international organization of nations without provision for the War Referendum principle must be considered as simply an extension of the present system of international power politics with all its obstacles to a sound peace. A World Organization should be a government of mandatory action in support of established principles, instead of a government of men with the usual political log-rolling as exemplified by the League of Nations and apparently put back into circulation by the decisions made at Dumbarton Oaks and Yalta. The War Referendum idea can control, handle or effectively discourage aggression between nations. It will make the people, instead of their leaders responsible for acts of war. By scrapping "peace and war making by the few", we the people will gain "peace making by the multitude".

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As a sincere worker and fighter for the cause of peace, I have offered the War Referendum formula as an idea that can constructively neutralize the many objections and weaknesses of the Dumbarton Oaks and Yalta proposals which are now being considered by the Delegates to the San Francisco Conference. By adopting my requirement for defining a Peace-loving state there could be no reasonable objection to giving our Representative to the Security Council all the necessary powers to act as the case would require. It would liquidate in effect the very important charge that aggression by the large powers is to all purposes left unchecked. Was not aggression by a large power the direct cause of WORLD WAR II? How often would aggression by a small nation start a World War?

Just as Wilson's poorly conceived blueprint for a League of Nations (with its loose and ineffectual membership and expulsion standards) was a colossal failure and so blindly torpedoed the ship of peace, so the danger is present today. I fully agree that membership in the World Organization should be limited to peace-loving states. But let every nation (and I include my own beloved United States of America), show that it is really a peace-loving state, by adopting the Referendum principle in its political structure, and so prove that it is ready and worthy of membership.

Let it not be said that the Delegates to San Francisco rubber-stamped the "Papa knows best" policy of Churchill, Roosevelt and Stalin as conceived by Dumbarton Oaks and Yalta.

You delegates to the San Francisco Conference can revolutionize the worlds search for a practical Peace Formula by adopting the War Referendum principle, which in effect proposes to effectively harness the peace making efforts and desires of the masses instead of a comparatively few statesmen and the ruling classes.

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It is a challenge that no intelligent believer in Christianity or Democracy can afford to overlook.

It is with a very great sense of love for the cause of peace and for the efforts of you and all others (past and present) that I send this communication. I have purposely refrained from submitting a complete plan for dealing with the aggressor nation problem, as I feel that it is, more realistic under present conditions to amend the Dumbarton Oaks Plan in the manner I have previously recommended.

In the final analysis please remember that whatever you do at San Francisco, your plan should have the over-whelming and enthusiastic support of the people in order to succeed. By incorporating the War Referendum formula, you are sure to capture universal appeal for the most important part of the entire plan, that dealing with aggression.

Physical might can win wars, but only right ideas can win the peace.

Sincerely submitted,

Clifford R. Johnson

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234782

For the Prime Minister:

Mr. James J. Hunter, Bank of California, is anxious to give a luncheon at the Pacific Union Club for the Canadian Delegates and their senior advisers at a time convenient to the Prime Minister.

Mr. Hunter is the gentleman who provided the complimentary membership to the Pacific Union Club. I believe he is a friend of Dr. King's.

WJT

San Francisco
April 30 1945

Telephone SUtter
3131

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CANADIAN DELEGATION

C234783

WIB PRESS SUMMARY WIRE

April 30, 1945

Today's Gazette has a banner headline "Pole Issue Deadlocks Parley as Peace Rumor Explodes", over Cassidy's AP story of Molotov making the invitation to Argentina conditional on Poland, also Reston of the Times linking Argentine and other Soviet representation. The Gazette staff story says the Soviet is anxious to make clear that it is an important world force but realizes the necessity of world security, hence a compromise is possible. The United States and the United Kingdom are holding out on Poland, wish to end "appeasement". All delegates realize that power is the basis for final decisions.

Blackburn and Cragg agree that the leading delegates are confident of the official news of the German collapse arriving at any time. Cragg specifies the Big Three and Commonwealth delegates as being most confident, and sees Eden as a buffer between the democracies and the Soviet. The Canadians were never seriously concerned about the chairmanship argument but American concern is thought justified because of Soviet manoeuvres playing into anti-Soviet isolationist hands. He cites Gerald Smith Rallies. Blackburn remarks that the Friday deadline apparently frustrates the Canadian plan to withhold amendments unless the atmosphere is favorable. He says that Australia may propose functional representation.

Saturday afternoon's despatches were the most cheerful yet, especially on the Prime Minister. Flaherty calls Mr King's speech a call for speedy action and an assurance that the Canadian people will do all possible to prevent future aggression. Pyper says it was one of the shortest and most effective. Hodges says it made a profound impression. Armstrong credits the Prime Minister with turning the Conference along the path of success, says that nobody has done more for Big Three understanding. Langlois calls the speech an example to the Conference of brevity, conciseness and a collaborative spirit. The lead of Hutchison's story on the Middle Powers led by Canada and Australia cites their claims to special recognition. Several stories say the Prime Minister was in general guarded and Forde detailed and blunt, but substantially similar.

There are still many forebodings on the Soviet. Brown says the Russian problem is the Conference puzzle, Hutchison that Russia is an over-shadowing enigma. The Telegram men still concentrate on this theme. Snyder says "Lublin would have been a second vote for Russia in the Security Council and a fourth seat in the Assembly". He gies a graphic story of the steering committee chairmanship fight. Pyper says Molotov made a sham fight over the chairmanship to enable him to make a concession. There are also several sympathetic analyses of Soviet policy. Philpott says these questions

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look different to the Russians. MacTavish says "No delegation is entering more fully into the spirit and purpose of the Conference than the Russian". Chevalier thinks the significance of the request for the Ukrainian and White Russian seats is exaggerated and justified by the conference isolation of the Soviet. He says the delegates' stand on Poland shows they are not yielding to all Soviet pressures. Langlois says the importance of the chairmanship argument has been over-rated. The Soviet motive was a demonstration of Big Four unanimity and showed the importance attached to the Conference. Langlois credits the Prime Minister with a compromise solution.

The French-language papers are delighted over making French an official language. Langlois credits the Prime Minister; Chevalier, Mr St Laurent; Le Canada in an unsigned story, Molotov.

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C234785 JAG

PRIME MINISTER'S OFFICE

(Room 622)

			1:00 - 2:30	6:00 - 7:30	7:30 - 11:00
Monday	April 30	-	Mr. Gibson	Mr. Pickersgill	Mr. Turnbull
Tuesday	May 1	-	Mr. Turnbull	Col. Wallace	Mr. Pickersgill
Wednesday	2	-	Mr. Pickersgill	Mr. Gibson	Col. Wallace
Thursday	3	-	Col. Wallace	Mr. Delisle	Mr. Gibson
Friday	4	-	Mr. Gibson	Mr. Turnbull	Mr. Delisle
Saturday	5	-			
			1:00 - 6:30	Col. Wallace	
			6:30 - 11:00	Mr. Gibson	
Sunday	6	-			
			morning: 10:00 - 1:30	Mr. Pickersgill	
			afternoon: 1:30 - 6:30	Mr. Turnbull	
			evening: 6:30 -11:00	Mr. Delisle	

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OFFICE OF THE PRIME MINISTER

WJT
Jul 1

MEMORANDUM C234786

For the Prime Minister:

Mr. Stoddard telephoned this morning at 9:45 to inquire about your cold. He said he and Mrs. Stoddard had been worrying about you.

I told him that your cold had much improved and that I knew you would appreciate their concern.

WJT

San Francisco
April 30, 1945

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C234787

For the Prime Minister:

Mr. James J. Hunter, Bank of California, is anxious to give a luncheon at the Pacific Union Club for the Canadian Delegates and their senior advisers at a time convenient to the Prime Minister.

Mr. Hunter is the gentleman who provided the complimentary membership to the Pacific Union Club. I believe he is a friend of Dr. Kings.

WJT

San Francisco
April 30 1945

Telephone SUtter
3131

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30.IV.45

C234788

LIST OF INVITATIONS AND OTHER MATTERS REQUIRING DECISION OF PRIME MINISTER:

1. Baron SILVERCRUYS would like to have P.M. as guest for dinner on Thursday, May 3 - 8.00 p.m.
(Room 220-221, St. Francis Hotel)
(See memo)

Declined 2.V.45 regrets

2. Senator José MAZA - wishes to invite P.M., Mr. St.Laurent and Mr. Chipman as guests at a meal towards end of week of April 29. Date suggested: Friday, May 4.
(See memo)

3. Mr. L.A. IRELAND - invites P.M. to address Commonwealth Club, Monday, May 7 at a noon meeting or on Wednesday, May 9, evening meeting.
(See memo)

4. Mr. Bidault, Head of French Delegation - would like to return Mr. King's call.
(See memo)

5. LIFE Magazine are putting out special edition covering Conference personalities.
Karsh has been commissioned to do portraits.
(See memo)

6. WAR INFORMATION BOARD have request for a photo with P.M. and other delegates in Conference.

7. Mr. J.J. HUNTER (of Bank of California) anxious to give a luncheon at Pacific Union Club for Canadian delegates and advisers at time convenient to P.M.

8. Canadian Foreign Affairs - Latin American relations dinner (Ottawa)

9. Reception Press delegation - Monday 9 P.M.
Canada House - Mayfair

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30.IV.45

C234789

REQUESTS FOR INTERVIEW

1. Mr. Paul NAGGIAR - French Delegation (Clift Hotel)
(Formerly Consul General in Montreal)
(April 27)

2. Vice Admiral Thierry-d'ARGENLIEU
(French Delegation)
(President of Superior Naval Board)
(April 26)

3. Mr. Frank W. PRICE
(Asst. to Chinese Delegation,
(Room 928 - Mark Hopkins)
(Letter of introduction from Genl. Odlum to Prime Minister)

4. Mr. van KLEFFENS
(Whitcomb Hotel)
'Phoned April 29

5. Mr. André SIEGFRIED would like to see Prime Minister in course of next 2 or 3 days.
He proposes visiting Canada at end of Conference.
(May 1) (See General Pope's memo).

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April 30th 1945

C234790

(1) the Charter organization should be as inclusive as possible - as quickly as possible

(2) admission of Argentina would be a substantial step toward the goal of universality

(3) In light of the development of the world situation in recent months there is no reason to doubt that the Argentine Govt will wish to cooperate very closely with the United Nations - and should be encouraged & assisted so to do

Some of which it is in a position to make a positive contribution

T85

Document is to be returned to Department of External Affairs

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C234701 11th June '45

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Field Marshal Smuts has sent a message to you to say that he shares the views which you expressed, and thinks that the amendment which we have proposed to Chapter VIII B and also to Chapter VI B (providing for temporary memberships in the Council) cannot be adopted unless we drop the words sit as a member — i.e. with voting rights. I gather there is what he wished to see you about, & that he is now preparing a discussion of the matter at 2 pm.

Mrs

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

C234792

Mundaharis argument might (and should) have led to the opposite conclusion. If the Council can only deal with small countries, the arguments for great strength expressed by Stalin, the Soviet Delegate, in Chicago are really not very relevant.

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26-4-45

C234793

I don't think the alleged administrative argument for a single chairman of this Committee is very important & should not be further stressed.

If you speak - you might well debate with your position from Eden's hint & suggest instead a vote on the Chairmanship of the Conference

I do not think the alleged administrative argument for a single chairman of this Committee is very important & should not be further stressed.

If you speak - you might well debate with your position from Eden's hint & suggest instead a vote on the Chairmanship of the Conference

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C234793 A

And then let the Court settle
Complete its own org any other

If the Russians are
granted the first point
they cannot well make a major
issue out of the second

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And then let them Consider the
Complete system org any alter

If the Russians are
Granted the first point
they cannot well make a major
issue out of the second

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May 10-45

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

If you speak you might begin
by saying that the
Canadian amendment raises
the same question of principle
which the New Zealand
delegate has introduced
so eloquently, and though
it does not deal specifically
with the role of the Assembly
this seems to be an appropriate
to put forward our general
views.

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Mr. Rogers suggestion (Ottawa Journal)
Mr. President to read
something like: "~~Mr. Smith~~
~~of the Assembly in the~~ Canadian
"methods of associating Members
not on the Security Council
in decisions of the Council
by action of the Assembly
or by other means"

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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

May 10-1945

C234796

Our amendment is related to the fourth point in Paul-Boncour's report — the role of the Assembly in decisions of the Security Council, in that it proposes a method of associating States not on the Council in certain decisions of the Council under this chapter. It may turn out to be appropriate for you to speak after Mr. Berendsen of New Zealand, if possible. This would mean welcoming the question as put by

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THE UNITED NATIONS ~~CONFERENCE~~ clubs
ON INTERNATIONAL ORGANIZATION May 2-3-4 40

C234797

It is already becoming clear that the Committee cannot usefully settle the language of paragraphs 1 and 2 of VIII B without knowledge of what changes are made in Section VIII A. Sooner or later this Committee and the Committee on Peaceful Settlement will have to get together. You might suggest, if the discussion drags on, that these paras. be passed over, and that we might now take up paragraph 3.

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The United Nations Conference on International Organization

Doc. 44 (English)
G/12
May 1, 1945

C234793

ORDER OF THE DAY

Tuesday, May 1, 1945

Time	Body	Room	Remarks
10:30 a.m.	Executive Committee	Room 223, Veterans Building	
11:00 a.m.	Steering Committee	Room 223, Veterans Building	
3:30 p.m.	Plenary session	Auditorium of the Opera House	Consideration of the report of the Committee on Credentials. Continuation of Statements by chairmen of delegations. Mr. Edward R. Stettinius, Jr., President of the Conference and Chairman of the Delegation of the United States of America will preside.
8:30 p.m.	Plenary session	Auditorium of the Opera House	Continuation of the statements by chairmen of delegations. Mr. T. V. Soong, President of the Conference and Chairman of the Delegation of China will preside.

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CANADIAN DELEGATION

WIB PRESS NEWS WIRE

May 1, 1945

1. Acting Prime Minister Ilsley announced yesterday that on the cessation of hostilities in Europe the Canadian Government will issue an announcement, followed immediately by two proclamations, the first declaring the following Sunday a day of solemn thanksgiving and remembrance, and the second naming the day following the announcement as a public holiday.

2. WIB released yesterday statement from the British, American and Canadian governments following a conference on the world food shortage at Washington. The statement suggested the world situation may worsen and said each of the three governments concerned is considering, as a result of detailed examination of the facts at the conference, measures to enable it to make its proper contribution to the common problem.

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CANADIAN DELEGATION

WIB OTTAWA NEWS WIRE April 30, 1945.

Munitions Minister Howe appealed last night to Canadian workers to stay on the job on V-E Day and continue all-out production for the defeat of Japan. Mr. Howe revealed that a holiday probably will be declared some time after official announcement of the European war's end.

Mr. Howe also announced the establishment of a committee representing leading Canadian labour organizations to meet with him to discuss reconstruction policies.

Carl Goldenberg has been appointed Labour Adviser in the Reconstruction Department, his job being to keep in close touch with the views of labour organizations on reconstruction.

Mr. Howe indicated the Government's intention to encourage labour-management co-operation "at whatever level a mutually acceptable organization can be achieved".

Hon. Archibald P. McNab, former Lieutenant-Governor of Saskatchewan, died yesterday in Regina.

Lieutenant-General E. W. Sansom was nominated yesterday as Progressive Conservative candidate for York-Sunbury. Ill-health prevented Hon. R. B. Hanson from reaccepting nomination.

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CANADIAN DELEGATION

WIB OTTAWA NEWS WIRE APRIL 28, 1945.

Defence Headquarters announce today the commencement of a plan to release to civil life certain categories of men with long overseas Army service who have returned to Canada. Subject to continuing requirements of the service for individuals with certain specific qualifications, men with five years' service, of which four were overseas including six months' service in a theatre of operations, may be released. Full six months in theatre of operations is not required for wounded men. Upwards of five thousand men with required service have now returned to Canada and more will be returning as ocean transport becomes available.

Liberal members of the Quebec Legislature walked out of the House yesterday afternoon when Fernand Choquette, Liberal from Montmagny, was named by the Speaker. The incident occurred during discussion of a bill rearranging certain electoral districts in Montreal.

Last night Mayor Camillien Houde accepted co-leadership of the Bloc Populaire.

In Federal Election Hon. P.J.A.Cardin has now christened his new Federal party "National Front".

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CANADIAN DELEGATION

WIB OTTAWA NEWS WIRE

April 27, 1945.

Yesterday the First Canadian Army took 2,000 prisoners, a record day's catch for the Canadians.

External Affairs announced yesterday that Canada will be represented on the United Nations War Crimes Commission, requested by General Eisenhower to inspect German horror camps. Wing Commander E. R. Hopkins, Secretary of Canadian War Crimes Advisory Committee, was named Canadian delegate.

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CANADIAN DELEGATION

WIB OTTAWA NEWS WIRE

April 26, 1945

1. First Canadian Army armored forces are battling within artillery range of Emden. Strong defenses along the Netherlands Grebbe line have slowed the Canadians' western advance.

2. Hon. P. J. Cardin, who resigned as Minister of Public Works in 1942 over the conscription issue, announced last night in Montreal that he would lead a new political party in the federal election.

3. Major-General Georges P. Vanier, Canadian Ambassador to France, returned to Paris yesterday from a two-day visit to the Buchenwald concentration camp in Germany. Vanier said, "Press stories on the horrors of Buchenwald are understatements". He confirmed that there were no Canadians at the camp.

4. The Loan total for the first two days stood at $145 million compared with $146 million for the same period of the last Loan. However, individual sales for the second day were $42 million compared with $36 million for the corresponding day of the Seventh Loan.

5. The Quebec Legislative Assembly yesterday adopted a motion asking for revision of the existing labor legislation to "establish a widespread system of a minimum holiday of one week with pay for all workmen and employees".

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C234804

CANADIAN DELEGATION

DÉLÉGATION DU CANADA

WIB PRESS SUMMARY WIRE

May 1, 1945.

Today's papers feature the debate on the invitation to the Argentine, the Ukraine and White Russia. The Gazette gives a banner headline to Reston's TIMES story, "Argentina Admitted to Parley over Molotov's Protests". Subheads: "Canada Votes Pro", "Commissar Beaten in Committees, Plenary Session, To Leave Frisco Next Week". Peters says it is impossible to know Molotov's reaction but seemed cheerful. He said the Conference had begun to look successful and it would be regrettable if this incident changed its spirit. Cragg gives Molotov's arguments almost in full and implies some sympathy with him. He says that Commonwealth circles feel that Argentina must join the organization but is not essential to the Conference. Blackburn's story was routine and factual. The Journal carries a CP story that Canada will submit amendments only if the others do not suggest the desired ones; that the Big Four experts are drafting joint amendments; that the Prime Minister has given the steering committee the tentative Commission assignments of the Canadian delegates. Cragg reports that the United States approves the principle of writing a temporary charter now subject to later revision.

Smith in the Evening Journal of April 30 thinks the Conference may agree on principles and leave details to the Four Commissions, meeting again later. But he says that the Prime Minister is probably refusing the chairmanship of the Social and Economic Council on account of the election. Anderson says the spirit is better now and has much confidence in the Soviet despite some United States newspapers. Armstrong reports that the rotating chairmanship is proving a great help towards the success of the Conference. He thinks that tentative enforcement agreements are shaping unexpectedly. He says that Canada would agree to four points: (1), passage of foreign forces across Canadian territory, (2) economic contributions, including sanctions, (3) military contribution according to General Staff advance plans, (4) to maintain a force effective for contribution to her own defence.

Snider says that Argentina, if invited, can thank Molotov as she is intended as a counterbalance to the other Soviet republics. He charges that the Soviet Ukraine does not represent the Ukrainian race, citing Hlynka, "satellites" are harmless in the Assembly, but what prevents their displacing Canada on the Council.

Chevalier again warmly defends Molotov, says that Russia wants peace and only asks an understanding with the West. He says that only Canada's and France's intentions are known, the others are unknown because a bloc is unconsciously forming. A special despatch in LE CANADA says the French position on amendments is like Canada's. Only France could be the leader of the minor powers, but Bidault's press statement showed it will not. Dexter in the Winnipeg Free Press of April 28, Halifax Chronicle of the 30th, says 45 nations are trying hard to understand the Soviet but are faced with a fundamental difference, the Soviet alone is considering the organization of a power alliance.

Editorial comment on the Prime Minister's speech is still favorable. The Windsor Star on April 30 says that through Mr King Canada becomes the spokesman of the middle powers, a course which fits the country's power, influence and sentiment.

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OFFICE OF THE PRIME MINISTER

MEMORANDUM C234805

For the Prime Minister:

I telephoned Mrs. McClymond as requested. She quite well appreciates the demands on your time. If, however, you are able to get out for a few minutes she thought the change might do you good and that her home could be the objective for a motor drive - perhaps Sunday next. She would appreciate, however, a little notice in case you plan to do this.

She remarked that she had some photographs taken around 1901 when you were on a western trip with her uncle and the Gearys.

W.J.T.

San Francisco
May 1, 1945

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C234806

My dear Mr. King,

As the niece of your long ago friend Dr. Robert Coleman James of New York City, may I extend to you a cordial invitation to be our guest at some time during your stay in San Francisco?

It is with full appreciation of the demands upon your time, but with the thought that a few

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house in the serene and relaxing atmosphere of our Berkeley home could be quite refreshing and helpful to you, as well as a great pleasure to us. You might take interest in some relics of a Canadian hunting trip which you shared with my uncle ("Jimmy" James) and others many years ago.

We shall be delighted if you can arrange C234807 to come to very informal dinner at seven o'clock any evening after Wednesday, May 2nd. Both the hour and date to entirely suit your convenience, of course. Any friend you wish to accompany you, will be most welcome.

My husband joins in the hope that we may have the pleasure of seeing you.

Sincerely.

anne James McClymonds

Sunday April Twenty-Ninth.

Mrs. W.H. McClymonds
2715 Belrose Avenue
Berkeley 5 - California

Phone - Berkeley 5-241-W

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C234808

Memorandum for:

Mr. Pickersgill

Mr. Gibson

Col. Wallace

Mr. W. F. A. Turgeon is on his way back to New York from the United Kingdom. Mrs. Turgeon is very ill and it is doubtful if she will survive until his arrival.

A draft telegram of sympathy, addressed to Mr. Turgeon, care of the Consul General for Canada, New York, is on file. It has been approved by the Prime Minister for release when required. This is in the Prime Minister's holding folder in my desk.

W. J. T.

San Francisco
May 1, 1945

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C234809

San Francisco, May 1- 1945

At the request of

Mr. Board of Directors

The Olympic Club extends to

Hon. W. L. Mackenzie King, M.P.

the privileges of its City and Country Clubs, including its Golf Courses, for the period of two weeks.

Frank J. Foran
Secretary

The Olympic Club
524 Post Street

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OFFICE OF THE PRIME MINISTER

MEMORANDUM for the Prime Minister

C234810

May 3

Lord Cranborne's Secretary telephoned to say it was hoped to arrange a meeting of British Commonwealth delegates on the subject of TRUSTEESHIP tomorrow (THURSDAY) in advance of the Conference Session on this subject which it is understood will be on Thursday evening.

The time provisionally suggested for the meeting of Commonwealth delegates is 6:00 p.m. tomorrow. Lord Cranborne asks if it would be convenient for you to attend; failing which they would be glad to see any other of the delegates.

changed 4 - 4.30 - from 11.01 next Wednesday

May 3 night.

J.A.G.

May 2, 1945

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C234811

OFFICE OF THE PRIME MINISTER

MEMORANDUM

For the Prime Minister:

Mr. Desy tells me that he is having a dinner tonight in Room ~~621~~ 261 for various visitors to the Conference, and he suggested you might like to drop in for coffee. He is to telephone when this hour is reached.

P.M. did not attend

W. J. T.

San Francisco
May 2, 1945

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C234812

May 2nd,1945.

CANADIAN DELEGATION — DÉLÉGATION DU CANADA

Memorandum for Members of the Canadian Delegation

A committee of San Francisco residents has offered to make available many forms of activity and entertainment for members of the delegations attending the Conference. In order to assist them in their efforts they have asked for a detailed list of the interests of the individual members of the Canadian delegation.

Any who feel disposed to accept this offer of hospitality should complete the attached form and return it to Mr.J.L. Delisle, Assistant Secretary, in room 654.

As they are understood at present, the plans are that the committee will at various times during the conference get in touch with Mr.Delisle and ask that the necessary invitations be conveyed to delegation members, together with information about time, place, transportation,etc. Further information as to general arrangements will be sent to Mr. Delisle from time to time.

Types of Activity and Entertainment Offered

Please indicate which, if any, of the following you would care to participate in:

Cocktail Parties	☐	Scenie Motor Tours	☐
Industrial or Commercial Plant Inspections	☐	Visiting Private Homes	☐
Golf	☐	Shopping	☐
Tennis	☐	Swimming	☐
Fishing	☐		
Dinner-Dancing Parties	☐	Luncheon parties - country	☐
Service Club Tours	☐	Luncheon parties - city	☐
Visits to Art Galleries & Public Buildings	☐		

Please indicate in the following space any other items in which you would be interested.

_____

_____

_____
Signature

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

C234813

For the Prime Minister:

Mr. Dunton tells me the newsreel people are most anxious to get a picture of the Canadian delegation.

They suggest that before the next Plenary Session, if there is one, the pictures be taken at the court side entrance of the building - that is, between the Veterans' Memorial Building and the Opera House.

W. J. T.

San Francisco
May 2, 1945

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OFFICE OF THE PRIME MINISTER

MEMORANDUM

Prime Ministers: C234814

We have just been informed (through Mr. Dunton) that President Truman has announced the surrender of German forces in Italy.

9:46 am
May 2

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C234815



HOTEL ST. FRANCIS

DAN E. LONDON, GENERAL MANAGER — UNION SQUARE · SAN FRANCISCO, 19 — CABLE ADDRESS SICNARF

May 2, 1945

Dan E. London - General Manager
Raymond C. Lillie - Resident Manager
Kenneth C. Vigus - Assistant Manager
Edward Sequeira - Assistant Manager
Fred Irvin - Night Manager
Mrs. Eula Gibbs - Housekeeper
Mr. William Wolff - Room Service
Mrs. Alice Isaacs - Chief Operator
A. M. Baratti - Catering Manager
A. Cominotto - Chef
Chris Meyer - Pastry Chef
Ernest Gloor - Captain Mural Room
Peter Ferrero - Captain Banquet Department
Peter Morris - Captain Grill Room
A. Crosby - Captain English Grill

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PM

The United Nations Conference on International Organization

DOC. 54 (ENGLISH)
G/15
May 2, 1945

C234816

ORDER OF THE DAY

Wednesday, May 2, 1945

Time	Body	Room	Remarks
10:30 a.m.	Presidents of Commissions, Rapporteurs, and Assistant Secretaries General	Room 418, Opera House	To discuss the organization of commissions
3:30 p.m.	Plenary session	Auditorium of Opera House	Conclusion of statements by chairmen of delegations. Mr. V. M. Molotov, President of the Conference and Chairman of the Delegation of the Union of Soviet Socialist Republics, will preside at the Eighth Plenary Session (ticket No. 9).

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CANADIAN DELEGATION

C234817

WIB PRESS SUMMARY WIRE

May 2, 1945

Peters in today's Gazette says Molotov is justified in his good humor. His Argentine stand managed to confuse or worry some of the delegates, make others apologetic and made a strong play for world leftist support. The general feeling is that open discussion and vote, with nobody leaving the Conference, makes for a healthier atmosphere. Cragg makes the same point and adds there is less suspicion that the major powers are trying to force a cut and dried program. He says the feeling within the Canadian delegation is that admission of the three countries is an important step towards universality, that the Canadians do not fear a Pan-American bloc, and compares the Commonwealth. Blackburn's story gives a full account of Coldwell's comments on Argentina, his lead is "Evidence of a small rift". He also gives a brief summary of yesterday's developments, reports that assignments have been received but detailed Canadian assignments are not yet available. There is bare mention of yesterday's debate in plenary session on voting in the stories read to date. Blackburn mentions it and says the Commonwealth split on the Argentine question particularly impressed Molotov, the United States delegates and others. Woodside last night called the Argentine debate "a sorry business" because it was a question of manoeuvre and not principle. The delegates are trying to make a deal between Argentina and the Soviet republics, Molotov is trying to throw in Poland too but may do no ultimate harm. The Telegram continues largely anti-Soviet. Pyper's story, headed "Molotov's Plea for Poles Seems Strange from Man who Planned Destruction". Langlois says the Argentine vote was insisted on by the Soviet for the record, like a parliamentary division. It embarrassed many delegations but he thinks the decision helps complete German isolation and was not a rebuff to the Soviet because Molotov knew what the result would be; that it was a good demonstration of democracy.

Hutchison on April 30 says the single voice Empire theory has finally collapsed at San Francisco, the United Kingdom does not like Australia's plans for mandated territories or some of the Canadian views on mechanisms, above all the United Kingdom, Australia and Canada all being on the executive with Canada emerging as a new thing in the world, a middle power. He says it is not yet clear whether middle powers are getting Charter recognition, and that the United Kingdom and France are supporting them.

Anderson predicts France may take a public stand for the middle powers. Philpott says the first clashes are encouragingly unlike Geneva and that there are sharp differences on the length of the Conference. Eden's four-week goal is unwelcome to the Australians with their intricate amendments. The Prime Minister is not anxious to speed things; he and Mr Coldwell both feel the outcome of the Conference is more important than precise partisan election outcome.

Brown says the Soviet manoeuvres are a puzzle to Truman. There is still far from a meeting of minds but the feeling today is optimistic, that Moscow is coming around to a broader, more constructive viewpoint. He quotes Krock at length.

L'Action Catholique editorial of April 30 criticizes the United Kingdom and United States for trying to give the impression that the Soviet is difficult and intractible. Parent cites the chairmanship argument, says they knew what Molotov wanted but did not indicate it. Also that on the veto question London and Washington acted as if forced to yield to Moscow's demands although actually they were gaining an equal privilege.

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The United Nations Conference on International Organization

Doc. 65 (ENGLISH)
P/16
May 3, 1945

C234818

PLENARY

VERBATIM MINUTES OF THE EIGHTH PLENARY SESSION

Opera House, May 2, 1945, 3:36 p.m.

Mr. Molotov Presiding

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): There is one item of business to be taken up today. The Secretary General will make a report of the result of the work carried out in the meeting of the officers of the Commissions today. Mr. Hiss will read his statement.

MR. HISS: Mr. President, Members of the Delegations, Ladies and Gentlemen:

At an informal meeting this morning of the officers of the four commissions, I was instructed to read this afternoon the following statement approved at that informal meeting:

At the conclusion of this present session the Conference will have heard in eight plenary sessions the statements of the chairmen of the delegations who have signified a desire to speak. It is now possible for the Conference to carry on its work through its four commissions and twelve technical committees.

The officers of the four commissions met informally this morning to discuss the procedures required for beginning the second phase of our work. It is their recommendation that the officers of each commission meet tomorrow with the officers of the committees within that commission to plan the work of the committees, in order that the committees may proceed to their important tasks as soon as possible.

In view of the urgency of proceeding with the agenda of the Conference, it is recommended that the commissions meet subsequently to receive the reports of their technical

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committees. In accordance with that recommendation there have been tentatively scheduled, subject to approval by the Conference in plenary session now, the following informal organizing meetings for tomorrow:

Officers of Commission I and the officers of its committees, 10:30 tomorrow morning in room 303 of the Veterans Building;

Officers of Commission II and officers of its committees, also at 10:30 tomorrow morning in room 213 of the Veterans Building;

Officers of Commission III and officers of its committees, at 3:30 tomorrow afternoon in room 303 of the Veterans Building; and

Officers of Commission IV and officers of its committees, at 3:30 tomorrow afternoon in room 213 of the Veterans Building.

I understand that any members of the various commissions and committees, other than the officers, who may desire to attend those informal meetings as auditors, will be welcome.

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): Does any delegation wish to comment on the Secretary General's statement?

Inasmuch as there is no one wishing to make comments on the Secretary General's statement, permit me to regard this report as approved.

At this session, we shall conclude the series of statements made by the chairmen of delegations who have expressed their desire to address the Conference.

The Chair recognizes as the first speaker the Secretary of Foreign Relations and Chairman of the Delegation of Mexico, Mr. Padilla.

MR. PADILLA (speaking in Spanish; English version as delivered by interpreter follows): Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: I wish my first words to convey my profound devotion and gratitude to the heroes and martyrs of war, to the armed forces of the United Nations among whose flags my country has made its fervent contribution.

Twenty-five years ago men of good-will endeavored to do away forever with the savage recourse to armed strife. Everyone hailed with emotion the League of Nations; but the intelligence and the will of the world were as yet unprepared.

Shortly thereafter perverse forces threatening peace began to rise on all sides--economic warfare, isolationism, the sad spectacle of a peace organization powerless against the most flagrant violations of the principles on which it was founded. Manchuria, Abyssinia, Albania offered as rewards for international crime in the face of a will paralyzed by disagreement among the great democracies of the world. A dream of peace shattered among the ruins of Spain, Czechoslovakia, Poland, Norway, Belgium, Holland, France. Then the long night of suffering and destruction, the memory of which will always fill our hearts with horror.

Out of this desolate picture we representatives of the United Nations have brought to this assembly the renewed determination to guarantee to posterity that such a hell on earth shall be no more.

But now we come armed with experience of the failure of an ideal and with a system of principles that constitute the charter of victory.

The organization we are creating will require weapons--planes, tanks, warships. Yet if we really want permanent security and peace, there is a spiritual force we must create as effective as those material forces--the reciprocal respect and confidence of all nations, large and small.

International life should be a factory of confidence, not arrogance. Good faith and the spirit of unity among the great powers are the cornerstones of peace.

It is the duty of the small nations to make every possible contribution toward the maintenance of that essential solidarity among the United States, the Soviet Union, Great Britain, France, and China.

Small nations do not threaten peace. A moral force, invisible but formidable, is on the side of the small nations. They live in the protective shadow of their own sacrifices and other contributions to the cause of right.

This war began with the treacherous Axis aggression against peoples guilty only of innocence and weakness. The world's democracies arose against such brutality and in

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defense of their own destinies they have reaffirmed as one of the principles for which they fight the sovereignty of those heroic downtrodden nations.

We are frequently reminded to be realistic but what greater and more undeniable reality than the fact that small nations do exist free from the lust for power and conquest. They represent the highest aspirations toward justice. They are builders of the fortress of law. That is why we, the small nations, are here--not by reason of a military strength which we do not possess nor by virtue of a contribution that could be powerful in guaranteeing peace, but because of our honest yearning for cordial friendship and our sincere love for peace. We want security, not only for ourselves--for us who possess no elements to threaten it--but security for the great powers who can more readily be tempted by the sinister advice of ambition and force.

The international organism for security and peace must be built on democratic principles. Democracy safeguards the brotherhood of all men. Should the great powers wish to be alone in authority they would also remain alone in their struggle for supremacy. And, then, what they would establish would only be a return to permanent insecurity.

Social justice, oppression, poverty, wherever they exist, threaten the security of the world. The interdependence of all nations is now an inexorable law. Force must be an exclusive instrument of the community of nations. All these standards and ideals that have led the armed forces of the United Nations to victory have been consecrated in immortal documents and in the agreements of the three great leaders of this war--Churchill, Stalin, and that towering figure, the most inspired statesman of our times, Franklin Delano Roosevelt.

We have come here to comply with a will left us by the fallen generation for the benefit of our future generations.

In essence it is a tribute to the war heroes and martyrs whose executors we are. This means that the peace we want is far more than a mere question of force. It is above all the organization of force, but on the basis of justice, justice for all men and for all peoples; justice for the strong and justice for those who need it most, for the masses, painfully climbing toward liberation and human dignity.

We are met to accomplish the most cherished of the principles for which they gave their lives to free the

world from brute force, that it may rest on law. Peace has different meanings for different nations. It does not mean the same thing to the oppressed as it does to the prosperous. But if we listen closely to the hearts of man we shall hear, in the midst of so many contradictions, so many lacerating inequalities, a voice understood by all peoples expressing sentiments of unity and brotherhood. That voice speaks our determination to defend the equal rights of all nations to fight for the rights and dignity of man, and to labor without rest, without dismay toward the abolition of poverty and the establishment of social justice and freedom.

Let us recognize, with humility in our hearts, that we in this Assembly are but an instrument of ever-growing forces striving for the redemption of mankind. Man himself, struggling, dreaming, suffering, and dying, plays the leading role in this great drama. In order to do our duty in this Conference we need only to heed his cries for justice, liberty, and peace, reaching us from all corners of the earth.

(Because of an unavoidable delay in the arrival of the Chairman of the Delegation of Nicaragua, the President next recognized the Chairman of the Delegation of Norway.)

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Norway, Mr. Lie.

MR. LIE: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen:

Many words have already been spoken from this rostrum to honor the memory of the late President Roosevelt. The people of Norway would fail to understand it if today I did not express also their feelings of sorrow and bereavement. President Roosevelt was a friend of Norway. He often showed his sympathy for Norway. Ever since my country was invaded he demonstrated his friendship and helpfulness, and in Norway his name meant endurance and encouragement. He will always have a high place in the hearts of the Norwegian people.

When after six long years of struggle against a cruel and terrible enemy, we stand today before final victory over Germany, our thoughts go to the millions of men and women in the whole of the free world who through their courage and sacrifices have made this victory possible.

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We Norwegians are proud that we have been able to make our contribution to this fight. But we fully realize that our country could never be liberated without the help of all our Allies. We shall never forget that Great Britain stood firm in the summer and autumn of 1940 when everything seemed to crumble, and we have an unforgettable impression of the immense war effort of the British nation in the years which have passed. Our people have with admiration followed the Red Army in their heroic defensive battles and in their victorious offensive. And we are deeply grateful to the Soviet-Russian forces who came as friends to liberate the northernmost part of our country. Our people have highly appreciated their kindness and helpfulness and their loyal co-operation with the Norwegian authorities. We also know that victory could never have been won without the overwhelming contribution of the United States of America. That is not only due to the economic and technical resources of that country but also to the enthusiasm, courage, and faith of its people. Nor shall we ever forget the almost unbelievable stand and fortitude of our Chinese allies in their fight against the Japanese.

It is my firm conviction that victory which will soon be ours, has only been made possible by the trustful cooperation and understanding between the great powers, and I believe it imperative that the future peace and security be built on the same foundation. As we stood together in war, we must stand together in peace.

We Norwegians have come here to assist and not to offer negative criticism. We know that the Dumbarton Oaks Proposals are not perfect, and we welcome a number of the amendments that have been suggested. But even if the Charter as molded at this Conference will not correspond to all our desires and ideas, we hope that the building of a new security order will be started under such conditions that in the future it may be further developed in a process of continuous creation.

An International Organization as envisaged in the Dumbarton Oaks Proposals means perhaps even more to small nations than to the greater countries, because in the modern world, without security, their very life is at stake.

Norway is the only northern European country among the United Nations, and we should have been more than glad if our sister nations could have been with us here today. Our sympathy goes to our friends in Denmark, who, under

difficult circumstances, have stoutly resisted a common enemy; in spirit they are with us, and we are confident that when the time comes, all the northern countries will want to join this great fraternity of nations.

In the political tradition of Norway, the idea has never been accepted that there must be an intrinsic conflict of interests between large and small countries. All the members of the United Nations are bound together, not only by their vital interests in protection against aggression, but also by their ideas and ideals which have found their expression in the Atlantic Charter and in the United Nations Declaration. In any new world order the great powers will have to shoulder the main burden of providing the military and material means for maintaining peace, and we are prepared to grant them an international status corresponding to their responsibility and power. But at the same time, we have a strong feeling that also moral standards should be taken into account. To our people who have lived under Axis occupation, it seems essential that this Conference should include among the principles of its organization the aspirations expressed in the United Nations declarations: To defend life, liberty, independence, and religious freedom, to preserve human rights.

We have to bear in mind what has also been mentioned by preceding speakers that the enforcement of peace is only one aspect of international security. In view of the establishment of the new Security Organization we trust that a period of political stability will follow this war. This will mean a concentration on the part of the participating nations on the constructive efforts in international cooperation. Turning thus to the work which will devolve on the General Assembly and through the General Assembly on the Economic and Social Council, I would like to stress that economic, social, and intellectual cooperation form a whole. Without such cooperation, our efforts might prove futile in the years to come. We hope to bring to the future deliberations and labors of the new Organization the spirit and experience of a community which for centuries has been built on the respect for law and justice. The profound belief in social justice and an unswerving attachment to fundamental human rights and freedoms, deeply rooted in our traditions, have been the rock upon which the Nazi attacks upon our convictions have been wrecked.

It is obvious that lasting peace must be based on economic progress and social justice. We stand together

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today before a world which has been exposed to economic and social destruction without precedent in history. The United Nations are therefore confronted with a task which can be solved only through planned international cooperation. But we must also look further ahead. We must not again risk that economic and social anarchy which lead to new crises and new mass unemployment. It must be one of the main tasks of the new International Organization to secure an increasingly higher standard of living and social security for all. This will also be necessary in order that the masses in all countries rally to our new Organization with confidence. It is not up to me to say how this should be done, but I join our Australian colleague in stressing that under the instruction of the General Assembly, the Economic and Social Council must be given the greatest possible authority and that it must be made one of the principal organs of the Organization.

We of Norway realize what the Right Honourable Mackenzie King pointed out the other day, that a new organization will not provide a danger-proof system of complete security. We believe that in the future each nation will have to provide, according to its ability, the means, destined to safeguard its own existence and independence.

The nations of the occupied countries have proved in their struggle that there are certain invisible privileges of mankind without which life is not worth living. It is not sufficient for countries to be peace-loving. Our brothers and sons are fighting and dying because they and we love justice and human decency even more than peace. Daily bread turns to stone unless eaten in freedom and with human dignity.

MR. MOLOTOV (Speaking in Russian: English version as delivered by interpreter follows): The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Nicaragua, Mr. Arguello.

MR. ARGUELLO (speaking in Spanish: English version as delivered by interpreter follows): Let my first words be in homage to the memory of Franklin Delano Roosevelt, apostle who gave up his life to save humanity from oppression and slavery. With the altruism of the great leaders of nations he sacrificed his life that it may shine on the roads that are to be traversed by the United Nations. Already we near victory--that victory that Roosevelt prophesied with the vision of a leader--a vision that, filled with anguish, spoke out boldly right after the treacherous attack of Pearl Harbor. Praise to the great

statesman, the great leader of democracy and Pan-Americanism who gave America a new concept, the doctrine of continental fraternity. This doctrine has consolidated the principle of juridical equality of the nations, great and small, and has begun to guarantee the respect of the inalienable rights of nations that are weak.

We shall maintain ever clear and bright our admiration, our homage to the memory of the President of the United States who was able to accomplish his great task as a liberator, who was able to unite us forever and to be greater in the accomplishment of our tasks. Nicaragua shall never yield the greatness that has been bequeathed by him.

The spirit of Franklin Delano Roosevelt inspired this Conference, the most transcendental in history; inspired with a lofty ideal that the United Nations shall here build the Organization of a new world on the unshakeable basis of justice. This is the supreme aspiration in this hour of history, and for the complete realization of this aspiration we have met to carry on a task given to us by humanity. This opportunity gives me the duty of expressing my gratitude to the Governor of the State of California and to the Mayor of the City of San Francisco for their frank and cordial welcome and to say that we are enjoying our stay in the beautiful city of San Francisco.

I wish also to emphasize our sentiments of sincere friendship and sympathy toward the Government and the people of the United States, together with the expression of our fervent desire that the work of peace here started shall continue under the firm and beneficent impulse that it has already received from the new President of this Nation, Harry S. Truman, in close collaboration with other democratic world leaders here gathered.

Nicaragua has always aspired to live in peace and to guarantee fully a peace based on legal guaranties, based on law.

We do not think that the peace of the individual is something like a private possession. We firmly believe that the welfare of the individual is a reflection of the welfare of the home. Peace for the entire community will mean peace for us, too. Therefore, we are united here because we believe that peace is indivisible and we must unite our efforts to obtain it and maintain it. Our contribution to this universal harmony shall never be a

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small matter; the peace that is indivisible and that is for all nations, must be inter-owned. It must be a possession of each one of them as well as a possession of the community. It must be like a fruit that comes to maturity in this climate where men and ideas live free from fear.

The economic and social problems, it seems to me, have priority over strictly political problems, and they should have that importance in the new World Organization if we want to see injustice and poverty banished from the world.

We cannot ignore the problems that the new Organization must face to bring about a better world. It faces these problems with a lofty spirit, a spirit rooted in justice and a profound conviction of service for humanity. The United Nations through their outstanding spokesmen have emphasized that there will be sanctions against those who go to war, those who would convert into ruins an entire civilization. We do not doubt that we shall know how to be just as victors in order to have honor in victory. Peace has meant blood and poverty and misery; the best of youth has been wiped out and a whole civilization and the work of centuries brought to ruins. War has punished all and great punishment has fallen upon the countries of modest resources. We have faith that when the victorious nations face the solutions that must repair the consequences of this universal tragedy, they will know how to meet the needs of the nations on the lofty plane of harmony and equity.

Nicaragua reaffirms from this rostrum its unshakeable devotion to the postulates of democracy that inspire its constitution. Her conduct is one of adherence to the norms of American international law, and of full and decided collaboration in the work of peace and in the work of harmony among the nations. We have set up on a high plane our civic ambitions by incorporating into the constitution of our country the principles of the Atlantic Charter which synthesized ethics that are both political and social in order to maintain human peace firm. So Nicaragua was to be honored by being the first country of this hemisphere to take this action. It was approved unanimously by all the nations of America in the Chapultepec conference. We have likewise included in our constitution the principle whereby we renounce war as an instrument of national policy, foregoing all territorial conquests, all treaties of an offensive character, and renouncing intervention in the internal affairs of states.

We have, in short, recognized the principle of self-determination of the nations and proclaimed that arbitration and other peaceful measures are the ones to be used in solving international conflicts.

Faithful to this policy of cooperation, my Government brings here its modest contribution toward the building of the edifice of peace. As to the establishment of an International Organization in accordance with the recommendations of Dumbarton Oaks, Nicaragua has been willing to accept and accepts these proposals in principle as a positive instrument to prevent aggression and eliminate recourse to war by means of the cooperation of the peoples of the world. Our acquiescence does not prevent Nicaragua from accepting, together with the other nations and in accordance with international law and with the progress of the laws of the Americas those reforms and amendments that might help strengthen the foundations of a lasting peace which is the legitimate hope of the peoples of the world which have suffered, in one way or another, the cruelties of war.

On the nations that have directly borne the heavy load of combat in this crusade for justice and freedom, a more immediate responsibility should rest, in order that their victories should be lasting and that harmony should not be broken in a new catastrophe to mankind. These nations, with their heroic armies and the whole power of their material and human resources, were the decisive factor in victory and deserve the everlasting gratitude of posterity and the warm thanks of all nations. We must never forget that we must all share in the supreme effort of the spirit and contribute moral elements of the soul in order to create, if it does not yet exist, an atmosphere of mutual confidence. Only in such an atmosphere can there be a guaranty that the nations to which is entrusted the responsibility of safeguarding the treasure of peace shall never allow themselves to be drawn toward another catastrophe such as the one the world has gone through.

Nicaragua was the second country in our Americas that, as soon as the Japanese Empire attacked the United States, declared war against the aggressor nations that were attempting, through fury and violence, to wipe from the face of the earth entire peoples. The Government of Nicaragua thus expressed its tribute of loyalty and fulfilled its international obligations. The cooperation of my country in this struggle has many aspects. There has been a material contribution without precedent in the utilization of our national resources intensified during these war years. Nicaragua holds second place in the development of rubber. Air bases and naval bases were placed at the disposal of the defense of the continent. Hundreds of Nicaraguan young men enrolled as volunteers under the flags of the United Nations. Many of them have fallen

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forever at the side of the soldiers of the United States and of England. Others fell in the burning sands of the African desert along with the first contingents of the Free French.

History shall enrich its pages with the glorious mention of the resolutions adopted by this assembly. What a splendid sight here--46 nations united, great and small--discussing the best solutions for the establishment of permanent peace, a peace that shall guarantee union, a peace that shall illuminate the horizon for the future. This future was foreseen by a great man of Nicaragua, the most illustrious son of my country and the highest exponent of Spanish-American culture, Rubén Darío, who in his immortal verse prophesied union that shall calm the tempest; that shall bring peace to the victors; that all may be sincere friends; and that over the golden wheat fields shall appear as from the spirits of the lofty and pure, the rainbow that shall be the will of God.

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Panama.

MR. JIMENEZ (Mr. Jimenez made an introductory statement in Spanish saying that he preferred to speak in Spanish, the native language of Panama, but that for the convenience of the Conference he would deliver his speech in English): Mr. Chairman, Fellow Delegates, Ladies and Gentlemen: I cannot raise the voice of Panama in a public session of this Conference without first invoking the venerable memory of the great statesman who has just passed to eternity as well as to immortality among men. All of us are feeling the presence in this hall of the spirit of Franklin Delano Roosevelt, that great leader of the world whose clear vision and unflinching faith in justice and tireless struggle for the sake of humanity have made it possible for the representatives of the United Nations to congregate on the soil of free America to discuss with a broad democratic spirit the future destinies of mankind.

Panama, a country that, although small in territory and population, boasts to be, both geographically and spiritually, the link that joins the two great portions of this hemisphere, renders devoted homage to the departed framer of the doctrine of good-neighborhood.

Inspired as it is by his lofty ideals, the Delegation of Panama will stand in favor of every solution that may be based on the following fundamental postulates:

1. That the principle of the equality of states must be kept inviolate;

2. That the Charter must contain an International Bill of Rights, that is to say, a statement of the essential freedoms and rights of the individual, which is after all the supreme value of international life and of all human relationships;

3. That peace must be founded upon justice, because a peace imposed by force, a peace which consists in the stillness of things and not in the satisfaction and tranquillity of the spirits, is no real peace;

4. That the sovereign nations of the world must recognize that above their national severeignty is the sovereignty of the law; and must, therefore, abide by international law and submit their disputes to the mandates of international law as interpreted and applied by a competent court of obligatory jurisdiction.

In this hall, that shall pass to posterity as the cradle of a new civilization, are represented the overwhelming majority of the inhabitants of a war-torn world that crave and plead for a better understanding among men and for an organization that may secure for them and for their posterity the blessings of liberty, justice, and democracy.

We all have come to this meeting in the same spirit of good-will and with the same ultimate purpose in mind. We all are trying to attain the same goal, which is to put a stop, once and forever, to the aggression of nation against nation, and to devise some means whereby the differences between states may be righteously and peacefully settled. And we all know that the way to attain this end is for the nations to organize into a universal community with power to enforce an established set of laws, just as is the case with individuals within the scope of their national life. The plan has been tried before and has failed, but we now have the benefit of experience and the determination to avoid the repetition of former errors.

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If we inquire into the causes of the past failures we may find it difficult to determine and enumerate all of them, but perhaps there could be mentioned among the most important ones the lack of universality of the League of Nations and its reluctance to apply due sanctions to the transgressors of the principles of justice.

One of the most powerful nations of the world, the United States of America, which with its enormous prestige and its great sense of justice and morality could have given added authority to the League, never became a member thereof. Others withdrew at their convenience whenever their national policies became in conflict with the principles for which the League stood, thus weakening the power of the organization.

It might be advisable to make it obligatory for all the nations of the world to form part, at the proper time, of the new Organization that is to be born out of this convention, or at least to make its decisions clearly binding on all of the nations regardless of whether or not they actually form part of the body.

In the work of creating this new Organization there must be, of necessity, conflicts of opinion and even lack of understanding on the part of the nationals of some countries with respect to the position of others. To iron out these differences and to arrive at a common understanding is the great task we have in our hands, and for its results we are responsible to humanity and to the future generations.

Forty-two nations of the world have been summoned to this historic meeting by the four great powers that are bearing the major part in this tremendous undertaking of eradicating the evil of totalitarianism from the face of the earth. The small nations and the large, the weak and the powerful, have all been invited as equals to deliberate side by side and to express their own viewpoints in a truly democratic manner. And so it had to be, inasmuch as this attitude of consideration and respect for the rights of the smaller countries is precisely one of the characteristics that distinguish the democratic nations from the totalitarian, whose only guidance is their own selfish interest and ambition.

It is only to be expected that this same spirit will prevail in the instrument that is to be the result of this convention.

It cannot be denied that the wholehearted cooperation of the small nations is essential to the satisfactory functioning of the World Organization, or that such small nations must be protected and secured against unjust aggression from any source whatsoever. It must be borne in mind that all nations are juridically equal and that an attack against one of the smaller ones constitutes an offense as execrable as an attack against a great power. In the same manner as in the municipal law of democratic nations all individuals are entitled to the same degree of legal protection, so in international law the principle of equality of all states should be strictly adhered to.

We cannot disregard the fact that the burden of enforcing the peace is to fall principally upon the shoulders of the great powers, but let no one think that such a responsibility constitutes a privilege or determines the division of the world into one category of legally superior states and another category of legally inferior states. Let it be a guiding principle that the greater powers are conferred and the greater privileges recognized, precisely and solely on account of the greater responsibilities assumed. And the responsibility in the maintenance of peace increases proportionally to the size, the population, and the military force of the great nations. They can wage war with more prospects of success than the smaller powers, and therefore they have a supreme responsibility in seeing that no new conflagration is precipitated by their own direct action or by the action of a smaller power backed by any of them. No nation is big enough or powerful enough to stand against the rest of the world. No group of nations can claim exclusive possession of all wisdom in the settlement or conduct of international affairs. All nations--large and small, weak and strong--have a stake in the maintenance of universal peace and all should cooperate as equals in making justice the sole, the supreme, the indestructible basis of peace.

These considerations necessarily lead us to the conclusion that some means must be devised to harmonize the interests of all nations concerned in such a manner that all may feel duly protected and may cooperate in the work of perpetuating a real peace founded upon justice. This is the one great task we have before us. Let us undertake it in good faith and with unflinching determination.

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Peru, Mr. Gallagher.

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MR. GALLAGHER (speaking in Spanish; English version as delivered by Mr. Luis Alzamora follows):

At the moment when the League of Nations was constituted, history had shown that the periods of peace were equivalent to the time that the vanquished needed to recuperate its strength or to the period within which antagonistic interests could be regrouped in order to seek predominance through violence. Years after the peace of Versailles, events demonstrated that the League of Nations lacked effectiveness; and war reappeared in the world, sowing seeds of destruction and death. The vanquished nations took advantage of the good faith of the victors, and of their rivalries, in order to create a formidable aggressive force which they launched on an almost defenseless Europe, before the astonishment of the other continents.

We all recall those bitter moments when it appeared that Europe was going to be barbarously conquered in its entirety, and we also remember the unanimous reaction of the American continent before the sneaking attack of an ambitious and unscrupulous Asiatic power.

But those who wanted the domination of the world through force, forgot that the spiritual values of nations conscious of their dignity are capable of achieving prodigies to surpass mechanical inventions. England endured the most devastating assault, but the enemy never imagined the indomitable bravery of the British peoples, who with the full knowledge of their capacity, determined to die for their country rather than surrender it to foreign slavery. The aggressors also forgot that in the new continent there was a nation full of life and ideals, that was willing to defend human liberty, and that entered the struggle without waiting for its metropolitan soil to be trampled, achieving the miracle of moving men and machines across the seas in quantities never before dreamt of, to fight in various simultaneous fronts. And at the same time that on each of those fronts it resisted an aggressor that had prepared its action during several years, it created and stimulated at home an intense war preparation in order to lend aid and cooperation to those who fought for the same cause. It gave of its blood and its wealth without restraint or measure; and it formed armies which demonstrated that it was possible to improvise military units with a magnificant capacity for war when the country needs it, units which soon rivaled those of the greatest fame. The aggressors also erred when, believing that on the Eastern front they could find an enemy to vanquish, they

launched their armies over the Russian plains and imagined that by occupying its rich land they had obtained victory. But soon the Soviet Republics gave the answer, for after resisting heroically, and within the same period in which it might have been imagined that its defeat would be completed, they reacted magnificently, cleansing their soil of invaders, and carrying their triumphal impetus to enemy territory. And then, to the effort of these three great powers, the British Empire, the United States, and the Union of Soviet Socialist Republics, was united that of legendary China, which had been defending its soil within a gigantic blaze of sacrifice, and which, starting at that moment, became a part of the resistance of the world against barbarism. And, in spite of her initial collapse, the United Nations also had on their side the gallantry of the spirit of France, champion of the Latin race, cradle of civilization and of culture, whose courage was turned into a silent and stubborn obsession until it had reduced the invader to impotence and pushed him to flight.

The nations of this American continent must render homage to those peoples who have directly defended them from the grave danger of finding themselves converted into simple elements of production, had the thesis of violence won out for the misfortune of humanity.

And thus, the League of Nations having failed, we now seek in San Francisco a more secure road toward peace. It is necessary to reform and improve the organization of Geneva. I do not aim to advance a survey of the new association of nations, nor to affirm which would be the best system to establish, but I do believe that the new association should create, as is already planned, a juridical organism to whom, through international agreement, all differences between states ought to be submitted; that it should also study the causes of war in order to seek their elimination, and moreover, that it should try to attain a universal atmosphere of morality and of culture which will make war impossible as a solution of conflicts.

The Peruvian Delegation considers that, in establishing the norms which must guide the purpose of the International Organization it is necessary to introduce not precisely modifications but rather amplifications. Peru has already submitted certain suggestions to the Conference of Mexico, which it will also present in San Francisco, and which refer to principles adopted by the Inter-American Conference in the Declaration of Lima. The Delegation of Peru is of the opinion that there is no reason whatsoever for objecting to the regional pacts contemplated by the Dumbarton Oaks plan.

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Within those pacts is the one which refers to our own continent, and which we know as the inter-American system. The regional pacts will represent an effective collaboration toward the peace, but they should be designed in such a way that their subsistence and their execution will not be a hindrance to the world Organization. They should constitute a step in the general procedure to be employed when a difference between states can be solved within the region, without the necessity of recurring to the international organism. The general rule should be that the regional systems ought to be utilized to procure a conciliation or a juridical solution so that coercive measures would only be applied in exceptional cases; once such conciliation and such juridical solutions have failed, then the coercive action would also be applied within the regional system, unless the conflict should be one representing a threat to the peace of the world.

Within the Dumbarton Oaks plan a necessary condition for coercive action is the favourable vote of the great powers, who are to occupy the permanent seats in the Security Council. It is understandable that these great powers may not wish to admit that the vote of the majority commits them, because that commitment could be precisely the origin of a new war, which is what must be avoided. The Dumbarton Oaks Proposal on the unanimous vote involves the right of veto by any of the great powers in respect to coercive action. I think that the right of veto, based on the reason mentioned, should not produce a total and absolute paralization of the security system. I do not believe that it is impossible to find a solution which will permit the right of veto to be exercised without causing such paralization.

But the creation of a juridical organism which will avoid war by solving the differences between states implies the theoretical acceptance that the danger of conflicts must of necessity reappear, and therefore the greatest effort should be directed toward the elimination of the causes.

It would be chimerical to imagine that a world could emerge in which there existed no disagreements. As progress is a continual struggle, we must exert ourselves so that the struggle may unfold within a friendly pattern.

In order that each nation may live in peace with the rest, it must live in peace with itself. We believe in the need of governments which will respect the rights of individuals. The governments should direct the march of the states, looking after the welfare of the citizens,

seeking their happiness, respecting their liberty and the right to work, assuring them a peaceful and healthful life, and furnishing them the opportunity to receive a just compensation for their efforts and merits.

But within this panorama of the internal life of each nation, it is indispensable to contemplate the economic aspect of war, of international commerce, with the utmost interest. The specter of war will continue to threaten humanity as long as the possibility of economic aggression subsists. A peaceful atmosphere among nations is inconceivable as long as there is a desire to monopolize raw materials, as long as attempts are made to isolate markets with protective measures which tend to give fictitious life to industries that by themselves have no reason to subsist, as long as efforts are made to obtain commercial advantages at the expense of other nations through the establishment of exchange restrictions and schemes that tend to alter the natural course of trade among states, as long as customs, tariffs, or subsidies raise walls which impede free commerce, forgetting that a moderate protection is only admissable for incipient industries in order that they may have time to develop, and always provided that the matter concerns a reasonable transformation of the national wealth. The history of the last few years shows us that all those measures to obtain a hypothetical and selfish autarchy, isolate countries to the detriment of others, annul the wealth that is the result of free commerce, and sooner or later, lead to an unsustainable situation which produces an internal catastrophe or an open struggle with other nations.

The economic problem has outstanding importance if we truly wish to avoid war. Some sacrifices will be necessary, some industries in some countries may suffer, but in a short time those apparent damages will be fully compensated by the general wealth, fruit of a system of frank and definite international collaboration.

It is opportune to recall, in honor of the memory of President Franklin D. Roosevelt, that it is due to the policy of that great statesman, seconded during so many years by Secretary of State Cordell Hull, that many effective reciprocal trade agreements came into being, inspired by a healthy economic policy which is followed by the present Secretary of State, Mr. Stettinius, and which has been the subject of one of the first declarations of President Truman upon assuming the high position which he today holds.

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The League of Nations, which came into being after the war of 1914, was discussed as a corollary to the treaty of peace. The victors looked toward the reaping of the fruits of victory before devoting thought to the constitution of an organism which will avoid wars. Today the panorama is radically different. Even though victory approaches and laurels of the sacred forest appear within reach of the victorious commanders, the leaders of the great powers do not think of sitting down at the festive table. Rather, they hasten to gather here with all the nations that believe in the principles of liberty, equality, and democracy, not this time to determine the basis of the peace to be dictated, which corresponds to them alone, but to discuss in a frank atmosphere of cordiality the conditions under which to establish an international organization which will forever prevent the specter of war. Already the indispensable moral and cultural climate begins to appear.

Occidental civilization has triumphed. It was surprised and assaulted by the spirit of evil, but it has been able to display the necessary effort so that peace may reign on earth. It should not be forgotten that this civilization is based on brotherly love, and the spokesmen of the great powers have said in these halls that it is not their purpose to dominate but to seek the collaboration of the world. The march is under way.

The spirit of peace, justice, and charity preached in Galilee is the guide to our triumphant civilization. The grief of the centuries has created in the human heart the indispensable sentiment of a fraternal understanding. The preaching which an astonished pagan world heard two thousand years ago is about to be fulfilled: "He who seeketh his life shall lose it--he who loseth his life shall find it."

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): The Chair now recognizes the Prime Minister and Chairman of the Delegation of Syria, Mr. Faris al-Khouri.

MR. AL-KHOURI: Mr. President, Fellow Delegates, Ladies and Gentlemen: On behalf of the Government of the Syrian Republic and its Delegation, I wish first of all to express our very deep gratitude to the Government of the people of the United States of America and to the people of our beautiful host city of San Francisco for the genuine words of their welcome and the open-hearted generosity of their hospitality. When the great sponsoring powers invited

the United Nations to this Conference, they set before us a great task--great and noble in its purpose, and far-reaching in its results and implications.

We can best understand the greatness of this task by comparing it with the sacrifices made and the sufferings endured by the whole world during the last six years. Syria, that part of the Arab motherland, edging on Asia and Africa, and lying across the shores of the Mediterranean and the Indian Oceans, found herself all through her long history and finds herself still now, across the main routes of international intercourse, both in peace and war. Her very geographical situation made our land the medium for the exchange of ideas and trade and the bridge across which armies passed, and still pass. Her very geographical position is a fact of the highest international interest. On the one hand, it makes us close neighbors to the nations of the world. Syria, in particular, and all the Arab nations in general, should fully comprehend what the contraction of our modern world means. It makes us even more ready than others to respond to the human call for a fuller mutual understanding and a closer cooperation. That same fact, on the other hand, puts us in the position where we can assume the most serious duties in a general organization for the safeguarding of peace and security and the enforcement of justice. One of the oldest cradles of civilization and human culture, where growing humanity sought and found its first sure steps towards society ordered by the norms of love, of justice, and of the defense of right, land of faith and deep belief in ideas and humanitarian principles which had one of their greatest expressions on her soil, Syria is able by her genuine attitude to respond to the call which the peoples of the earth sent out to this Conference. Civilization, Ladies and Gentlemen, like a current, finds its source somewhere. It grows, it is increased and enriched by the contributions which each nation pours into it, like tributaries of thinking, finding, and realizing. All through history, civilization has been thus growing; in its diversity, it remains a living hope.

This civilization of ours in which we now live is indeed very old. When we people of the Arab East look to it we cannot but have a double feeling of admiration and pride. It is more dear to us inasmuch as the Arab countries are awakened to its new Arabian lights. It is therefore with a genuine joy and sense of responsibility that Syria and the states of the Arab East join together with other nations to work on the noble and hard job set before us at San Francisco. It is full of meaning to us to be called to

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the council of the United Nations to lay down the principles and to draw up and build the machinery to enforce justice and insure security and peace. We deeply feel, therefore, the urge to see this Conference succeed.

Others before me have mentioned Franklin Delano Roosevelt to honor his memory. Others that come after me may do so. In the wide world men shall remember for years to come the great world citizen who endeavored to make the world free from fear and want and safe for peaceful development and the growth by liberty based on order, justice based on equality, and human fraternity based on good-neighborliness with comprehension and due appreciation of the views of one and all. But no country, I dare say, can be more entitled than ourselves to feel deep gratitude for the late President of the United States, who helped us with the Allies to reintegrate our rights.

As we were flying over desert and ocean to come to this country, I had one dear wish: to see Franklin Roosevelt and to convey to him and to the American people through him, the thankfulness of the people of Syria. Our grief was great. Great also is our hope and strong is our belief that his worthy successor, Mr. Truman, and the distinguished leaders of the big nations who have worked hand in hand and who are now bringing this terrible and tremendous world crisis to a victorious end shall continue to fulfil the mission which the providence put upon them.

Great men pass away. Great ideas that are the expression of the need and will of whole nations are forceful ideals that survive. It is our duty here to make these ideals into norms of international law and standards of action.

Ladies and Gentlemen, some people, judging by the past, express doubts as to the realization of this duty. They want to see in that a change in human nature. We do not expect to change human nature; we need not change it. All we should do is to draw out of it the very best that is in it.

Human reason does show mankind that another war will mean a cataclysm that will undermine and destroy the structure of human civilization. Reason does show that another war striking across the world will sink in its weight all states, big and small. Reason, therefore, seasons passion, lust, and greed. Reason can create order.

Human sense of justice, Ladies and Gentlemen, is a living thing. No one can seek to quench it forever. It is a mighty force luminous enough to indicate the path and strong enough to set us on it. Human sense of justice can help to establish right. Order and right can make the world what it ought to be and what we want it to be. It is not, of course, by some miraculous feat of an international meeting like ours. It is not by some magic declaration of principles implemented by international machinery that order and right will reign paramount in our tormented world; it is through faith, universal faith, in what was set before us to do, through democratic governing, through long and sustained efforts that make for a wholesome and continuous evolution. It is by muddling through difficulties and doubts and overcoming them that at last order and right will reign, and above all, by learning from past experience and trials to do better than before that we can avoid such past mistakes and look with hope for the settlement of what is better.

The first experience of the League of Nations was one which set all of us thinking. An international institution for the realization of justice and peace was born in 1920. It lived only to find itself disrupted and disintegrated. Fortunately, the Dumbarton Oaks Proposals for a new world organization do contain sanctions which the League did not possess. It remains for us to see that the mechanism to be set up is appropriate to make just use of them.

We do not want to bring before this plenary session suggestions that could be better dealt with first in committees and commissions. Nevertheless, I would like to make some remarks. This war was fought to uphold principles which we do not find mentioned or sufficiently clarified in the Dumbarton Oaks Proposals. Certainly the principles of the Atlantic Charter, the moral basis for the gigantic struggle of the sponsoring nations and to which all countries have given their full support to win the war, should be included in the principles guiding the future activity of the world Organization. Therefore, the principles set forth in the Dumbarton Oaks Proposals should be clarified, expounded, and made more precise so that they may effectively serve as clear norms of international conduct. Each nation represented here will probably then feel more ready to do what is essential for our ultimate success in the way of delegating part of its sovereignty to the International Organization, if that essential delegation of sovereignty is done under the guidance of well-set principles of justice, security, and fair dealing in international conduct. We shall not

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depend, dear Fellow Delegates, too much on future amendments. We all know how difficult they become. We must try to do our best now to elaborate a Charter which will live long.

Some international questions and difficulties carried over from the past were temporarily set aside by our common will to win the war. These questions call for a rightful adjustment or they will remain a thorn in the side of the international body. We should find a just solution for these questions and difficulties. We do not try to find a definite solution now, but we shall try to establish the Organization and to set the procedure for the settlement of those difficulties. To find the way for such a solution we cannot afford to remain uniquely under the guidance of political interests, but should rather find a solution under the guidance of and according to equity and international law.

The organ most appropriate for finding solutions is the high court of international justice where just grievances can best find relief and remedy. The court should work in close cooperation with the Assembly and Council, but the more power we give to the court, the more we can feel sure that differences of that kind will be justly arbitrated and not solved by some arbitrary arrangement.

On this occasion, I should like to point out that on the twenty-second of March, 1945, the Pact of the Arab League was signed at Cairo by seven Arab States: Egypt, Iraq, Lebanon, Saudi Arabia, Transjordan, Yemen, and Syria, and duly ratified a short time later. A translated text of that Pact was communicated to you by the Egyptian Delegation through the Secretariat of this Conference.

In this Pact, the Arab States have outlined the views according to which they intend to establish closer cooperation among themselves. Bound together by ties of race, language, culture, geography, history, and all that goes to make a nation, the Arab peoples gave this Pact their support, considering it a step on the way to a more complete coordination of their efforts, which tends to make their contribution to the new world Organization more effective.

Our Pact stipulates in one of its articles the following provision: "It likewise shall be the Council's task", that is, the Council of the League, "to

decide upon the means by which the League is to cooperate with the international bodies to be created in the future in order to guarantee security and peace and regulate economic and social relations."

It is clear that the Arab Pact can fit in with the world organization envisaged by this Conference. The fact that seven states, including forty million Arabs, formed together this League in that all-important region of the Near East, is in itself a help to the safeguarding of international peace and the establishment of justice and security.

We have a traditional Arab saying, Ladies and Gentlemen, that the kingdom of right may lie under the shadow of the sword.

May the sword of the United Nations drawn in this war serve as the initiator of right and the protector of its kingdom. May the blood that generously ran out on all lands and seas fill the world with the cry of right resounding in every conscience. May the sacrifices nobly endured be done for justice and peace and thus crown with real laurels of martyrdom those who died in a just cause.

In concluding, may I state another Arab saying that in the recurrent struggle between might and right, it is right which at last holds might in its intangible grip. Sounded out by Arab minds since time unknown, that saying is to us the writing on the wall for present and would-be aggressors. Present experience in this war does show that the wisdom of the centuries was not hollow.

May I give that hard experience of this war its full expression by our work here. May we do that by our future attitude and action.

We can only do so when we create a world Organization which can and does consider the unrightful strong, weak till right is taken from him, and consider the rightful weak, strong till right is given to him.

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows):

The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Yugoslavia, Mr. Subasić.

MR. SUBASIC: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen:

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Speaking on behalf of the Yugoslav Delegation, my thoughts are directed to the memory of that great humanitarian who was the staunchest defender of the idea of the United Nations, to the spiritual father of this International Conference, to the immortal Franklin Delano Roosevelt. His death, although a great blow to this Conference, has not jeopardized the realization of his conception regarding the development of inter-Allied and international solidarity.

The spirit of Roosevelt, together with that of Woodrow Wilson, will be present over San Francisco in these historic days as it will be present in the hearts of millions of people throughout future generations. For Roosevelt did not belong only to America, he belonged to the whole world.

I am glad to extend our congratulations and our gratitude to the United States through the Secretary of State, Mr. Stettinius, for the excellent organization of this International Conference and its preparatory measures, and to Governor Warren of California and Mayor Lapham of San Francisco for the hospitality and the friendly helpfulness which this beautiful city has so wholeheartedly extended to us.

The meeting of the representatives of the United Nations from all over the world on the shores of the Pacific--which to us Europeans seems so very far off--and in the midst of the greatest war in history, is proof of the close interdependence of the world which today, through technical progress, has become so small.

It plainly shows how vital it is that the world should be given that international security and peace without which the life both of nations and of individuals is worthless.

The idea of international solidarity based upon the solidarity of the United Nations in war has been discussed at length in the speeches of my predecessors at this assembly, and will be still further developed in discussions to come.

I wish to state emphatically and solemnly right at the beginning that the Yugoslav Government and the Yugoslav peoples will remain the defenders of peace and freedom, and will do all in their power to assist any initiative aiming at the limitation and exclusion of war as a means of international policy.

The Yugoslavia of today has arisen out of the struggle of the National Army of Liberation under the leadership of Marshal Tito during the present war, and it is based precisely

on those same great principles which are necessary for the peace and security of the world. Her new spirit, her new national army and her entire present structure embody a new concept of unity which has made Yugoslavia an important factor of order, progress, and security in our part of the world.

The representatives of the different countries did not fail to point out how deeply rooted is the idea of peace among their peoples and to which extent their nations are determined to safeguard this supreme human desire. All of them have spoken of the efforts made and the sacrifices borne for common victory in this war, and of the efforts and contributions their nations are ready to make to achieve and organize the peace of the world.

What is there left, Fellow Delegates, for Yugoslavia to add?

The events in my country and the experience of my peoples in this war represent perhaps the most conclusive example of the horrors of modern aggression and total war. There is no experiment in the spiritual and material destruction to which the enemy of humanity, Nazi-Fascism, did not resort in its systematic efforts to exterminate the peoples of Yugoslavia. This terrible and painful history is sufficiently known to you and to all the world; but I still consider that there may be a few details which should be submitted before this solemn gathering.

Yugoslavia became the object of unprovoked aggression at the moment when, through the will of her people, she stood up as a bulwark against Hitler's drive to southeast Europe, which was a necessary preliminary to his attack on the Soviet Union. In the most critical period of the war, when practically all Europe was conquered and England remained alone to face the planned invasion, the Yugoslav nation struck a powerful blow at Germany. The people rose against the aggressor and started a life-and-death struggle for freedom and independence.

The manner in which the attack was perpetrated, without declaration of war, by a barbaric bombardment of our capital, Belgrade; the means which our enemies used in this struggle; the premeditated organization of the attack by Germany, Italy, and their satellites--these are some of the most perfidious crimes in the whole career of Nazi-Fascist international gangsterism.

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Apart from the mass extermination of peaceful civilians, the destruction of thousands of villages and towns, and the systematic obliteration of spiritual and cultural centers of national life, Yugoslavia was the victim of a most fiendish attempt at internal disintegration. All means which could be devised to make impossible the restoration of the United Yugoslav State were employed with a scientific thoroughness.

The enemy is still today taking advantage of local quislings and their accomplices who are trying to perform their treacherous activities both within and outside the country only and exclusively to the profit of the enemy.

All the differences which centuries of foreign domination and of the policy of "divide and conquer" left behind among the Yugoslav peoples were used to that end. In this process the Yugoslav Nation numbering some 15 million suffered more than a million and a half victims.

Why was it that Hitler's Moloch exacted of Yugoslavia one of the heaviest tolls? The answer is simple. Because the peoples of Yugoslavia, exposed for the last thousand years to the attacks of the same aggressors, Germans and Italians, never accepted passively the rule of force but always fought to defend themselves and survive. The workshops of Hitler's criminals had for such nations nothing but destruction; their sole business was to make those countries the basis for further satisfaction of an insatiable greed to dominate the world.

I am sure these war criminals will be dealt with as they deserve and I can state emphatically that no other treatment of these great wrong-doers and enemies of humanity could be approved of by the peoples of my country.

The history of this war records clearly the reply which the Yugoslav peoples have given to these enemy endeavors. There were few small countries that stirred the world so deeply by struggling for survival and freedom against such great odds.

The only unconquered island in Hitler's Europe was Yugoslavia. The Yugoslav peoples did not pass a single day without blood, sweat, and tears. The history of Yugoslavia's sacrifices and of her contribution to the Allied war effort is the history of the heroic fighting of the Partisan forces in Yugoslavia. From the very first day of the war, up to the present, my freedom-loving peoples fought against Hitlerite and Fascist aggressors throughout the country; during the four years

of unrelenting struggle resulting in military operations on a large scale, Yugoslavia pinned down great numbers of enemy forces that otherwise would certainly have fought the armies of our Allies on other fronts at some of the most critical junctures of the war. This is the epic of Marshal Tito. This is the significance of the Yugoslav national struggle of liberation.

The magnitude of the price paid fills us with sorrow but our freedom was maintained, the fraternity and unity of our people was strengthened, and our duty as Allies was fulfilled.

At this very moment Yugoslavia is still waging a deadly struggle against numerous Nazi divisions but at the same time in the liberated parts of the country we are laying down a solid foundation for a new and better life, organizing our people and preparing them to take their place among the freedom-loving and democratic nations of the world. Just because they know so well what a terrific price they have had to pay for the great achievements which they have realized in their new democratic country and for their new and brotherly internal relations, the peoples of Yugoslavia are all the better able to appreciate their liberty and independence and the peace among nations. And just as they knew how to fight for peace, they will also know how to protect it in the future with all the means at their disposal.

Let us therefore find a solution for the question of the organization of peace and let us give to the peoples of the world that feeling of security and justice which is needed so that they may concentrate all their efforts on healing the wounds and destruction of war and building a better future through cooperation among nations. What, indeed, would be the use of the most accomplished material rehabilitation if in the course of a few years we should again be exposed to the horrors of war and aggression?

The problem of reconstruction and rehabilitation presents a special task to the United Nations. I can tell you right now that Yugoslavia needs assistance. But may I point out to you that the question of the help which may be tendered to us by our friends and Allies is distinct from the question of reparations which must be paid by our enemies. We count on these reparations as a right deriving from the principle of responsibility for damage. At the same time, let me repeat, we need also the material

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help of our Allies for the rehabilitation of our country. The country is appallingly ravaged and pillaged. Masses of the people have been impoverished and are in need of the barest necessities of clothing, food, medicine, agricultural equipment, livestock, and so on. Its communications, industry, and all means of production are in a terrible state. These necessities cannot be provided out of reparations which will come at a later date but only by speedy Allied assistance during the present critical period.

In speaking of the Allied assistance, I feel it my duty to say what a great debt of gratitude we owe to our Allies, the Soviet Union, the United States of America, and the United Kingdom. I would like to thank them on this solemn occasion both for the material help to our peoples in the war and for the precious services which their great leaders, the late President Roosevelt, Marshal Stalin, and Prime Minister Churchill have given us in the course of the solution of many of our problems.

I think I am not exaggerating if I say that Yugoslavia--owing to the foresight of her peoples and the friendly services of our friends--is today a part of Europe where instead of conflicts and differences of views and interests there now exists harmony and cooperation among the most important representatives of the United Nations.

Fellow Delegates, this review of the struggle, sufferings, and policy of Yugoslavia was necessary in order to understand our attitude at this historical meeting in San Francisco.

A country which has exerted such great effort and suffered so many of the horrors of war, both needs and desires peace, a just peace, for which it is also prepared to make sacrifices. Yugoslavia is therefore all the more ready to assist sincerely every initiative and action aiming at the organization of international cooperation.

The new democratic Yugoslavia sees in the Conference of the United Nations for International Organization a guaranty of its own peace and security. The Yugoslav Government and the Yugoslav peoples firmly believe in the success of this Conference because they are fully aware of what its failure would mean.

The failure of the Conference would be a terrible blow to the whole world and let us all be very cautious

not to assume any such historical responsibility. We must also realize that some countries offer better guaranties of peace than others not only because of their greater power but also because of the greater readiness with which they have stood up in the defense of peace and of the principles on which peace rests.

We trust that the Dumbarton Oaks Proposals drafted by our great Allies and accepted by all the United Nations as a basis for discussion, will receive at this Conference their definite form in the historic charter which it is our aim to constitute. We are convinced that unity and cooperation among the great powers is indispensable for the success of the Conference and for the establishment of the International Organization, as it was indispensable for the successful waging and winning of this difficult and complicated war. The harmony among the great powers is a necessary prerequisite for the realization of the idea of the United Nations rendering the present Conference possible in the very midst of this dreadful war.

The solidarity among the United Nations can only be maintained through the recognition and the application of the principle of sovereign equality of all the members--small and large alike--of the future International Organization, bearing, however, in mind the strength which particular countries dispose of and which on behalf of the Organization they will accordingly be entrusted with.

The agreed sacrifice of a certain part of the principle of sovereignty can be understood only as a necessary contribution if it is made as a contribution to the general community of nations for the purpose of the maintenance of peace and justice amongst nations.

Peace and security are interdependent and indivisible but neither can be realized without material force capable, whenever necessary, of protecting order and guaranteeing the fulfillment of the assumed commitments. But the International Organization must also be based on moral values which derive from human conscience and which are expressed in the ideas of justice, legality, freedom, and democracy. It is only through this combination of moral values and material strength that we will be able to organize the successful functioning of the international system. It is only in this same way that we can institute a watchful control over all the developments in international life which might first cause division and conflicts among nations and then gradually lead to unavoidable armed interventions.

The existing modern means of destruction as well as those which in the future will certainly be achieved are

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a sufficient warning to humanity of what another world war would be like. Before the vision of such a cataclysm no effort to safeguard peace is too great, nor any sacrifice too costly. We can draw valuable experience from the mistakes which were committed in the past and especially from the mistakes and shortcomings of the League of Nations. Our determination to solve the problem of peace organization must never diminish. No disagreements or questions which may arise during our discussions will prove impossible to solve if we always bear in mind the alternative which we shall be confronted with sooner or later if the idea of international procedure for a peaceful settlement of dispute is forsaken.

If the principle of collective security and indivisibility of peace is a necessity for the great powers it is even more so for the small countries which in fact have no other choice.

Yugoslavia, living under constant threat from aggressive nations at northern and western boundaries lying on the crossroads where important international communications and interests meet, has always been dragged into conflicts and wars in our part of the world. Her legitimate concern for peace and security makes it imperative for her to do her full part toward removing the causes of war in the future and to insist that all other countries should do likewise.

Yugoslavia is a signatory of the Declaration of the United Nations and she looks upon all the statements of the major Allies--from the Atlantic Charter to the agreements of Moscow and the Crimea--as pillars of a new and better world. Her peoples believe that organized international solidarity can and will succeed if based on the principles of peace, justice, and security.

MR. MOLOTOV (speaking in Russian; English version as delivered by interpreter follows): Fellow Delegates, the list of those who have expressed a desire to address the Conference has been exhausted.

This concludes the series of statements by chairmen of delegations.

The Eighth Plenary Session of the Conference is hereby adjourned. (6:15 p.m.)

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The United Nations Conference on International Organization

Doc. 47 (English)
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C234850

PLENARY

AGENDA FOR THE SEVENTH PLENARY SESSION

Tuesday, May 1, 1945, 8:30 p.m.

(1) Reports of the Rapporteur of the Steering Committee on:

(a) Rules of procedure

(b) Allocation of Conference positions

(2) Statements by chairmen of the delegations who have indicated a desire to speak to the Conference

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The United Nations Conference on International Organization

Doc. 58 (ENGLISH)
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PLENARY

VERBATIM MINUTES OF THE SEVENTH PLENARY SESSION

Opera House, May 1, 1945, 8:30 p.m.

Mr. Soong Presiding

MR. SOONG: Fellow Delegates, Ladies and Gentlemen, the Seventh Plenary Session of the United Nations Conference on International Organization is hereby convened.

This evening we shall hear some further statements by chairmen of delegations who have expressed a wish to address the Conference.

The Chair first recognizes the Cuban Ambassador to the United States and Chairman of the Delegation of Cuba.

MR. BELT: Mr. Chairman, Fellow Delegates, Ladies and Gentlemen, the Cuban Delegation declares that it is anxious to contribute its share of sincere good will and intense effort toward the creation of an international organization based on the one outlined at Dumbarton Oaks.

Our Delegation deeply feels its full responsibility and is not unaware that the task now before us is both arduous and difficult, but it has the firm conviction that the purpose for which the peace-loving nations are here convened will not result in a mere chimerical illusion.

For centuries, humanity has endeavored to achieve a closer union among all peoples, thereby outlawing war. Neither repeated failures, cruel deceptions nor unforeseen catastrophes have sufficed to dissuade her from persisting in the attainment of this goal. Today, once more, we gather here in this hospitable city of San Francisco, intent on an identical endeavor.

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The task before us looms gigantic. Yet history has repeatedly taught us that what yesterday seemed an unattainable Utopia results in the positive progress of today and in the new and marvelous hopes of tomorrow.

All that surrounds us strengthens this conviction and enlivens our faith in ultimate success.

Let us consider the case of the United States of America: When the delegates of the Thirteen Colonies gathered in Philadelphia to adopt a constitution as a free country, it appeared almost impossible that colonizers of such divergent and dissimilar origins, beliefs, and traditions could ever finally integrate this powerful nation that is today, that is known by the name of the United States of America.

And if we look beyond her frontiers toward this entire continent, our eyes behold a firm union of nations, which, in 1826, seemed but a romantic dream conceived in the mind of the great Simon Bolívar.

If these two apparent Utopias of the North and the South have become a living reality, why should we not have unshakable faith in the union of all the peoples of the world, guided by identical ideals of liberty, justice, and peace?

To attain this goal, the indispensable factor is: faith in one another.

True, we cannot pretend, in a few weeks, to achieve the miracle of drafting a perfect world organization; but if we succeed in instilling into the proposed Charter a human and generous spirit, we will not have failed in our task.

We have come to offer humanity an instrument of peace: we have not come to barter advantages for advantages. Nor have we come in order to seek benefits at the expense of our neighbors. We must destroy forever the dangerous concept that right is that which is useful exclusively for our nation, and substitute for it this other concept: Right is, in the final analysis, that which is useful for humanity.

If we disregard the necessity for making all reasonable concessions and justifiable sacrifices, neither we, nor our sons, nor the sons of our sons, will live in a peaceful world.

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We recognize the fact that Britain, China, Russia, and the United States of America have won the war, and that by their great heroism and unnumbered sacrifices they have crushed our common foe.

We fully realize our inability to build a world organization capable of maintaining peace and security, if we do not have their generous cooperation, great experience, fabulous resources, and enormous strength. But it would likewise be impossible to construct an organization capable of maintaining peace and security, if the great powers should pretend to impose their decisions, based on their superior force.

"Let us only hope" with the Chinese philosopher, "that the dream of world organization may have less the character of the Delian Confederacy. The tragical motivation of that historical drama was that the heroine, Athena, democratic and brilliant and arrogant, loved freedom of the other cities."

The Cuban Delegation will strive for a world organization based on nothing more, nor less, than true democracy. Or in other words: equal rights for all nations and submission to the will of the majority.

Nevertheless, it may be desirable in certain cases to require a vote by some proportion larger than a majority, but never to require unanimity, because this would mean an exceptional privilege whereby a single vote would make null and void the votes of all the other members of the Organization. This procedure obviously would be contrary to the very essence of democracy.

In reference to the Security Council as outlined at Dumbarton Oaks, the Cuban Delegation wishes to state that we are against permanent members in the Security Council, for this also constitutes an utterly undemocratic privilege. Nevertheless, we recognize the necessity of the full cooperation and presence at the Council of the representatives of the powers who, through the might of their resources and the sacrifice of their peoples, are bringing this war to a victorious conclusion.

And as regards the International Court of Justice, we consider that its resolutions must be compulsory for all the members of the Organization.

After yesterday's session in the Steering Committee, I do not need to insist on our stand in the matter of the inter-

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American regional system, of which we are justly proud. It is our conviction that this system should function autonomously within the world Organization, in order that the single vote of any member of the Security Council may not annul its decisions.

It is impossible for me to mention the inter-American system without expressing our deep joy and happiness for the splendid demonstration of union and solidarity that the American republics gave yesterday in this assembly--a union and solidarity which had its greatest apostle in the best friend the Americas ever had, Franklin D. Roosevelt. His great spirit will guide us always, and we are confident that his human and generous policies will be carried on by President Truman, genuine representative of all that is best in this great American nation.

In conclusion, let us humbly pray that with the help of God, we may attain the goal of peace on earth, good will toward men, and that the Golden Gate of San Francisco will be the wide and miraculous entrance through which humanity will advance toward that new and better world to which we all so anxiously aspire.

MR. SOONG: The Chair next recognizes the Minister for Foreign Affairs and the Chairman of the Delegation of Luxembourg.

MR. BECH (speaking in French; translation follows): Mr. Chairman, Ladies and Gentlemen: The night before his death, President Roosevelt wrote this phrase in his last address: "The only limit to our realizations of tomorrow will be our doubts of today . . ."

It seems to me that, from the outset of our work, this thought of the late President should be ever present in our minds, just as I think it will be well, at critical moments in our discussions, to turn our thoughts toward the already haloed figure of the great humanitarian, Franklin Delano Roosevelt, whose faith in a better world was never shaken by doubt and whose indomitable will to make this world a reality was never crippled by discouragement.

Among the peoples of the earth who mourn him is my little country, which the President held in particular affection. He never missed a chance to express this affection or to show it in his actions. How can we find words to express our sorrow and our gratitude to the memory of the President and to the great American Nation whose triumphant armies have liberated our territory and restored our independence and freedom? Not far from my country's capital, thousands

of American soldiers who fell in the battle for the Ardennes lie beneath their wooden crosses. Far from their native land, they rest in the soil they liberated with their blood. There they sleep, surrounded by the affectionate devotion and boundless gratitude of a small sister-nation. Their last resting-place will remain forever one of the sacred shrines of Luxembourg.

When I think of these dead and of the millions of others who fell, victims of Teutonic and Japanese aggression, the mere thought that our work could end in failure seems sheer treason.

We have come together here to prevent this terrible slaughter from recurring. Our predecessors failed in this after the First World War. Yet in spite of the failure of the first institution set up to maintain peace, the peoples have kept faith in international solidarity. They will not permit, they would not forgive their leaders if they returned to a policy of balance of power, which would inevitably result in a race for armaments heading straight for another war.

The protection of peace can only be insured on the basis of collective security. The Geneva League is dead, but its fundamental principle, the spirit of international solidarity, lives again in San Francisco. The best proof of this is that the Dumbarton Oaks plan resembles the Covenant like a brother--a more robust brother, a more realistic one who has cast aside the Utopian dreams of his elder and gained wisdom and experience from past errors and misfortunes.

I feel sure you will allow me, as an old Genevese, to salute the memory of the late President Wilson and of the great and worthy pioneers who after the last war, for the first time in history, dared to put their trust in the solidarity of mankind in order to insure peace. If they failed, and failed nobly, it is because, as Winston Churchill said at Harvard, their work was neglected and betrayed. Like the late President Roosevelt who invited us to attend these new peace meetings, President Wilson was a son of this great country whose soul is a happy blend of idealism and realism.

The United States, together with the Union of Soviet Socialist Republics, are today among the United Nations which will assume the responsibility for maintaining peace.

One of the chief causes which undermined the Geneva venture is thus ruled out. The League of Nations was intended to be armed, but it was born without shield or sword--in other words, it was still-born. The international organization born of our discussions will have

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the necessary armed forces to insure respect for its decisions. A great French writer once said that a judge is nothing but a poor dreamer unless he is backed by a police force. Taking national selfishness into account, what could be expected of Geneva's judge?

Who can deny that the powers, and privileges which the five principal guardians of the future organization have taken upon themselves and ask us to confirm are rather exclusive? But should we really have expected that the great powers, in coming here, and we too in our turn, could forget that it was they who brought the German giant to his knees, that it is they who tomorrow will make an end of his Japanese accomplice, and, moreover, that it is they too who will have to shoulder the greater part of the responsibility in warding off and overthrowing any future aggression?

Authorized spokesmen of the great powers have stated that the text of the Dumbarton Oaks plan which sanctions the rights and obligations of these great powers, far from being inspired by a spirit of domination, are designed to serve better the common cause of the United Nations. I accept the omens, and I hope and believe that there will be some way of conciliating the principle of equal sovereignty for all peaceful nations, as stressed in the Moscow declarations in a system which will take into consideration the responsibility of the great powers.

Gentlemen, as the representative of a small country whose voice must be a humble one in the concert of the nations, it would be ungracious of me not to follow the advice given us this morning by our chairman to make our speeches brief.

Let me just say that my country brings to this Conference the most active and trustful good-will.

The plan submitted to us is fair. It promises only what it can reasonably accomplish. It does not hold out to us the myth of promising permanent peace and security. It only aims at guaranteeing the maximum security which can be achieved in the imperfect world in which we live. It is true that it offers no guaranty against another catastrophe in the event of misunderstanding between the great powers. But so far even the most fanatical theoretical planners have not found the magic formula which would provide this guaranty.

The Dumbarton Oaks plan is a suitable one, and will work as long as we remain united in the spirit which animates us all today, large countries and small; to oppose war with the will to peace of hundreds of millions of men. Whatever changes our discussions may bring about in the Dumbarton

Oaks Proposals, the new International Organization for the maintenance of peace and security will not reach perfection.

Still it will have the great advantage of being able to insure the maintenance of order immediately and for as long as we remain faithful to it in the future. Sheltered by the security it will achieve, it will be possible to organize the world on the basis of recognized and ratified international law and to restore the sway of right over might.

In the past, peace meant absence of war, and not the setting up of an international order founded on justice.

It is up to us to create this international order. Our success depends on how we answer this question: Who comes before justice or peace?

It has been said that the Charter we are about to give the world will have no worth apart from the spirit with which we imbue it.

May we all resolve to serve the future International Organization, and not to use it as an instrument to promote our nation's interests and seek to make them prevail.

May I, before ending, recall a parable?

A man was passing near the site of a new cathedral. He asked one of the workmen what he was doing, and the man replied: "I am breaking stones." A second workman said: "I am earning my salary", and a third, to whom he put the same question, turned his eyes, bright with religious fervor, toward the half-finished cathedral, and answered, "I am building a cathedral."

May the spirit and faith of that workman animate all of us here who are called upon to build the framework of peace, and the name of San Francisco, the name of the Saint whose life was a single canticle of peace, will be blessed by generations to come.

MR. SOONG: The chair now recognizes the Prime Minister and Minister of External Affairs, the Chairman of the Delegation of New Zealand.

MR. FRASER: Mr. President, Fellow Delegates and Ladies and Gentlemen, as so many of the delegates have said, we are meeting under the shadow of a great and tragic loss. Never in history was the loss of any person so widely mourned,

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nor was there ever such a widespread sense of personal loss on the part of the masses of the people throughout the world. Millions of ordinary folks who never had any opportunity of meeting Mr. Roosevelt felt that they had lost a personal friend. He had made such a deep impression upon them with his concern for the peace and security of the world on the one hand, and on the other his deep desire to benefit the mass of the people--the common man--and particularly the underprivileged. New Zealand has sent her message of sympathy to the American nation, and we sympathize with the United States in the loss of one of its greatest statesmen, a President who will rank with Washington and Lincoln and Jefferson. The name of Roosevelt will ever be in the forefront because he belonged to the world as well as to the United States. He will ever be in the forefront of history.

My thoughts go to his life companion, to Mrs. Roosevelt, who so ably and steadfastly and courageously stood by her husband's side in support of every good cause. I would like, and I know every delegate, everybody in this hall tonight, would like her to know that we are thinking of her, and our kindest thoughts go out to her in her bereavement and sorrow.

The Prime Minister of Canada, Mr. Mackenzie King, referred to Mr. Cordell Hull. I would like to associate myself with that reference. Mr. Hull worked so hard to translate the ideas and conceptions and ideals of President Roosevelt in regard to a world Organization into actual operation that it must be a deep disappointment to him not to be with us. I hope that his health will so improve that before the Conference adjourns, we can welcome Mr. Hull among us, and he will be sure of a reception worthy of his great work and achievements in promoting international freedom and security.

Already the summoning of this Conference and the steps taken to organize it are considerable achievements. The fact that the United Nations in the midst of war will turn to the work of preparing for peace, and I hope permanent peace, is characteristic of the attitude and outlook and objective of the United Nations during the whole of this world catastrophe. The United Nations went to war to prevent and to stop aggression and to establish peace on a sound foundation. It is something to be proud of that we are meeting in the midst of a war that in the Pacific is likely to continue for some considerable time. We are meeting in the midst of war to establish peace.

And I want to express my own great satisfaction at the spirit in which the Conference opened, at the tone of the opening speeches of Mr. Stettinius, of Mr. Soong, of Mr. Molotov, and of Mr. Eden. There was evident a burning desire to establish an organization that will give us world security, and there was also a breadth of view and tolerance that was most encouraging. They said that the Dumbarton Oaks Proposals were not sacrosanct; not above criticism. They did not say that the Proposals could not be amended, but that they were open for amendment. Indeed, the representative of the Soviet Union said elsewhere that there would not be much sense in calling a Conference and submitting the Proposals unless they were open to amendment. That is the spirit in which I hope the Conference will be continued.

One word about references that have been made to the part--the very noble part--played by all the United Nations who participated and still participate in the war. I don't think that it is possible to evaluate the contribution of any nation. Poland, France, Belgium, Holland, Norway, Czechoslovakia, Yugoslavia, Greece, China, the British Dominions, the smaller nations, some of whom will be important nations once more, all gave of their utmost. They gave and are giving to the full limit of their capacity, to the full extent of their resources, and they have suffered accordingly. The European small nations that I have mentioned chose the path of honor and risks--sacrificed everything and risked extermination as nations rather than betray the cause of mankind--and I include the nation of my predecessor at this table, Luxembourg, which has played such a splendid part.

I cannot single out the achievements of the United Kingdom, but I should just like to point out that after Dunkirk, Britain alone, with only her daughter nations around her, held the pass for mankind. If Britain had not stood firm, and ready to fight in the streets and in the hills and the valleys of her country, then the cause of freedom and justice would have been overthrown and trampled underfoot.

I have no time to portray the retreat of the Russian Armies to Stalingrad or their recovery and reorganization and their triumphal march to Berlin.

And I have no time to do adequate justice to the contribution of the United States, which began when the President on behalf of his Government and of the Nation gave help and assistance to Britain and the other United Nations, then in such a perilous position; and when the lend-lease

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proposals were brought forward--the most generous action of a non-belligerent power toward a power at war in the history of the world. From that moment to the time of Pearl Harbor the organization of America's mighty resources and its wonderful achievements on land, sea, and air, in Europe, in Asia, and in the Pacific, until up to the present moment of its rapidly increasing triumphs, America has stood behind us first and then came with us shoulder to shoulder. Without the large nations--without Britain, the Union of Soviet Socialist Republics, and the United States--there would have been no triumph; rather a world dominated by eternal tyranny. But neither could the great powers have carried on successfully if it had not been for the steadfast stand taken by some of the small powers and the rallying around of others.

One word about New Zealand's part. As soon as the cable came from the British Cabinet that Britain was at war with Germany, New Zealand sprang to the side of our mother country and from that moment, because we knew that if aggression had not been stopped earlier, a stand had to be taken then or all mankind would be overwhelmed, and from that moment, like our sister Dominions, Canada and Australia, and South Africa, and India, all under the British flag, have organized to the limit of our capacity. Our casualties have been 1 in 47 of our population. Our deaths have been 1 in 151 of our population. No country has suffered more casualties as far as I can ascertain, but New Zealand will count that as a worthy sacrifice, however hard it is upon the people and the homes and the mothers of our country, if at this Conference we can lay the foundations of security among the nations and have peace on earth.

As I have said already, there has been no attempt on the part of the spokesmen of the four great powers to hold up Dumbarton Oaks as sacrosanct, or to say: "Here are our proposals. Take them or leave them." As a matter of fact, if we are successful at this Conference, then we will save mankind, and there can be no question about the good will in the Conference or the good will that is expressed among the delegates. But good will in itself, however estimable and helpful, is not enough. We must see to it that the machinery that is to translate that good will into actual operation for the benefit of mankind is efficient and can do the job that we intend to do.

The New Zealand Government has carefully examined the Dumbarton Oaks Proposals and we think that they are, on the whole, admirable and a great contribution toward the goal that we are aiming at. But we also think that, however creditable the achievement of Dumbarton Oaks has been--and we give it full credit--however fine a spirit of mutual accommodation and cooperation has been, we still think that there is room for improvement and that there are a number of glaring weaknesses which we suggest an effort should be made to remedy.

First of all, I would say that a great weakness is the absence of any definite pledge of the members to protect one another from aggression. There is no clear declaration that the security of individual members is the objective; no embodiment of the stirring claims of the Atlantic Charter. And I would pause to say that we who welcome the Charter, who have hailed it as the Magna Carta of mankind, do not think that it was ever intended simply as an indication. We believe that when it was brought forward it was meant by President Roosevelt and Mr. Churchill as a document to help in the emancipation of mankind.

That document rang out in these words: that the peace we aim at is one which "will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want."

We suggest that there should be an unequivocal pledge to resist all forms of aggression.

I see it suggested in the press that our Russian friends are contemplating something of the kind, to produce something of that nature. I am not aware whether that is so or not, but I sincerely hope that something will be done in that direction. There should be some international rule of conduct, some standard by which to judge a nation's conduct; and I submit that that is unfortunately missing in the present proposals.

New Zealand would wish the Charter we are about to draft to place at the core of the undertakings which the members assume, an unequivocal pledge to resist all acts of external aggression against any member of the Organization. We think that this provision, more than any other, would give life and meaning to the world Organization and would assure to all states a positive advantage in adhering to the Charter.

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The peoples of the world deserve to know--they have a right to know--what rule of conduct is to guide their assembled representatives in deliberating every critical phase of the relationships between nations. They should know by what measure, or standard, the acts of their own country, or other countries, should be measured. They should have the international rule of conduct set before them clearly and simply; and, in the opinion of the New Zealand Government, this can be done only by a universal pledge by each and every nation that all acts of external aggression should be resisted.

I should add that while the territorial integrity and political independence of each member should be preserved against external aggression, changes in the status quo should at the same time be possible, although not under force or threat of force. The Declaration of the Act of Chapultepec, agreed to by all the American nations in Mexico City recently, would meet what we consider to be an imperative necessity. There the words are set forth in the Act of Chapultepec, to which 20 or 21 of the American republics have given assent--a document that they have accepted and signed--there we have a declaration, a pledge in regard to aggression which might very well be adopted, modified to suit the occasion, in our proposed Constitution.

The second major deficiency which we see in the Dumbarton Oaks Proposals is the excessive authority which is conferred on the great powers. We fully realize that the primary condition for the success of the Organization is that the more powerful nations should remain united in support of it, and we realize also that no security program is worth pursuing unless it commands the adherence of the great powers. We feel, however, that the part which the smaller powers may take in framing the decisions of the world Organization could, without any loss of security, be enlarged.

On matters of peace and war, no responsible government, large or small, can sign away its right to pass judgment itself in its own Parliament and through its own Constitution and forms.

The country which I represent has never shirked its responsibilities in the defense of freedom and the democratic way of life. These responsibilities mostly have been called for and mostly been fulfilled in times of war when the price of shouldering them has been at its highest peak--the price that is measured in death and bloodshed and sacrifice. New Zealand asks that she now be given an opportunity to

meet adequately her responsibilities in a time of peace. We are not prepared to consent to be relegated to a position of "theirs not to reason why, theirs but to do or die".

I do not for a moment overlook the fact that the great powers must have inevitably a predominant voice on matters which call for the use of armed force. But, clearly there will be difficulty in the way of accepting a proposal under which the great powers retain for themselves the right to say in every important case whether the Organization shall act or not and whether they themselves shall be bound or not, and are at the same time vested with the right to deny the smaller powers not only a vote but a voice in these matters.

In our view the powers of the General Assembly should therefore be so wide as to give that body the right to consider any matter within the sphere of international relations.

The Security Council would have its specific powers but the powers of discussion and recommendation of the Assembly should not be constitutionally limited.

We would also propose that when sanctions are called for by the Security Council, endorsement by the Assembly should normally be required, and that all members should be bound by the Assembly's decision.

This course should not necessitate any delay in taking action, since there are likely to be in the future, as there have always been in the past, some indications--some at any rate--some indications of even a rapidly developing dangerous situation, and, in cases of extreme urgency, the Security Council should have power to act. In our view so long as the Council does not falter in its duty and acts in accordance with the principles of the Charter, the other members of the Organization will be both eager and willing to support it as the occasion may require.

Another matter of major importance to which I wish to refer concerns the veto rights of the great powers. Can proposals embodying this principle and prerogative possibly be regarded as a sound basis for the building of a lasting world Organization?

The veto which can be exercised by one of the great powers, both in regard to itself and other nations, is unfair and indefensible and may, if retained and exercised, be destructive not only to the main purposes of the

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International Organization but to the Organization itself. For instance, under the existing provisions one of the five permanent members, which may clearly be an aggressor, can use its power of veto to prevent its own condemnation, or even its designation as an aggressor.

It is quite true that even if the power of veto was withdrawn, one of the great powers, after it had been designated as aggressor by the Security Council, could decide to defy and flout the decision of the Council. In that case the enforcement of the Council's decision by the means mentioned in paragraph 3 of Section (B) of Chapter VIII of the Draft Proposals would probably mean war between the nations on the Security Council and the delinquent nation, and that would be a dreadful calamity, and indeed a catastrophe, which no one would wish to contemplate. It can be asked, then, is the result not the same whether there is a veto power or not--namely the successful defiance of the decision of the Security Council. My answer is that there is a great difference between a nation defying the Council in violation of its pledge to accept, observe, and loyally abide by that decision, and a nation being legally empowered to defy the Security Council, and that is what the provisions mean at the moment.

Under the Draft Proposals, after a great power by common consent and agreement has been solemnly indicated as an aggressor, obviously nothing further can be done if that power exercises its right of veto. It "gets off with it". It is also clear that if the veto is exercised in such a case, defiantly and perhaps even cynically, the faith of men and of nations in the world Organization would collapse. The veto of the five large powers should not be insisted on. But apparently the veto is a condition up to the present moment of the unity of the three powers--Russia, the United States, and the United Kingdom--in the promotion of the world Organization. It may be an inevitable condition. If this is so, I am afraid that the other countries will have no option but to accept it, because I believe that any organization that will bring the nations of the earth together to discuss matters of importance to the world, even if that discussion is to a large extent frustrated and negatived, is better than no world Organization. At the same time, while accepting the distasteful and possibly disastrous veto, there is no need for us to justify or applaud it, or to refrain from efforts in future years to have it removed.

But what about the veto which can be exercised by one of the permanent powers on the Security Council in respect to aggression by other nations? Surely the inclusion of this particular form of veto has been unintentional. I believe that it was never intended that a great power should be entrusted with the right of veto in regard to the aggression of a small power. If this use of the veto survives it will bring about a situation that will be preposterous and will destroy respect for the world Organization. For instance, one small power may be an aggressor against another small power, but one of the great powers can even veto the matter being made a subject for consideration by the Security Council.

It is even held by some who have studied the Proposals, that a great power could prevent any discussion in such circumstances, but I am of the opinion that discussion could take place in the Security Council up to the point when a vote is taken as to whether the question is one for the Security Council to consider and handle.

If a great power could cast a cloak of protection over a small aggressor power by the exercise of the right of veto, then the work of the Security Council would be reduced to complete futility.

While we feel that the veto as a whole should not and cannot survive as a permanent arrangement, we are firmly of the opinion that if its adoption in some form is inevitable its operation should be restricted exclusively to enforcement action under Chapter VIII, Section B.

This matter has admittedly been the subject of much discussion and already the great powers have made concessions. They have not asked for the power of veto in their own cases up to the point of the application of sanctions, but under the present provisions they will retain the veto in the case of others, both for the application of sanctions and for the preliminary stages. The New Zealand Government considers that this proposal is not only wrong but ridiculously and absurdly wrong, and should not be upheld. I feel certain that the decision arrived at was never arrived at intentionally and therefore can be corrected at this Conference.

Another matter to which I would refer concerns trusteeship. In our view the Charter should include the application of the principle of trusteeship to the government of dependent peoples. The object of that trust is the welfare of those peoples, and the powers to be conferred on the Organization to this end should be the subject of discussion and negotiation.

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Finally I would like to stress the supreme importance for world security of effective economic and social cooperation. The New Zealand Government therefore attaches great importance to the provisions of the Charter respecting the functions of the Economic and Social Council.

As I stated at the outset of my remarks, the maintenance of peace is the paramount problem that confronts us. This is a moral problem and not merely a mechanical one to be solved by procedures, however carefully devised and comprehensive their nature.

The failure of the League of Nations, one of the noblest conceptions in the history of mankind, was a moral failure on the part of the individual members, and was not due to any fundamental defect of the machinery of the League. The League of Nations failed because its members would not perform what they undertook to perform. It failed because of the recession that took place in public morality in the face of the rising tide of Fascism and Nazism. It failed because the rule of expediency replaced that of moral principles.

I would therefore stress that unless in the future we have the moral rectitude and determination to stand by our engagements and our principles, then the procedures laid down in this new Organization will avail us nothing, the sufferings and the sacrifices our people have endured will avail us nothing, and the countless lives of those who have died in this struggle for security and freedom will have been sacrificed in vain.

I would plead most earnestly that the members of the new Organization should seek international equity, both political and economic, that the members will in all circumstances keep their pledged word and their faith, that the members will never again allow aggression in any shape or form in any part of the world.

I speak for a country which although small in area and population has made great sacrifices in two world wars. I speak for New Zealanders who have died and are buried thousands of miles from their own land in a cause they believe to be just, and I speak for millions of New Zealanders yet to be born.

This is a moment of time which will not recur in our lives and it may never recur again. The world may well be bound for all time by what we who are here today make of our heavy and onerous responsibility here and now.

It is my deep fear that if this fleeting moment is not captured the world will again relapse into another period of disillusionment, despair, and doom. This must not happen.

There appeared in the "San Francisco Chronicle" on Thursday last a grim and moving picture of the cemetery of the Fifth Marine Division on Iwo Jima. Underneath were these words "FOR US THE LIVING--row upon row the graves at Iwo Jima testify to the cost of that little island alone--a cost that delegates of the San Francisco Conference are resolved shall not have been in vain. The men of the Fifth Marine Division who lie in this cemetery fought that their sons and grandsons would not have to fight, and the United Nations' discussions here will carry on that battle, to implement the peace, to organize for security, to insure that there will be no more far-flung graveyards to mark the path of future wars."

These words, and the photograph of the graveyard, which can be multiplied time and time and time again almost without number in every part of the world where battle has been joined with the forces of tyranny and aggression, these words point for us the lesson and the task.

I hope, and you hope, and the world hopes that we will be big enough for the task and that we can accomplish it and save the world from future war, aggression, bloodshed, and soul-destroying tyranny.

MR. SOONG: Finally, the Chair recognizes the Minister for Foreign Affairs and Chairman of the Delegation of Venezuela, who will be the last speaker of the evening.

MR. PARRA-PÉREZ (speaking in French; translation follows): Mr. Chairman, Fellow Delegates: It is indeed difficult to believe that any international assembly has ever been more important than this one in San Francisco, both because of the task assigned to it and because of the time of its meeting. And it is most encouraging that, even before having won total victory and although we are actually on the eve of this great event, the United Nations should have already determined to organize peace on a sound and equitable basis. All men await with bated breath the event which humanity has so ardently desired ever since the beginning of this tragic era. The campaigns of the United Nations against the German aggressors have already met with a most brilliant success, and we can also see dawning a victorious conclusion to their campaign against the Japanese aggressors and the end of the sufferings of the peace-loving nations of the world.

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If an atmosphere of optimism can arise from the ruins which invading armies leave in their path, it must certainly exist in the will, proven by our presence here, to create an international organization which would prevent a repetition of these aggressions. And it is evident that no moment could have been more propitious, for an attempt to establish peace, than this one, when the war effort is reaching its zenith and as the victorious powers cooperate in a brotherhood that we would like to see ever more close and more lasting. What indeed could be the final objective of the United Nations if it is not precisely to establish an organization capable of preventing the repetition of this ghastly tragedy. To affirm that peace is one and indivisible is an elementary truth; and just as it was absolutely necessary to pool the energies of so many nations, with each one contributing according to its abilities, in order to overcome the aggression of the totalitarian powers which had set out to conquer the world, so is it today necessary that the peace-loving nations cooperate actively and without any reservation in order effectively to guarantee peace.

All the United Nations have contributed and are still contributing to ensure the victory of our common ideals and interests. But there are some, among them, whose terrible sacrifices have earned the respect and the gratitude of the whole world. The courage of the occupied countries has been unequalled, likewise the spirit of resistance of peoples which the military machine of the aggressor nations was never able to break, even in the darkest moments and when their triumph appeared, in the eyes of many, unavoidable. This spirit of the occupied nations, to which we render a deeply-felt and respectful homage, has been the most conclusive proof of the immortal nature of the ideal which inspires the United Nations and for which they are fighting. But it is certain that victory, that victory which will benefit the entire world, could not have been won without the decisive contribution of those United Nations which have at their disposal the greatest human, military, industrial, and economic resources and which have, without stint, drafted these into the service of the common cause. And this is a historical fact, of great political significance, that we cannot ignore. How, indeed, could we have even dreamed of victory had it not been for the admirable endurance of the Chinese people, first victims of totalitarian aggression? Or for the traditional tenacity of the British nation and of its Dominions, whose air force and powerful fleet stood up against the enemy at the most critical moment of this war? Or for the unequalled courage of the Soviet Armies that have been able to drive the enemy, at the point of the sword, right back to its own capital, a symbol no later than yesterday, and the source of evil ambition? Or, above all, for the inestimable resources and the unlimited spirit of sacrifice of the people of the United States of

America, whose sons are now fighting in all parts of the world beneath their flag, which has always flown in the wind of freedom? And none amongst us, Gentlemen, nor anywhere else indeed, can underestimate the part played by France in this war. The French people never accepted defeat as final, and the resistance movement, together with reorganized French forces, have played an important part and still play it in our common victory. Today, side by side with their Allies, French forces repeat on German soil the prowesses of their ancestors.

Because the main responsibility of the war effort rested on the shoulders of these great nations, the main responsibility in the establishment of peace must rest with them too. Fortunately, the San Francisco Conference offers the best proof that these nations have not only understood their responsibilities but are also determined to assume them fully. The Dumbarton Oaks Proposals, the topic and purpose of our deliberations, constitute both a valuable contribution on the part of these powers toward the organization of future peace and a proof that it is not their intention to impose, ne varietur, their way of thinking on the other United Nations. On the contrary, these documents indicate their desire to see each one of the United Nations offer its own contribution to the establishment of a world Charter. And this is why I do not hesitate to attribute to this Conference the name and character of an oecumenical constituent assembly. And just as this international organization must include all peace-loving nations, so that each one of them may serve a positive purpose therein, so the Charter of the Organization must be the fruit of the loyal cooperation of all and reflect, in its basic principles, their common beliefs.

As far as my own country is concerned, I may say or rather repeat that it believes that the Dumbarton Oaks Proposals, though they may indeed be improved by some amendments, constitute a proper foundation for the establishment of an effective international organization. It is extremely encouraging to note that this is also the opinion of all the nations represented here. My Government has taken the liberty of suggesting some amendments to the original draft, amendments which it considers important, although they do not envisage modification of the general structure of the Proposals. I shall spare you an exposition of our views, especially as they have been expressed in a memorandum that has already been distributed among all the delegations. In formulating these amendments, Venezuela was inspired by its traditional devotion to the principle of universal

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cooperation, and by its desire to see the instrument which will be the fruit of our discussions endowed with as much power as possible in order to permit the greatest possible freedom of action in accomplishing the aims of the Organization. I believe, however, that you will now allow me to emphasize a few of the principles and general arguments which are particularly dear to the Venezuelan people and to its Government.

First of all, I wish to stress our desire to see incorporated in the new Charter of Nations, in an explicit manner if possible, certain essential principles which Venezuela, like many other nations, has always upheld, not only as a member of the American community which, as you know, is bound together by a number of diplomatic and legal instruments which are, so to speak, the law throughout our continent. These principles, of course, are not specifically American and have been adopted and defended by all civilized peoples. Thus, for instance, I dare hope that we may all be able to set forth in a formal manner: firstly, the absolute equality of all member states of the new Organization; secondly, respect for the territorial integrity of these states and our duty to abstain from any attempt at intervention in their internal organization, whether political or social; thirdly, our obligation to have recourse to peaceful means in order to solve international controversies, and the condemnation of the use of force as a means of solving them; fourthly, the non-recognition of annexation of territory achieved without the previous freely expressed consent of the peoples interested.

The indivisible nature of peace, to which I have already alluded, again leads the world to consider the need for the creation of an organization whose character will be universal, and within which all peace-loving nations will be represented in an appropriate manner and will enjoy the means of defending both general peace and their own individual interests, the latter being always closely bound to the former. But I do not believe that the nature of such an organization would be incompatible with the existence of regional arrangements regulating relations between a limited number of states. The contrary would be more true. But these regional arrangements must be based on the same principles of international cooperation and must aim at preventing or solving conflicts that

might arise among the parties to them. And in this connection, may I presume to suggest that, of all regional arrangements so far established, the inter-American one has worked out best. My eminent friend and colleague, Mr. Serrato, Minister of Foreign Relations of Uruguay, and after him, several others of our colleagues as well, gave here magnificent speeches praising the happy understanding that exists among the American nations and which we who live on this continent believe to be one of the cornerstones of future peace. It is absolutely necessary to maintain this understanding. And we will therefore have to establish the procedure for an effective cooperation, with the world organization and within it, of the inter-American system which is already functioning fully and is founded on political solidarity, economic cooperation, and mutual assistance for the safeguarding of the territory and independence of the states concerned. The inter-American agreements were considerably strengthened by the recent Mexico Conference; and I may say that we who worked at the Conference never lost sight of the universal significance of our task, nor of the ideas which I have just expressed here.

In speaking of inter-American agreements, I wish to express, in the name of my country, the very sincere joy we feel as we see the Argentine Republic join in the tasks of the United Nations at this Conference where its contribution will be, I am sure, worthy of its loftiest and most noble traditions. I wish moreover to endorse the statements made here yesterday in honor of this great people; and I greet its arrival in our midst, not only because I represent an American nation but also because the political, economic, and cultural importance of the Argentine made that country's case important to the whole world and not merely, as might be thought, to our continent. Now indeed the entire community of American nations is bound together and ready, as ever, to work toward international justice and concord; and this we will do not as a blind and previously indoctrinated league but as a free association of sovereign states, each one of whom has jealously retained its freedom of opinion and of decision.

One of the most delicate problems submitted to us here is that of the respective powers of the Security Council and of the General Assembly. This problem is not new and it arose in the past when the Covenant of the League of Nations was being drawn up. The procedure then adopted is today very much criticized, as

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indeed is all that Geneva achieved. But in all sincerity I would not hesitate to state that the decisive causes for the failure of the League of Nations were not due to weaknesses inherent in its Covenant. The formula used in the Dumbarton Oaks Proposals is not the same as that of the Geneva Covenant and has the advantage of being new. It seems in any case to fit the exceptional circumstances in which this international organization is being founded, as it is presented to us. But I will not conceal the fact that my Government hopes, as indeed do many other governments, that the formula adopted here will be able to follow a timely evolution toward procedures that will be more democratic and represent better the community of nations.

One of the elements of international organization considered by everyone as essential to the progress of relations between states, is undoubtedly the International Court of Justice. And I believe that one of the chief aims of our deliberations must be to grant it the most complete authority and the greatest effectiveness in the administration of its activities.

If the lessons of the past and the horrible vision of the present are to be of any value in the eyes of man, he must obviously not limit his efforts to preventing or solving conflicts once they have already arisen. It will therefore be necessary that the new organization be able to enforce measures of active cooperation in order to find, for the economic and social problems posited before the world, solutions which will be compatible with a satisfactory order in international relations. To state it more exactly, it will be necessary to establish a peace which I would even call militant, because it would abandon its purely defensive position and adopt a positive action in attacking the true causes of friction between states in the various fields of economic and social activity. There exist instruments for this kind of action, such as the magnificent International Labor Organization, whose achievements between the two wars have fully justified all hopes founded on it and render its continued existence absolutely necessary. Other organs are in the process of creation and their principles are being discussed by the governments interested. Still others are being planned and will soon take shape. This inevitable multiplicity of functions in itself suggests the need for coordination, and it seems to me that the Dumbarton Oaks plan of an Economic and Social Council, dependent on the General Assembly, truly deserves the approval that all governments have expressed concerning it.

In this field of economics and also in the field of demography, the world will have to face two fundamental problems: that of an equitable distribution of raw materials necessary to industry, and that of an appropriate planning of migratory movements, not merely to achieve a better geographical balance of populations, but also in order that a great number of countries may be able to develop to the maximum their economic resources, and in order that the standard of living of all nations may be raised; thus ensuring social justice and stability, which alone can maintain peace among nations. That is why it seems desirable, even necessary, that international organizations exist whose purpose would be to contribute toward the solution of problems of this sort, while at the same time respecting, of course, the sovereign rights and the freedom of the states involved in such delicate matters.

As a mere reminder and to stress its importance in the eyes of my Government, I shall now refer to the problem of transportation which, as you know, has undergone in recent times intense development and will certainly demand some coordinating action on an international scale.

Before closing, I wish to mention here an idea which, I am sure, is dear to all of you and to which I myself have been devoted all my life; I mean intellectual cooperation. I believe sincerely that the organization of peace will never rest on sound foundations if there exists no close mutual understanding between the minds and hearts of men. The peoples of the world must know each other morally and spiritually before they can manage to dispel the distrust and ignorance which keep them apart. We must build up a kind of intellectual network, above the network of the physical communications system which exists between nations, or parallel to it. The present formula of intellectual cooperation must therefore be revised and expressed in terms both more exact and more extensive, in order to grant more importance to the educational aspects of its action. In the Americas we have with some success tried methods which might be adapted to a world plan. This war has, moreover, left in its path not only terrible devastation in all physical fields but also vast spiritual anarchy. It will be absolutely necessary to undertake the intellectual and moral reconstruction of the world as well as its material reconstruction, and with equal energy.

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Gentlemen, this Conference opens under the auspices of certain and close victory, and at a time of mourning for the whole world. It is still difficult for us to admit the terrible truth that President Roosevelt is no more; fallen in the heat of battle, as the war's most glorious hero, he remains among us, through his spirit and his work, the very first artisan of the peace. Posterity will confirm the opinion of his contemporaries and will revere in him one of the greatest figures of all times; the world will be grateful to him because, in the midst of this terrible catastrophe of war and throughout its duration, he toiled for the establishment of the reign of justice. Under the inspiration of his example, we can be sure that no problem, however acute, can ever divide the United Nations; and that the close coalition of victory, far from breaking asunder, will enlarge its scope and grow stronger as the years go by. That is the most fervent hope which I have come here to express on behalf of the Government and of the people of Venezuela.

MR. SOONG: This concludes the speeches which have been scheduled for this evening.

Tomorrow the Eighth Plenary Session of the Conference will be held at 3:30 p.m. in this hall. At that session this series of statements by the chiefs of delegations will be concluded. The final group of speakers to be heard tomorrow are the Chairmen of the Delegations of Mexico, Nicaragua, Norway, Panama, Peru, Syria, and Yugoslavia.

The Seventh Plenary Session of the Conference is hereby adjourned.

The United Nations Conference on International Organization

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May 2, 1945

PLENARY

VERBATIM MINUTES OF THE SIXTH PLENARY SESSION

Opera House, May 1, 1945, 3:35 p.m.

Mr. Stettinius presiding

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MR. STETTINIUS: Fellow Delegates, Ladies and Gentlemen: The Sixth Plenary Session of the United Nations Conference on International Organization is hereby convened.

Our first business of today is the report from the Committee on Credentials. The Chair recognizes the Chairman of the Delegation of Luxembourg, Chairman of the Committee on Credentials.

MR. JOSEPH BECH: Mr. President, Ladies and Gentlemen: This report dated April 28, 1945, does not take into consideration the countries to which invitations have been extended subsequent to that date. The Committee appointed in accordance with the provisional regulations of the United Nations Conference on International Organization to examine the credentials of its participants met on April 28, 1945, at 10 a.m. The Committee consisted of the representatives of the Delegations of Luxembourg, Ecuador, Nicaragua, Saudi Arabia, Syria, and Yugoslavia.

The credentials of the representatives of the following 46 Governments to participate in this Conference were examined and found to be in order: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippine Commonwealth, Saudi Arabia, Syria, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay, Venezuela, and Yugoslavia.

The Committee recommends to the Conference the acceptance of these credentials and the accordance to these representatives of the full right of participation in the Conference.

The Committee has found that full powers for the signature of the final documents of the Conference have now been received from the following 30 governments: Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, France, Guatemala, Haiti, Honduras, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Peru, Saudi Arabia, Syria, Turkey, United States of America, Uruguay, Venezuela, and Yugoslavia.

The Committee calls the attention of the governments whose full powers have not yet been deposited to the

necessity of submitting these powers to the Secretary General as soon as possible.

MR. STETTINIUS: Thank you, Dr. Bech.

Does any delegate wish to comment upon the report which has just been read?

In the absence of objection the Chair rules that the report of the Committee on Credentials is accepted and approved.

I thank you, Sir.

I now call upon Dr. Guillermo Belt, the Rapporteur of the Steering Committee, to report on this morning's proceedings of the Steering Committee. Dr. Belt.

DR. BELT: Allocation of commission and committee officerships:

Chairman of the Credentials Committee: Luxembourg
Rapporteur of the Steering Committee: Cuba

Commissions:

General Provisions

President: Belgium
Rapporteur: Philippine Commonwealth
Assistant Secretary General: Lebanon

General Assembly

President: South Africa
Rapporteur: Panama
Assistant Secretary General: Liberia

Security Council

President: Norway
Rapporteur: Paraguay
Assistant Secretary General: Honduras

Judicial Organization

President: Venezuela
Assistant Secretary General: Ethiopia

Committees:

Preamble, Purposes, and Principles

Chairman: Ukrainian Soviet Socialist Republic
Rapporteur: Syria

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(Committees--continued):

Structure and Procedures

Chairman: Turkey
Rapporteur: White Russian Soviet Socialist Republic

Structure and Procedures

Chairman: Greece
Rapporteur: El Salvador

International Court

Chairman: Peru
Rapporteur: Iraq

Membership and General

Chairman: Costa Rica
Rapporteur: Haiti (on membership)
Saudi Arabia (on general)

Political and Security Functions

Chairman: Bolivia
Rapporteur: Dominican Republic

Peaceful Settlement

Chairman: Uruguay
Rapporteur: Soviet Union

Legal Problems

Chairman: Egypt
Rapporteur: Nicaragua

Economic and Social Cooperation

Chairman: India
Rapporteur: Guatemala

Enforcement Arrangements

Chairman: Ecuador
Rapporteur: France

Trusteeship System

Chairman: New Zealand
Rapporteur: Luxembourg

(Committees--continued):

Regional Arrangements

Chairman: Colombia
Rapporteur: China

MR. STETTINIUS: Does any delegate wish to comment on the report Dr. Belt has just read from the Steering Committee this morning? If there is no objection, the report stands approved as read.

Ladies and Gentlemen, our next order of business is to continue with the statements of the chairmen of delegations. In accordance with special action taken at the meeting of the heads of delegations yesterday and announced at the Fifth Plenary Session, the Chair now recognizes the Prime Minister and the Chairman of the Delegation of the Union of South Africa.

FIELD MARSHAL SMUTS: Mr. President, Fellow Delegates, Ladies and Gentlemen: Let me follow the example of other leaders of delegations who have spoken before me, and begin by expressing the warm thanks of my South African colleagues and myself for the invitation of the Government of the United States and the other sponsoring governments, to this Conference. It is our most earnest wish that this Conference may be successful, and provide a land mark in the progress of international relations and for cooperation among the nations toward world peace and security. Thus may San Francisco add to its other glories the greater glory of becoming another milestone in the long march of man to a better future.

Also, like other speakers, I recognize that we meet under the shadow of a shattering loss--the loss of that great leader who called us together. But in a very real sense, he is not gone from us. His immense personality and spirit brood over this land and over the human causes for which he worked. His soul goes marching on as an inspiration to us to continue on the road on which he set us. We owe it to his memory and to his immortal service to the world to make the success of this Conference a worthy monument to his name. As one great American president was the brave pioneer of the Covenant, so may the Charter of the New World Organization be successfully launched under the auspices of another. Of both of them it may be truly said that they gave everything, even their lives, for the great human cause around which we are now gathered at this Conference.

For there can be no doubt any more that for us, for the human race, the hour has struck. Mankind has

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arrived at the crisis of its fate, the fate of its future as a civilized world. Even military victory, measureless victory, now crowning our war effort in Europe, is not enough. It must be only the prelude to the greater peace effort before us, which must complete and finalize the present struggle for a free world.

That is what we are aiming at here. This is the inner significance of this great San Francisco Conference.

For a generation now history has been working up to a veritable climax of war, of destructive violence, which now threatens the very foundations of our human future. Two world wars have been fought with ever-increasing destructiveness, until now the ancient homelands and continent of our western civilization are a desolation and a ruin unparalleled in history. Science--the inventive genius of our race--is putting ever new and greater and more terrible resources at the disposal of war.

A third world war may well prove beyond the limits of what civilized society can endure, perhaps even beyond the limits of our continued existence as a human world. It is for us to prevent this monstrous possibility and to make it a moral impossibility. That is the high purpose for which we are gathered here. We the peacemakers, we the peace-builders, dare not disappoint the hopes and prayers of a whole suffering world, centered on us here. Both the past and the future appeal to us. We dare not fail after what the valor of our millions of heroes has achieved. Let us see to it that their devotion and sacrifices and those of many more millions of the civilian populations, are not once more in vain.

Let us see to it that so far as in us lies, we shall call a halt to this pilgrimage of death, this march to suicide of our race--a march in which the innocent suffer far more than the guilty.

I speak here today, Mr. President, as one of the few still surviving from the last Peace Conference at Paris 26 years ago. My mind goes even further back, to the poignant memories of the South African war 46 years ago when, as a young man, I first learnt to know what war means for a small people and all it holds dear. From all this experience sprang my deep interest in the League of Nations and in the Covenant which we made at Paris for keeping the peace in future among the nations great and small.

It was a great and noble effort, much in advance of anything that had been done or even attempted before.

Today it is the fashion to belittle or even sneer at the League of Nations. But in its day it registered a real and great advance, and those who either in this country or elsewhere labored in that noble cause have nothing to regret or apologize for.

Alas, the Covenant proved only a milestone. This new Charter of the United Nations may also prove to be no more than a milestone. We pray that it may have a greater significance, but it may be that we shall in due course travel even beyond this milestone and have to erect further beacons on the road toward world peace, until ultimately the distant frontiers are reached of that new, that newer world, where war among the nations will be only a dim far-off memory of the race.

The League did prove a striking success in all its varied humanitarian activities, and much of what it did in that fruitful field of human service is of permanent value and can only be followed up and carried further forward by this new organization.

It failed, and failed badly only in one respect, but that the most important of all. It did not prevent war; it did not prevent lawless aggression, which has finally reached its climax in this most terrible of world wars. It is therefore here that our new task begins. And it may be useful if from this point of view we compare for a moment the differences in fundamental structure between the Covenant of the League and the Charter prepared at Dumbarton Oaks.

Of course the two documents emerge from two different worlds. A far-reaching revolution has been taking place since 1919, and it is still going on. No one foresaw or could have foreseen, at the last Peace Conference, the great political changes which have come over the world and world affairs in the years since. We planned for the world we knew, and as we saw it, and we planned in a justifiable spirit of optimism. Nobody, for instance, expected that the United States would refuse to enter the League of Nations and allow it to drift on the rocks in the dangerous post-war seas, as in the absence of the United States it was bound to do.

Nobody foresaw the rise of the vast ideologies which have since rocked our world on its foundations. Nobody realized the vast dangers of the future, even of the near future. We lived and thought in a political world and did not foresee the economic and social upheavals which were to

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change the very basis of our society. There were great men in those days, but they were not great prophets and certainly not demi-gods. Today we see some of the dangers ahead far more clearly. We now see that measures of conciliation and appeasement are not enough, that war has to be prevented at all costs, even at the cost of war itself, if necessary. The Covenant did not undertake to prevent war at all costs but merely to create measures of delay and attempts at arbitration and negotiation and conciliation and finally to invoke economic sanctions to frighten off the aggressors.

The Dumbarton Oaks Charter, on the other hand, realistically recognizes that war must be prevented at the start, and that no half measures to that end will suffice. That being so, it also recognizes in the same spirit of realism, that a new responsibility for peace must be placed on the great powers. They have the power, and must in the first place bear the responsibility for using that power to prevent war. No doubt this enhances their importance and functions, vis-a-vis the smaller powers; but this disparity in function follows almost as a logical result from the new burden for peace imposed on them. Yalta has added the further corollary of unanimity among them to this special function for peace imposed on them. There is thus, the further obligation of unity of decision and action placed on them; in action, in enforcement measures for preventing war they must be unanimous and act, or not act, together. This may be only a temporary and passing phase, and it may in time become unnecessary to make such drastic provision for keeping the great powers together. The habit of cooperation among them may be expected to create trust and dispel suspicion between them. But who, with knowledge of the divisions of the last quarter of a century, and their dire results, and with thought of the possibilities of mischief in the years before us, will venture to say that such drastic provision for unity is not necessary today? We know that unanimity is at present insisted on, and moreover, the right of unanimity now asked may come to operate as a duty to unanimity, and thus tend to keep together the great powers, whose falling out among each other would in any case be the greatest danger and menace to world peace in future. I am not an apologist for Yalta, but knowing what the abstention of the United States has meant for the failure of the League of Nations, and knowing what similar abstention or later disagreements among the great powers may mean in the future failure of the World Organization, I cannot say that the Yalta recommendation is too heavy a price to pay for the new attempt to eliminate international war from our human affairs.

I am not at present discussing the Yalta resolution but merely pointing out its relation to the new set-up under the Charter compared with that of the Covenant. The Charter, unlike the Covenant, in prohibiting all international war and thus involving enforcement action to prevent it, creates a special position for the great powers calling also for special voting relations between them, which were not necessary under the Covenant.

This unequivocal prohibition of war, and this recognition of the special position of the great powers resulting therefrom, are the two major departures of the Charter from the League Covenant. There is a third difference - one of omission and not of provision in the Covenant. It is no less far-reaching than the other two, perhaps even more so. It refers to the economic and social set-up in the Charter which has nothing corresponding in the Covenant.

I have already referred to the unforeseen economic and social developments of the post-war world since the last peace. They must profoundly influence our views as to the future course of events and its possible repercussions on the peace of the world. The framers of the last peace lived, as I have said, in a political world and were dominated by a political outlook and point of view. They thought political solutions would suffice. No wonder that their plans were upset by the catastrophic economic developments which disrupted national and world economics in the era between the two wars. The chaos of currencies, exchanges, and tariffs, and all the strange and curious devices intended to cope with them, are too well-known to everyone to call for more than mere mention. Their disastrous economic and social consequences are no less well-known. Together with the new ideologies, resurrected from the past and from the Nazi underworld, they contributed in large measure to the crisis which produced the war. It soon became evident that the economic chaos and the social unrest and suffering resulting from it were no less fruitful sources of war than the ordinary forms of aggression so familiar to the political world. To these were added the new forms of propaganda through radio, infiltration, fifth column and secret sabotage, and similar innovations. In some respects aggression was becoming more psychological than physical, more insidious and dangerous, and much more difficult to cope with along the old political lines. The whole technique of aggression and attack was largely transformed, and came to by-pass the accepted procedures known to international law and relations. The confusion was extreme, and the results specially disastrous to

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the peace-loving peoples. These results have been among the most potent causes of the present war. As a consequence, the new Charter, in dealing with and coping with the prevention of war, will provide means and methods for the control of these new forces which have entered the international field; and the proposed new Economic and Social Council will thus, from this and other points of view, become one of the most important organs of the New World Organization. In close cooperation with the other agencies set up in the economic field, such as the existing I.L.O., the Monetary Fund, the International Bank, the Food and Agricultural Council, and other bodies which are certain to be created, this new Council will enable the United Nations to have a far firmer grip of the new forces and conditions and techniques leading to social and economic unrest and subversion than the League of Nations ever had. The social and economic causes of war may thus come to be controlled at the source, so to say.

May I, in conclusion, add one more point in reference to the general aspects of the Charter, as compared with the Covenant. The new Charter should not be a mere legalistic document for the prevention of war. I would suggest that the Charter should contain at its very outset and in its preamble, a declaration of human rights and of the common faith which has sustained the Allied peoples in their bitter and prolonged struggle for the vindication of those rights and that faith. This war has not been an ordinary war of the old type. It has been a war of ideologies, of conflicting philosophies of life and conflicting faiths. In the deepest sense it has been a war of religion perhaps more so than any other war of history. We have fought for justice and decency and for the fundamental freedoms and rights of man, which are basic to all human advancement and progress and peace. Let us, in this new Charter of humanity, give expression to this faith in us, and thus proclaim to the world and to posterity, that this was not a mere brute struggle of force between the nations but that for us, behind the mortal struggle, was the moral struggle, was the vision of the ideal, the faith in justice and the resolve to vindicate the fundamental rights of man, and on that basis to found a better, freer world for the future. Never have all peace-loving peoples been so deeply moved. This is what our men and women feel they are fighting for on the war fronts, and have been laboring and slaving for on the home fronts in these long years of steadfast endurance. Let us put it into the Charter of the United Nations as our confession of faith and our testimony to the future. Our warfare has been for the eternal values which sustain the spirit of man

in its upward struggle toward the light. Let us affirm this faith of ours, not only as our high cause and guiding spirit in this war but also as our objective for the future. The peace we are striving for, and are taking such pains to safeguard, is a peace of justice and honor and fair-dealing as between man and man, as between nation and nation. No other peace would be worth the sacrifices we have made and are prepared to make again and the heavy responsibilities we are prepared to take under this Charter.

We shall persevere in that faith until it is established for all mankind beyond any doubt of peradventure. Let us proclaim that faith in this great historic Charter.

MR. STETTINIUS: Ladies and Gentlemen, we will now resume the alphabetical order in calling upon the following speakers, representing the various delegations. The Chairman of the Delegation of Ethiopia has designated the Minister of Ethiopia to Washington, to speak on behalf of that Delegation.

The Chair now recognizes His Excellency, the Ethiopian Minister to the United States.

MR. TEWELDE MEDHEN: Mr. Chairman, Fellow Delegates:

It is with profound emotion that I, as representative of Ethiopia, address this historic gathering of nations convened to establish a new and effective organization for the preservation of collective security and world peace.

Today, I stand before you, representing an Ethiopia which has triumphed over the cruel hardships inflicted at the hands of a powerful adversary, an Ethiopia risen by the unflinching courage of its patriots, by the blood of its sons, and by the heroic sacrifices, never to be forgotten, of the British people who have so generously poured out their lifeblood for the liberation of our Empire.

Today, Ethiopia stands before the world as the first of the United Nations to be liberated; now, fortunately, joined by a host of nations who, likewise through the steadfast courage of their patriots and the prodigal sacrifices of the liberating armies of the great powers, now resume their place in the Council of Nations.

Ethiopia, and all the recently liberated countries of Europe, owe a lasting debt to the four great powers without

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whose sacrifices and unstinted assistance it would be impossible for us today to participate in the construction of a new world order.

The small nations of the world are especially grateful to the four great powers who, notwithstanding the tremendous burden of the war, have placed before all else the establishment of an organization for the preservation of the peace now shortly to be won.

At this moment, on the eve of victory, the thoughts of Ethiopia turn with those of the other United Nations in homage to the memory of him who lived and died for the defense and preservation of world peace, President Franklin Delano Roosevelt.

We, the smaller nations of the world, have been called upon to participate in the present Conference, not only because of the identity of ideals which binds us to the great powers in the present struggle and of our particular interest in the assurance of a lasting peace but also because it is upon the guaranty of the free and independent existence of the small nations of the world that any future world organization must be based.

The past 150 years have known many conflicts and wars between world powers, yet it is my suggestion that the clear majority of them will be found to have been first occasioned, if not caused, by disputes with or concerning smaller nations. It is consequently in the devising of an effective organization of collective security that the experience and the contributions of the smaller nations are of particular significance.

It is doubtful whether any nation is more fully qualified to voice the cautious warnings of experience than is Ethiopia, for rarely in history have the issues in all their majestic simplicity been so clearly posed or have received so clear a response.

It is neither necessary nor appropriate at this time to advert to the details of an epoch which brought an end to the League of Nations and to the verge of destruction an innocent member of the family of nations. It is enough to state that the aggression was clear and unprovoked and was acknowledged by the concert of nations and that the reliance upon the forces of collective security as against a facile, timely, and profitable concession to the forces of aggression was deliberate and made with full knowledge of the costs and risks involved. It is clear that such

reliance was acknowledged and accepted by the League of Nations and that the League of Nations had sought to fulfil its responsibility by the application of sanctions against the aggressor. It was, however, equally certain that the sanctions chosen were decided upon and applied too late and were inadequate to meet the clear necessities of the situation. Notwithstanding the increasing gravity of events, the League, by refined subterfuges of procedures, eluded the application of the measures clearly essential to aid my country in its struggle against the aggressor. Moreover, the members of the League, in imposing an embargo on the export of arms to Ethiopia, in effect facilitated the task of the aggressor.

It is, finally, a matter of history that after the failure of repeated demands of the League of Nations to bring to a halt the decimation of an entire people by poison gas, following a campaign against overwhelming odds, His Imperial Majesty, my August Sovereign, addressed an ultimate call and admonition to the forces of law and order to join in suppressing aggressions against innocent states. That call went unheeded, and the League, in preferring the abandonment and death of one of its members, chose instead for itself defeat and dissolution. Had it not been for the courageous and unremitting resistance of our patriots and the overwhelming support of our British Allies, it is probable that the fate of Ethiopia would have been determined forever.

Ethiopia would then be unfaithful to herself, to those here gathered, and to the ideals for which brave men go down today to death were she not to state but briefly the warnings and hopes born of experience and searching reflection.

In evolving a new organization for the preservation of peace, we have no choice but to bear in mind the organization of the former League of Nations in order, by an examination of its defects and failures, to avoid similar errors in the task that lies before us.

Public opinion of the peoples of the world, however enlightened and insistent, cannot of itself suffice to remedy the faults of a defective organization. My country was fortunate and honored in having had solidly behind it the sympathy and support of peoples throughout the world in its struggle against a callous aggressor. However, such sympathy and support could not prevail against appalling delays made possible by a defective Covenant and exploited to the full by an unscrupulous

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foe. They could not vanquish the fear of responsibility on the part of the League or overcome its predilection for ad hoc organs created both within and without the League to absorb and stifle the urgent demands of a desperately wounded victim of aggression. Ethiopia was thus overwhelmed by a vastly superior foe and abandoned by the League of Nations, notwithstanding the insistent voice of a unanimous world public opinion.

No longer will victims of aggression find support or solace in resolutions of condemnation or of sympathy, nor should it now be possible by procedures adapted to a requirement of unanimity, to escape the responsibility for decision and for action that must be faced by all states desirous of maintaining collective peace and security. All nations here represented must insure that the future Organization and, in particular, the Security Council, be enabled and be compelled to vote not resolutions or recommendations but decisions, decisions not only of principle but decisions for immediate action for insuring the maintenance of peace pending solution of the problems to be faced. The Security Council should be enabled to vote its decisions promptly without possibility of obstruction and delays on the part of those whose interest it may be to gain by time what cannot be achieved by consent.

The peace-loving nations of the world must not be called upon again as was Ethiopia to submit to what has been rightly called a "spoliation by procedure".

The great powers at Dumbarton Oaks have chosen to confer on the new Organization--and, in particular, on the Security Council--the primary responsibility for the maintenance of international peace and security, and to provide that in carrying out these duties under this responsibility it should act in behalf of all the members. However, in conferring so heavy a responsibility on their behalf, the member nations must have the positive assurance not only that the Council can effectively reach and implement decisions with regard to both parties to the dispute but also that once seised of a dispute the Council will retain the direct and continuous responsibility of assuring a prompt solution.

It cannot again be tolerated that during a period of actual aggression, the Council should relegate the determination of vital problems to subordinate or extraneous commissions of investigation or conciliation, or that the orderly procedure of the security organization be

interrupted and the application of sanctions suspended in order to call such additional and extraneous procedures or organs into existence.

The responsibility for the maintenance of world peace must, moreover, remain indivisible and universal. It cannot be denied that the absence of certain states from the former League of Nations rendered inefficacious the temperate sanctions placed into operation by that organization. The task and the responsibility of insuring collective security cannot be that of Europe, or America, or Asia, or of Africa. It cannot, moreover, be that of any region, or of any particular group of powers.

In supporting the proposals of Dumbarton Oaks, Ethiopia finds it necessary to express the considered conviction that the direct responsibility imposed upon the Security Council to act in behalf of all members should at no instant be in any way diminished or relaxed, nor should its effective intervention be in any wise retarded or impeded by the operation of regional agreements. The Security Council should not be compelled, as was the Council of the League of Nations, to stay its hand until the machinery for the regional solution of conflicts should have proved to have failed in its functions. We ought not to agree to a Charter which would again give rise to the spoliation by procedure of the victims of aggression.

Finally, the Ethiopian Delegation is profoundly convinced that no organization and no desire for peace, however firm, can prevail unless the nations of the world share the conviction that there can be no world peace except there be a peace founded upon the principles of justice.

The past ten years have proved to the world's infinite cost in terms of shattered lives and countries the prophetic words of His Imperial Majesty, my August Sovereign, when under tragic circumstances before the nations assembled at Geneva he proclaimed that those nations who seek peace without justice will ultimately find neither peace nor justice.

Ethiopia has been too intimately identified with the ideal of collective security and has suffered too deeply in its defense to waiver for one instant in her unquestioning support of such organization as will meet the agreement of the nations here represented. She feels, however, entitled to bring to this historic Conference her views

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and considerations shaped through long and tragic years. She is hopeful that her experience may assist in establishing an Organization which can turn to profit the errors of the past and devise a lasting monument to the heroic sacrifices of the present generation. To that end she pledges her every effort and to that hope her undying allegiance.

MR. STETTINIUS: Ladies and Gentlemen, the Chair recognizes the Minister of Foreign Affairs and the Chairman of the Delegation of France.

MR. BIDAULT (speaking in French; translation follows): Mr. Chairman, Ladies and Gentlemen: On this day of victory when, for the first time, I have the honor and privilege of speaking to you on behalf of France, I shall not try to hide my feelings of deep emotion.

The collapse of Hitlerite Germany which we are now witnessing is for the United Nations as a whole--and especially for my country, which this power of prey has laid waste three times during the past 75 years--an event at once so long awaited and so profoundly dramatic that our minds are struck by the incredible force of such a lesson given to the spirit of violence and aggression.

As a man who only a few months ago was still being hounded down in his own country, then entirely occupied and savagely oppressed by a foe who today stands at bay, may I be allowed to include in one whole-hearted tribute all those who, humble or glorious, have worked for our common salvation: the heroic Soviet Army, whose standards bear so mamy resounding victories, from Stalingrad to Berlin; the valorous divisions of Great Britain and the Dominions, old and gallant comrades in our struggles; the magnificent American troops whose blood has been shed on our soil, so far from their own towns and countryside, for a cause which knows no distance, thus endearing to us still further the soil that received it and making more sacred still the harvest it has raised, and which is called freedom.

These armies, uniting their efforts, mingling their sacrifices, have taken the largest share of the common fight on the battlefields of Europe, after the tremendous initial shock of the assailant had, for the moment, knocked France out, while their American, British, and Chinese brothers-in-arms in other parts of the world were carry-

on a victorious struggle against the Japanese aggressor, likewise doomed to disaster.

With these victorious armies, according to the strictest justice, are associated the regiments of Free France, the soldiers of Bir Hakeim, Tunisia, Italy, Alsace, Karlsruhe, Stuttgart, and countless battles in every corner of the globe, including Indo-China. I also wish to pay tribute to all the fighting men of the United Nations, whose Belgian, Dutch, Polish, Czech, Norwegian, or Brazilian nationality was often distinguishable only by insignia bearing their country's colors on the sleeve of a common uniform; the intrepid patriots of Yugoslavia and Greece, and all those soldiers without uniform, the men who carried on the resistance in oppressed countries, my own comrades in France, all those who died mute under torture, all those who were deported to German concentration camps, my comrades, my brothers who in the temporary defeat fulfiled their duty as Frenchmen and as citizens of the world.

A few hours ago I was told of the return home of some of these men and women who carried on with us that terrible fight--that fight in which the enemy was everywhere and the front nowhere. May I salute them here, before the whole world, because we owe it to them and because no one should doubt that France continued unceasingly to do her utmost during the last phase of this thirty years' war which had already cost her 1,500,000 lives.

In spite of treachery, France was never out of the fight. There has not been one single day of the war on which Frenchmen have not fallen for the cause which is that of the United Nations. Under the leadership of the man who is the symbol of our honor and of our determination--General de Gaulle, who gave our country back her soul--Frenchmen have continued the struggle, both outside and inside France, sometimes empty-handed, not merely to insure the existence of France, but also that of a world in which lawless might should not have the last word.

Today, France is on her feet again. She is rebuilding her military and economic strength from day to day. She is once more taking her place, not only as a great moral power--which she never ceased to be--but also as a great power in fact. On behalf of 100 million men in the mother country and in the Empire--a community whose

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unshakable strength was so plainly shown to the world in time of trial--I claim for France all her rights and all the responsibilities of a front-rank state.

I would add that France, because of her century-old traditions, cannot dissociate her own cause from a world cause of justice. She never fought for a cause which was not in keeping with the interests of humanity. France has come to this Conference with the determined purpose of bringing to the endeavor of all free peoples a contribution worthy of her age-old ideal and of her special world mission.

Mr. President, the particular position of France at the Conference has raised much comment. Some commentators thought they detected a somewhat negative attitude, some ulterior motive, or some show of ill-humor. This position is simply due to our desire to be honest with ourselves and with those who place their trust in us. Faced with decisions with which we had not been associated, and some of which we knew nothing about, we had to decline the offer made to us that we should recommend a system on which we were not fully informed; but this in no way signifies that at this Conference we do not mean to play our due part thoroughly, or that,we intend to renounce the rank which is ours and which, I repeat, the misfortunes of yesterday have not prompted us to give up today.

So we have come together on the shores of this tremendous ocean. May its name be of good omen for the future of our peoples and for the peace of the world.

Is it not like a sign of fate that we have come here to the town of Saint Francis, that kindly man of peace? In this town where our flags fly side by side in token of the spontaneous and generous welcome extended to us, we are undertaking our task side by side with many peoples of the globe assembled together, but not yet all those we should like to see here. I would make special mention of war-torn Europe, and particularly heroic Poland who for centuries has been our friend.

And alas! we shall not see the man who was to preside over our meeting. We arrived here on the morrow of a great catastrophe, a great bereavement for the American Nation and for all the United Nations, especially France--after the death of that great world citizen, Franklin Delano Roosevelt. After all who preceded me on this platform--and I shall certainly not be the last--I wish to voice the gratitude that all who believe in the future of mankind owe to him who, among the leaders of the peoples, was the herald of great causes and essential freedoms.

World-wide mourning plainly showed how great was the loss. The admiration and affection of our peoples are with him forever in the grave where he was buried with the simplicity which is a sign of greatness. The torch he carried to the end has been grasped by faithful hands. I want to say on France's behalf that, as regards any matters of importance to the United Nations, from now on we turn with full confidence to President Truman as the leader of a great people to which we are linked by friendly memories of a mutual aid which, in times of trial, has never failed.

Gentlemen, the task of the delegation chairmen who come to this platform at the start of the Conference's work is to outline the principles which inspire them--principles which, so far as the general organization of the world is concerned, represent the views of their governments and countries.

I read something about the French standpoint being a mystery. It is a mystery that is not mysterious. We informed all the United Nations in good time as to the amendments which, in our opinion and very likely in other people's too, seemed to be a necessary improvement on the Dumbarton Oaks plan.

In what spirit did we study this plan? To put it briefly, we studied it in our traditional spirit, the spirit which, during the period between the two wars, led us to propose so many plans with a view to establishing and perfecting the organization outlined in 1919. As long as there is a France, France will never tire of directing her best thoughts toward the establishment of an international statute which would bring about harmony among the peoples and banish war forever.

In the Dumbarton Oaks plan we found so many features that were familiar to us that we naturally regarded it with a certain fatherly affection. That does not mean that we do not think it possible to improve on it or to add to it as regards certain items. I must say first that we are not amongst those to whom collective security seems a dream, and in any case, I think it is dangerous to disdain the dreams of man.

But in my country, as a result of war, there is not a single home which has not suffered in all it holds most dear. And from all these homes, from all these people, the Delegation whose Chairman I have the honor to be has received an urgent appeal to see to it that the Organization

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we are to set up constitutes a real defense of peace.

To conciliate the demands of this ideal with the possibilities of reality is the first principle by which we want to abide.

We therefore mean to examine the proposed solutions with a rigor and an insistence in conformity with the trials we have undergone and the risks we have run.

With the destruction of Nazi might, we likewise mean to put an end to the practice of unilateral interpretation of treaties, and insist on respect for international law which must be observed now more than ever, following this period of mental confusion when right was flouted every day.

Justice is another word we must reinstate in all its loftiness--justice in keeping with international democracy, that is to say, justice which gives full recognition to the rights of all countries, including those which do not come under the generally recognized term of great powers--a point I would particularly stress.

I am not convinced that every possible consideration has been given to the nations called the small powers--I do not know why they are called small, for it may happen that they are not, either by their past or by their population, or by the ideal they mean to serve. In any case, it is a fact that the proposals made at the Conference allow for a dominant share to be granted to the great powers, of which, I again repeat, France is one.

This privilege was decided upon in our absence. What was called the veto of the great powers is certainly not in keeping with the legal ideal which, we do not despair, will some day be established by common accord between peoples.

But we know what the world of today is, we know that apart from outside appearances, there is the question of what means a given state could bring to bear on the battlefield if and when all other resources have failed.

That is why the French Government will not initiate anything which might result in complicating action decided in common by the great powers concerned.

For the moment we shall raise no definite objection to this point in the Dumbarton Oaks plan.

Indeed, we believe it is indispensable that good understanding between the five great powers should be maintained and developed in continued and close friendship between all

the nations assembled here. The material means of serving peace are largely in their hands. What public opinion in all countries, great or small, is confidently awaiting, is the assurance of their agreement on all world problems.

If this agreement between the great powers is ever broken off, then may God have pity on us all! I say this with the sharpened perceptions of the representative of a people rising from the abyss, with an instinct which makes up for lack of information--for we have been kept outside so many arrangements contemplated by this or that country.

It seems to me, Gentlemen--and I almost feel like apologizing for this recommendation, but we know what is at stake--it seems to me that it is the duty of each one of us to help with all our strength in this understanding between the big Allied Powers, not only because it will constitute the fortifications able to protect peace but because we shall have to build a world in which the germs of future conflict will be eliminated--a world protected by these fortifications.

What must obviously be achieved is an economic charter regulating in particular the distribution of raw materials, a social organization in which labor questions on an international basis, with a view to reaching the best solutions, would benefit by very much greater and wider opportunities than those offered in most cases within a national framework.

Failing this, a perpetually armed world would have to keep endless vigil in perpetual torment--an exhausting watch which finally leads the sentry to shoot at his own shadow.

In addition to the economic and social keystones, the international edifice needs another support. We were pleased to see that the question of intellectual cooperation, which France was the first to put forward, has been taken up by China and many of the Latin American and Mediterranean states. Faithful to her mission and to her traditional support of the predominance of the mind, France will advance suggestions to the Conference with a view to maintaining and reorganizing the Institute of Intellectual Cooperation.

First of all we must provide for essentials, and reduce the problems to their simplest terms.

Above all, nations must feel confident and, to that end it is essential that we should clearly understand what constitutes for each country the conditions of its own security. Not to have a correct appreciation of the security needs of the United States, the Soviet Union, the British Empire,

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or other nations would lead us to misjudge the policies of each.

It is also necessary that our own conception of security should be understood. This conception is, moreover, applicable to the whole of what may be called the danger zones, since we are geographically placed in the immediate vicinity of one of the most dangerous.

Our expressed determination to procure the necessary guaranties for our eastern frontier, the conclusion by the French Government of a treaty of alliance with the Soviet Government, our declared intention to conclude similar treaties with other powers as occasion arises, and finally our whole-hearted adherence to the principles of collective security--all these elements are not only compatible but they complete each other. Each contributes its share to the construction of an efficient security system. They might be compared to three ramparts of a fortress. Never would anyone in ancient times have thought of requiring the dismantling of one rampart on the pretext that it weakened the other two. On the contrary, if the inhabitants of the inner fortress were reassured by the fact that there were three stone walls between themselves and an eventual enemy, the defenders of each of these walls were encouraged in their turn by the existence of two other lines of defense. We think that this is a question of common sense, and that the International Organization of tomorrow will be aided and not hampered if those countries which are most threatened do their utmost to protect themselves by their own means, and if those which feel threatened by the same perils come to an agreement to protect themselves against those perils.

We are speaking here as people who know to their cost that, to discourage any future attempt at aggression, we must bridge the gap between the lightning rapidity of aggression and the inevitable slowness of consultation. Such is the purport of one of the amendments to the Dumbarton Oaks plan suggested by us.

That being said, we are ready, for the good of a new world, to make such sacrifices of sovereignty as may be agreed to in common and mutually recognized as necessary to collective security. We are prepared to go as far along this road as our partners in the general Organization.

But, I repeat, nothing could be more deadly than to build in uncertainty a castle of texts which did not correspond to reality.

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We must see to it that the peoples' expectations are not in vain. Millions of men, women, and children have perished because the formulas of security in which the world put its trust failed in their object.

We have not the right to hold their sacrifices so cheap, either by turning our eyes from the summits at which they aimed or by compromising the peace of this flesh-and-blood world for which they died.

The widows and mothers of the United States - and I say the United States because we are today in their midst and because the same thought, the same sorrowful pride, the same hope unite them to our own mothers and widows at home, from the Urals to Scotland and from China to Australia - the widows and mothers of the United States expect that the salvation announced to men of good will whom we represent here will not be just a reprieve.

It has been said that this is our last chance. Perhaps not, for Providence has endless resources. But whether it be the last or not, it would be criminal not to grasp it, not to tend it carefully so that hope will blossom forth.

What would we look like, what reply could we make, if, upon returning home, processions of our heroes, martyrs, and innocents were to ask us: "What have you made of our victory, our sacrifice, our future?"

California, where the blessings of Heaven and the riches of earth combine to make it a Promised Land, inspires an act of faith and of reason.

That the great Republic of the United States has taken the lead in this discussion on world affairs from which she kept apart 25 years ago, is undoubtedly one of the most tangible, comforting, and valid reasons for hope.

On the bridges of the Rhine, the frontier of France, the men of the Revolution inscribed these words which still live today: "Here begins the Land of Liberty". We profoundly hope that throughout the universe redeemed by so much suffering and so much courage, the realm of freedom, democracy, and right will extend from now on to all lands where, with the new wind which is rising, peaceable men will seek to live.

Confident of her renewed strength, confident in the promises of the future, sure of herself to the point of being the first nation to restore the normal play of democratic institutions by free and orderly elections so soon after such trials, France will wholeheartedly devote herself to the great task of guaranteeing to the world the security of all and the rights of each.

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MR. STETTINIUS: Ladies and Gentlemen, before introducing the next speaker, I wish to introduce to you some very special guests we have with us this afternoon, some American soldiers, many of whom have been wounded at the front. These boys have come to us from nearby hospitals to be present with us this afternoon. They are sitting in the back of the auditorium, and I am going to ask each of them to arise at this time. Boys. (The entire audience stood and applauded the soldiers.)

The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Guatemala.

MR. TORIELLO (speaking in Spanish; English version as delivered by interpreter follows:) Mr. President, Delegates, Ladies and Gentlemen: We cannot allow clouds of anxiety to obscure the horizon on which all humanity has placed its hopes and most fervent desires. The anguish in our hearts is now vanishing. The terrible shadows must disappear at this Conference in which the United Nations have assembled to construct a better world. It must be thus; otherwise there would be disastrous failure and the verdict of history would be against us. The admirable cooperation of all, and especially the sincere desire for harmony of the sponsoring nations in arriving at the solution of the most difficult problems, will determine the positive success of this most important Conference. They must demonstrate that the same spirit which united them in the battle against those who aspired to the subjugation of the world will continue to unite them now that victory is dawning, in the arduous task of constructing a new world where aggression, tyranny, fear, and misery are no longer possible, a world propitious for peace, justice, and the security of all.

If the powers of evil had triumphed in this war, the forces of violence would have prevailed over the forces of justice and right. Fortunately such was not the case. For this reason the small nations of the world have a profound faith in the juridical organization which this Conference will give to the five continents, since law and the moral force of justice are the only security and strength of small nations.

Guatemala fervently desires that, in the future, rather than depending on armed force the security of nations be based on a world organization, such as that envisaged in the Dumbarton Oaks Proposals, an organization which will have sufficient power to check, in an effective manner, any act of aggression. As a peace-loving nation, confident that peace will be obtained and maintained, Guatemala has faith and the conviction that this time humanity will not forfeit its opportunity--perhaps the last which will

present itself, as His Excellency, Mr. Anthony Eden remarked--to prevent in the future the danger of another war which might possibly end our civilization.

Guatemala, faithful to the principles of continental solidarity and to the most noble humanitarian ideals, was one of the first to join the United Nations and, within the measure of her capacities and resources, has lent and will continue to lend sincere collaboration, not only during the period of actual conflict but in the constructive task which will follow the war, a task which is the immediate concern of this Conference. Guatemala, then, attends this Conference with great faith and enthusiasm.

In the Inter-American Conference on Problems of War and Peace, recently held in Mexico, Guatemala made pertinent suggestions with regard to the Dumbarton Oaks Proposals, among which suggestions was the desire of the Latin American Republics to obtain adequate representation in the Security Council.

With regard to the International Court of Justice, Guatemala suggested that it should be given compulsory jurisdiction, so as to enable it to summon any state without regard to the nature of the case in question, and so that, acting in complete independence of the community of nations, it nevertheless might have the support of that community in the rendering of its decisions; and that it might render decisions ex aequo et bono on certain controversial matters, upon petition of one of the parties--an indispensable condition to the proper functioning of that tribunal. On that occasion, Guatemala also advocated the strengthening of the Pan American system, a system which for fifty years has shown to the world the possibility of the peaceful co-existence of nations, founded on the principles of solidarity and cooperation. The effects of Pan Americanism, which have been tangible on many occasions, especially since the treacherous attack on Pearl Harbor, crystallized brilliantly in the Act of Chapultepec, in which American solidarity found its most complete expression--that of continental fraternity.

With this experience, and in harmony with the pacts of world and continental organization, Guatemala considers as a necessity the celebration of regional pacts between countries linked by geographic, social, and economic bonds. Thus Guatemala would view with especial pleasure an accord with her sister republics which form the Central American Federation, leading to the solution of their mutual problems and to their economic development.

The first step toward this understanding would be the reviving of the Central American Court of Justice, since

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it was the first institution of its kind in the world set up in a permanent form with compulsory jurisdiction, and one which set a magnificent precedent in international justice.

Guatemala firmly believes that the success of the political organization of the world depends, to a large degree, on an international economic organization which will enable all the countries of the world to raise the standard of living of their people, and to banish misery from the face of the earth. We must work toward the increase of production and consumption in our countries, in order that we may attain an economic condition of abundance and well being. In this respect, the functioning of the Economic and Social Council, provided for in the Dumbarton Oaks Proposals, will no doubt permit the orientation of international political economy toward this noble objective.

The Delegation of Guatemala wishes to go on record as being in harmony with the spirit which yesterday inspired the foreign ministers of the Americas, in sustaining so brilliantly the right of Argentina to be present at this Conference, and, through my voice, expresses profound satisfaction in the attainment of the total unity of the Americas and the incorporation of the Argentine Republic in the assembly of the United Nations.

The Delegation of Guatemala, in rendering its warmest homage to the armies of the United Nations for the admirable courage they have displayed in the defense of human liberty, desires, as well, to emphasize the stirring and gallant participation of women, not only in the home front but in the battlefields as well.

Delegates, in this glorious moment, when the Allied armies are planting their victorious banners in the very heart of the Reich, let us invoke the memory of that illustrious and immortal statesman, Franklin Delano Roosevelt, whose spirit of justice will guide the steps of the nations assembled in this Conference.

MR. STETTINIUS: Ladies and Gentlemen, we also have another very special group of guests this afternoon, a group of wounded United States sailors and marines from the Naval Hospital near San Francisco. I am going to ask them to arise at this moment. (The entire audience stood and applauded the sailors and marines.)

MR. STETTINIUS: The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Haiti.

MR. LESCOT (speaking in French; translation follows): Mr. Chairman, my Dear Colleagues, Ladies and Gentlemen:

Franklin Delano Roosevelt has passed into eternity having completed his journey here. His passing had that rare quality which we who admired him so profoundly found fitting to his indomitable spirit. He fell, like a giant tree struck down by a storm in the forest.

May I dwell for a few moments upon the memory of one who will remain an outstanding figure of the century, for I believe it our duty to adhere to the path laid out for us, a path already outlined in the blood of so many thousands of human beings. Franklin Delano Roosevelt never despaired of mankind; he professed an absolute respect for humanity. He had faith in the unshakable virtues of democracy. He believed with all his will in a just and enduring peace. He had cherished the greatest hopes in the work to be achieved at this Conference of San Francisco. The greatest homage we can pay to the memory of the Great Departed is to carry on the noble and difficult task he has left us, with all the wisdom and perspicacity of which we are capable.

I have already mentioned the blood which has run so freely on the battlefields in the defense of civilization. I cannot but avail myself of this opportunity to express the admiration and the deep gratitude of the Government and the people of Haiti to the Governments and the people of the U.S.A., our great neighbor, of Great Britain and her Dominions, of the Union of Soviet Socialist Republics, of China, and of all the other fighting nations who have, with the rampart of their unflinching will, protected the world against the mounting floods of totalitarian barbarity. Let us likewise greet publicly and with deep affection the Government and the people of a country to which the Republic of Haiti is bound by ties that are strongest after those of family, I mean those of language and of culture. We offer the homage of our sincere admiration to the country of the rights of man, to the country of dignity, clarity, and a sense of proportion, to the France of which none of us ever despaired, to France that is eternal.

Ladies and Gentlemen, the Government of the Republic of Haiti, which I have the honor of representing, has already made known at the time of the publication of the Dumbarton Oaks Proposals that it agreed with them in principle, and that it desires to become a member of an International Organization for peace and security that would be based on these principles. My Government, however, does not consider that the proposals are perfect and need no amendments. But it believes that the four great powers which formulated them at Dumbarton Oaks considered the problems of peace and security from a practical angle and are endeavoring to build an International Organization that will be capable of effectively preventing any recourse to war as a means of settling international conflicts.

The objection has been raised to the Dumbarton Proposals that they do not respect the traditional concept of the

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Sovereignty of states. It does not seem superfluous to us to add here that international law cannot remain static, no more than civil or penal law. It must be capable of adapting itself to the changing conditions of life of the peoples of the world. The nationalism of former days, when states could remain isolated within their own frontiers, cannot belong to our modern times of rapid communications by air.

The concept of the sovereignty of the state may thus no longer be an inviolable principle. We must, however, insist that it is not only the small nations who would then be called upon to accept the necessary sacrifices. The peace and security of the international community depend upon concessions on the part of all powers whatever they may be and whatever may be the rights of some of them to recognition from others.

To return Gentlemen, to the Proposals of Dumbarton Oaks, the Haitian Government considers it a good and useful innovation, on the part of those who prepared it, to have introduced in Chapter II a statement of the principles which must serve as foundations for the International Organization and should determine its functioning and development.

My Government believes nevertheless that this statement of principle, in order to be complete and to produce better results, should take into consideration both the intentions and principles constantly reaffirmed at international conferences and whatever experience is gained from facts. The latter shows us, for example, that the actual world conflict arose, not only from economic causes, but also derived much of its cruel intensity from psychological disturbances that were created by racial and religious discrimination in the political doctrines against which the United Nations are fighting in their desire to remain faithful to the democratic ideals of freedom and human dignity.

Facts postulate for states as well as individuals new and more precise legal and political guarantees. This is why the Government of the Republic of Haiti believes that, together with the fundamental principle of equality between peace-loving states, as mentioned in Chapter 2 of the Dumbarton Oaks Proposals, it is also necessary to express there the principle of racial and religious non-discrimination in relations between peoples.

But the principles, Gentlemen, as well as the machinery of an International Organization, no matter how reasonable or strong they may be, do not suffice. It is with deep satisfaction that we heard last Saturday the representatives of Iran, Lebanon, and Uruguay speak of the absolute necessity, in the world of tomorrow, of intellectual collaboration between all states.

We now touch upon a problem that my Government considers of primary importance to insure peace and future security. If the warlike traditions of certain peoples and their unhealthy instinct to steal the nests of others restrain them from freely submitting to an international order based on justice and equality between

nations, then these traditions and malignant desires must certainly be attacked. Coercion and economic reforms are not sufficient in such an emergency. They may eventually insure the physical disarmament of some states. But education alone will permit us to effect a moral disarmament and extinguish hate in the heart of man, and develop in him sentiments of love and tolerance for others without which there will never be real peace on this earth.

I point out here, Gentlemen, that the dictators themselves understand the essential importance of the problem of education. On their attaining power, their first consideration has always been to obtain control of the youth and schools. From this point of vantage, they could carry on advantageously their other daring campaigns to abolish freedom, persecute the Jews, lie, steal, and even attack God. One sometimes wonders how human beings could submit to such an abject regime. The explanation is clear. The dictators had been able, through education, to control the soul of the people and mold it to their liking.

In Chapter IX of the Dumbarton Oaks Proposals, the Haitian Government believes that special mention should be made of the necessity of intellectual cooperation between peoples with a view to peace, and proposes that, in addition to the economic and social councils, a council on education be created which will be given the task to see that the educational systems of the various countries should never be used to propagate ideas contrary to peace and security.

This, Mr. Chairman, Fellow Delegates, Ladies and Gentlemen, is the message which I have the honor to bring to this honorable assembly in the name of the Haitian Delegation, with the promise that, faithful to the traditions of peace, liberty, and justice which have guided its history, my country will contribute, to the full measure of its capacities, to the great task assigned to us. I mean the building of a sounder, more generous, and more reasonable world that will conform to the legitimate aspirations of our peoples.

MR. STETTINIUS: The Chair now recognizes the Minister of Foreign Affairs and Chairman of the Delegation of Iraq.

MR. AL-OMARI (speaking in Arabic; English version as delivered by interpreter follows): Mr. President and Fellow Delegates, Ladies and Gentlemen: On behalf of the Iraq Delegation I wish to thank the Government and people of the United States of America and particularly the Mayor and citizens of San Francisco for their kind welcome and for the hospitality they have extended to us so generously.

All members of the Iraq Delegation were stricken with grief when they heard on their way to this Conference the heart-breaking news of the death of the revered and, indeed

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the universally beloved President of this great country, the late Franklin Delano Roosevelt. His death at this all-important period in the history of the world is a loss, not only to the United States of America, but to all freedom and peace-loving peoples. He was, in very truth, one of the greatest sons of mankind and stood preeminent among those great statesmen who are striving to found a new world of peace and security. I would go so far as to say that he was the beacon light of democracy.

Iraq, the cradle of civilization and of law, is today looking forward to the creation of a new reign of universal peace that shall be based upon mutual respect between nations, upon the recognition of human values, and upon the principles of justice.

In this spirit Iraq took her part in the recent establishment of a League of Arab States whose charter has been submitted to the Secretary General of this Conference. Five of the states who joined that League are attending this Conference, resolved to assist in creating an international organization capable of realizing all ideals for the welfare of humanity.

Sir, Iraq, at the very outbreak of this war, recognized her duty and severed all diplomatic and economic relations with Germany. In due course she broke off relations with the other Axis powers and finally declared war on them all.

As a belligerent state standing astride world communications between East and West, Iraq placed at the disposal of her Allies the whole of her resources, particularly her means of communications. She has thus been enabled to take an active part in the struggle and will continue to do so willingly and gladly until victory is finally won.

The Iraq Delegation comes to this Conference rejoicing and confident, rejoicing at the long series of brilliant victories gained by our Allies on the field of battle, and confident because of the evident determination of every nation represented at this Conference to insure that this time the opportunity will not be lost; that we shall succeed in establishing an organization to secure world peace, an organization that is based upon the recognition of the highest principles of truth and justice, an organization which above all is armed with strong and efficient deterrent force, so that this time the great losses and sacrifices of the war will not have been made in vain.

But if those hopes are to be realized, it would appear that special study of the following principles is necessary:

First, that the observance of the principles of right and justice is part and parcel of the task of guaranteeing true world peace and security.

Second, that while the special responsibilities that devolve upon the great powers entitle them to greater authority in certain matters, yet every nation, great or small, should feel that the general principle of equality of all states in the new world Organization is recognized and that it will be observed in practice.

To achieve this, it is necessary not only to increase the number of states represented on the Security Council but to have due regard for fair regional representation. In this way all states will have an opportunity to share in the responsibility as well as in the task of settling disputes and preventing war.

Third, that the nature and extent of the duties and obligations that are to be incumbent upon all states should be clearly laid down, and should be such that they can in practice be properly carried out by the states themselves, or if necessary enforced.

Fourth, that the composition and procedure of the Security Council should be of such a nature as will insure a prompt and just settlement of disputes between nations. Any elaborate machinery which would tend to delay the taking of prompt decisions and effective action might result in stultifying the whole value of the award and the measures taken to enforce it. Disaster might quite possibly follow from belated action.

Fifth, that the general assembly should have jurisdiction over any dispute between nations which is likely to lead to armed conflict and which the Security Council has failed to settle either on account of disagreement between the permanent members, or for any other reason. In such cases, it should be the duty of the Secretary General immediately to convene a meeting of the General Assembly to consider the dispute in question and the decision of the Assembly carried by a two-thirds majority should be enforced.

In conclusion, I salute the future peace of the world, which is in your hands.

MR. STETTINIUS: Fellow Delegates, before introducing our next speakers, I wish to announce that the plenary session as scheduled this evening for 8:30 will be held. I also wish to announce that a plenary session will be called for tomorrow afternoon at 3:30. Dr. Soong will preside this evening at the plenary session commencing at 8:30, and Mr. Molotov will preside tomorrow afternoon, commencing at 3:30.

We have two remaining speakers this afternoon, which concludes our program. First, the Chair recognizes the Vice President and the Chairman of the Delegation of Liberia, and he will be immediately followed by the Minister of Foreign Affairs and Chairman of the Delegation of Turkey.

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The Chair now calls upon the representative of Liberia.

MR. SIMPSON: Mr. President, Fellow Delegates, Ladies and Gentlemen: This opportunity to address the plenary session of the United Nations Conference on International Organization is indeed a great privilege.

On behalf of the Liberian Delegation, I desire to say that we associate ourselves with other delegations in paying tribute to the late President Franklin D. Roosevelt, whose foresight was chiefly responsible for the convening of this historic Conference in this delightful city of San Francisco.

The death of this great humanitarian and liberal is a severe loss not only to his country, but to all nations regardless of their size or potentiality.

I should like to observe that the Liberian Delegation cannot but have mingled feelings on an occasion such as this. Speakers who have ascended this tribune have had occasion to refer to the brutal warfare and carnage which their countries have undergone over a number of years. I allude in particular to the representatives of China, France, Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, the Philippine Commonwealth, Yugoslavia. Ethiopia also has had her baptism of war.

Superior forces invaded, raped, and conquered their countries--our hearts and hopes went out for them, and we still have a feeling of the agony which they underwent and must still endure. But we now rejoice that ultimately their liberation has come and that meanwhile their souls still remained unconquered.

It is indeed a truism that might may at times seem greater than right, but in the final analysis right and justice must and will prevail. Mr. President, I cannot refrain from making an especial reference to the heroic struggle which China for eight long years has made for survival and the maintenance of world peace. Some day recorded history will correctly appraise the indomitable character of the Chinese people.

To Soviet Russia we are indebted for the victories of her mighty armies in Europe, and particularly the epic struggle at Stalingrad, which will ever remain fresh in memory.

To the Delegation of the United Kingdom may I observe that great praise and credit are due to your Government and people for your gallant struggle during the dark days of the war--I refer to the battle of Britain--when hope seemed lost, and a democratic world was then hanging in fateful balances. It was then that His Majesty's Government and the people of London were determined and resolved that Britons would never, never be slaves.

It was with this conviction that Prime Minister Churchill said: "We will defend every village, every town, every city . . . we shall tolerate no terms, we shall tolerate no parley, we may show mercy, but we shall ask none."

Last, but not least, the natural gifts of leadership and vision of the late President Roosevelt, and of his capable and wise assistants, the industrial power and resources of the United States Government, have contributed most effectively to the prosecution of the war, the last phase of which we are now happily witnessing in Europe. The United States of America has indeed and in truth been called the Arsenal of Democracy.

I crave forgiveness for the time utilized, but members of the Liberian Delegation are mindful of the narrow escape which their country had at the hands of Germany. We realize that the physical and economic servitude imposed upon other countries might have also been inflicted upon us, and it is for this reason that we are inspired to speak a word of praise to representatives of these countries whose struggles, whose sacrifices in toil and blood, have enabled us to survive and permitted civilization and democratic ideals to remain on the face of the earth.

It may be useful to state that at the outbreak of hostilities in Europe, the Government of Liberia assumed and consistently maintained an attitude of strict neutrality toward the respective belligerent powers. While Liberia originally endeavored to stand aloof from the conflict, yet the methods pursued by Germany to vindicate what she pretended to be her national rights and honor by the adoption of such means as the sinking, without warning, of unarmed passenger vessels of her enemies and neutrals, the bombardment of unfortified towns and villages, and the violation of the rights of small states, were such flagrant violations of the rules of civilized warfare as to justly create on the part of the Liberian Government grave apprehensions and fears of the eventual permanent establishment of the doctrine of might over right in the realm of international relations, which doctrine would only result in the complete subjugation and elimination of all small and weak states from the association of nations.

Hence, the Government of Liberia could not any longer continue to view with indifference and unconcern the great world conflict of arms.

Accordingly, it registered a solemn protest against the unlawful and inhumane acts on the part of the Axis powers by severing all relations with these governments.

A plan of collaboration between the Governments of the United States and Liberia was concluded and announced, whereby United States forces were stationed in Liberia, thus fixing the

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Republic within the sphere of the activities of the United Nations.

In some respects, Liberia's activities in this war against the Axis powers might be considered negligible, but we take some pride in the fact that we have been the largest contributor of cultivated rubber to the Allied cause. This, we believe, has enabled tanks and jeeps and motor vehicles to roll on faster and surer to the very gates of Berlin.

With reference specifically to the Dumbarton Oaks Proposals and the labor these impose upon delegates at the Conference, I should like to say that the initiative on the part of the Governments of the United States, the United Kingdom, the Soviet Union, and China in drafting a plan on world security and peace, prior to the conclusion of the war, is now unqualifiedly praiseworthy, and clearly indicates that the great powers who have had the means to wage wars and have not, when it seemed expedient, refrained from precipitating them, are not only determined and willing to solemnly bind themselves into a pact to keep themselves at peace, but to associate with themselves the rest of the peace-loving world in creating a structure for the common weal of mankind.

It is our sincere hope that the nations represented at this Conference will complete the structure in a spirit of cooperation and mutual understanding.

The Delegation which I have the honor to head would have me inform this assembly that, with the exception of a few amendments which are to be the subject of examination, the Government of Liberia is pleased to give support to the Dumbarton Oaks Proposals.

With a view to giving the Security Council full powers to maintain international peace and security, the Liberian Delegation stands ready to support the recommendation contained in Article VI to the effect that representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and in due course, France, should have permanent seats. The suggestion that the General Assembly should elect six states to fill the non-permanent seats should be amended to seven seats, and that the General Assembly should elect, from the panel of member states not entitled to permanent seats, alphabetically seven states, which would serve a term of two years, and this procedure should be followed until the panel of states is exhausted. This course would enable all member states of the United Nations to be represented on the Council at some given time. If this suggestion is adhered to, it is quite possible that some of the pitfalls which occurred in the former League of Nations might be obviated. Acceptance of the foregoing proposal would be a further test as to whether a truly democratic principle can be maintained between an association of democratic nations.

It is also the view of the Liberian Delegation that whatever study eventually may be given to the economic, social, and other humanitarian problems, relating to members of the United Nations, envisaged in Paragraph 3, Chapter 1, of the Proposals, the principle should emerge and be made crystal clear that this should not imply that a nation or the General Assembly may either interfere or intervene in the internal affairs of another state upon the assumption or decision that certain social or economic needs or reforms are desirable for that state. The state itself must reserve the right to determine the necessity for any such action; otherwise it would be relegated to the status of a dependency.

In conclusion, I should like to say that the people of all lands are with anxious solicitude hoping that as leaders and trustees of our respective governments our action in drafting a Charter for World Organization will not be dictated by mere individualistic or nationalistic whims, but by the realities of the situation confronting the world.

We must, therefore, seek to formulate and build a system of international peace and security sufficiently strong to be relied upon not only for the crisis of threatened war, but for all times. It must not be based upon nationalistic selfishness, or imperialistic concepts, but upon the principle of justice and law for all nations, whether great or small.

I must, however, point out that experience has demonstrated that lasting peace and security can be looked forward to only if the great powers are themselves united and remain united in peace as they were in war. The moral values must be given precedence in the future and the will to preserve the peace must be likewise dominant in the life of nations. These qualities pervade the thinking of small nations to a greater extent, perhaps, than that of great powers, for not possessing the means to wage war, the dreams and hopes of small nations are only of world peace and the security of their rights and independence. This Conference may utilize this spirit in completing the structure for the prevention of war and the maintenance of peace by integrating to a larger extent the voices, and I might add the wisdom, of all small nations. Nearly two thousand years ago, the world's wisest statesman and humanitarian remarked for the benefit and guidance of the philosophers that "A little child shall lead them."

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Let us devoutly hope that in the interest of an ordered and peaceable world, these United Nations will now and forever work together in order that true democratic civilization and human values might not be blotted out of the lives of future generations of this earth. I thank you.

MR. STETTINIUS: Fellow Delegates, as our last speaker at this plenary session, I now present to you the Minister of Foreign Affairs and Chairman of the Delegation of Turkey.

MR. HASAN SAKA (speaking in French; translation follows): Mr. Chairman, Honorable Delegates, Ladies and Gentlemen, I wish first in the name of the Turkish Delegation, to perform the pleasant duty of offering my sincere thanks to the Government of the United States for having taken the initiative of summoning this Conference on free and democratic American soil, and especially to the administration of this beautiful city of San Francisco which, in spite of all the difficulties to which a great war base is subject, has granted us the most cordial welcome and the most exquisite hospitality.

In mounting this platform, my first thoughts go out, with deep emotion, to the great man who is no longer amongst us and to whom we are all indebted for being gathered here. President Roosevelt was not merely a great national leader who inspired the love and the respect of his people, he was also a great human being whose whole thought and whose every effort were constantly intent on the creation of a world whose peoples would be free, happy, and prosperous, conscious of their rights and confident in justice.

In the name of the Turkish Delegation, I bow my head before the memory of President Roosevelt and offer him my tribute of gratitude and thankfulness.

Ladies and Gentlemen, the Turkish Delegation has already submitted to the Conference's General Secretariat a memorandum in which it discusses in general its considerations concerning the Dumbarton Oaks Proposals. I therefore wish to avoid wearying my listeners by repeating here our comments that have already been made public. Allow me, however, to summarize very briefly here the essence of these remarks, in order to explain their spirit and intention.

The Government of the Turkish Republic, which has fervently and militantly defended the principle of collective security, felt itself immediately in sympathy with the Dumbarton Oaks Proposals, in which it saw the realization of a form of association of nations more mature and more perfected than the Geneva Institution, in that it allows preventive action, the lack of which was the primordial cause of the failure of Geneva.

In the opinion of the Turkish Delegation, the new Charter ought to stipulate that this settlement of disputes should be sought in accordance with principles of law and justice. In conformity with the principle of the sovereign equality of all Member States, the General Assembly, which is the true representative organ of the new Organization, ought to be endowed with more extensive powers than those provided in the Dumbarton Oaks Proposals, and especially ought to be granted all powers of control in making decisions pertaining to the maintenance of peace and security; this, of course, without limiting in any way the powers originally conferred on the Security Council. Likewise, while granting to the great nations which assume heavy responsibilities in the field of security more extensive powers than to the other states, the Turkish Delegation considers that it would be well to ensure a more real balance within the Security Council by increasing the number of its non-permanent members and by likewise increasing the number of the minimum votes required to obtain decisions.

The essential innovation of the new Organization consists in the creation of a Security Council which would dispose of armed forces whose duty it would be to prevent aggression. Notably amongst its other duties and powers, the Security Council has the power of being able to recommend at any point in a matter under dispute for its settlement the most appropriate procedure and methods. In its application this ruling would result in allowing the Security Council to withdraw a suit whose judgment is pending from the jurisdiction of the Court in order to refer it to other bodies. The Turkish Delegation considers that it would be more in accordance with the principles of law that the judiciary procedure, once it has been set into motion, should follow its normal course and that, moreover, the Council should protect the party to the dispute that comes before the Court.

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The Turkish Delegation believes that it is necessary to include within the Charter an exact and explicit formula that would determine whether a dispute is or is not of the kind that falls within the reserved class. And a recognition of the sphere of jurisdiction of the Court of Justice in this matter would be, it seems, an adequate solution to this problem.

In order to implement the machinery of regional arrangements, whose principle is recognized by the Dumbarton Oaks Proposals, with the full effectiveness that is required of it and at the same time to set into motion the machinery of defense provided in such agreements, without having to submit to the inevitable delays in resorting to the procedure of military sanctions, it would be necessary to introduce some such automatically functioning arrangements as constituent elements of collective security, on condition, however, that they be used exclusively for purposes of defense and that the signatory states which might be led to make use of them be held to account by the Security Council for all the emergency measures which they might have been led to adopt as a consequence of such arrangements, and that they should also be bound to justify these as emergency measures.

Finally, the Charter should contain some clause expressly devoted to the case of legitimate defense.

Such, in brief, are the considerations that were suggested to us by a study of the Dumbarton Oaks Proposals.

Ladies and Gentlemen, I took occasion a few moments ago to tell you that Turkey felt itself immediately in sympathy with the Dumbarton Oaks Proposals. The causes for this sympathy are to be sought in the history of the Turkish Republic.

The fundamental document on which is founded the whole national and foreign policy of Turkey is the National Pact, published a quarter of a century ago, at the time of the foundation of the New Turkey. This document is nothing but an expression of faith in the principle of a Turkish state whose limits would remain purely national, which would enjoy national freedoms and recognize the right of all peoples to existence, to independence, to equality, and to freedom, condemning aggression

of every kind and upholding as a doctrine the pursuit of peace both within and without the national frontiers. And the Turkish Republic, inspired by the principles that guided this Pact that is founded on a broad and generous national ideal, has thus followed, in its national and foreign policy, a clear and straight forward course.

It is in the same spirit that the Turkish Government heartily endorsed the activity of the League of Nations, including the application of sanctions and the Nyon agreements.

Confronted by the bankruptcy of collective security, my Government resolutely aligned itself with the peace-loving nations, even before the beginning of the present conflict.

This summary stresses clearly the parallel that exists between the fundamental principles of Turkish foreign policy and the essential Proposals of the Dumbarton Oaks.

The Turkish Delegation has thus come to the San Francisco Conference in order to bring its modest contribution to the rebuilding of a world where right and justice would prevail over any other considerations, a world whose evolution through the years to come would bring it ever closer to the ideal in whose name we are here gathered together.

Ladies and Gentlemen, all mankind is grateful to the great Allied nations for their glorious effort, which has been the determining and decisive factor in the defeat of Fascist and Nazi imperialism. A few moments ago, I stressed my belief that it would be right to entrust great powers to them proportionate indeed to the heavy responsibilities that they will assume toward each other and toward other powers in order to prevent any attempt at aggression in the future. We are sure that the spirit and the ideal that inspired their magnificent struggle will likewise determine useful decisions in the organization of future international security to which they will contribute all the material elements, and especially the moral ones too, that such an undertaking demands. I said, "moral elements". And I certainly appreciate the great value and sure effectiveness of an international force offered to implement right and justice and thus prevent aggression. But I attach as great a price to the organization of an equitable world in which the rights of each would be guaranteed under the auspices of justice in such a manner that respect for the new world Organization would

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be founded, not so much on fear of having to submit to sanctions as on the value unanimously granted to the abolute reign of a law that is equal for all as well as to a system that would guarantee this law.

The Turkish Delegation is perfectly aware of the immense difficulties that the United Nations will have to overcome in order to achieve the result for which we all hope. But it knows also that peace, as we conceive it, can come only as the fruit of long labors and infinite patience. All untimely haste can lead us only to dangerous and nefarious improvisations. The four great powers have succeeded in establishing, at Dumbarton Oaks, the foundations of the future Security Organization. This project, which is but a beginning, perhaps still reveals many imperfections and insufficiencies. But, these, in my opinion, are mere initial lacks that experience and the restoration of the unanimous and unreserved confidence of the peoples of the world in the new Organization would in time complement. And this fact does not weaken the unquestionable value of the document submitted to our scrutiny and discussion.

Ladies and Gentlemen, the high moral tenor of the many speeches uttered since the beginning of our deliberations by the honorable chairmen of the delegations of the United Nations has clearly demonstrated that this assembly is moved by a noble spirit of cooperation. The Turkish Delegation is happy to observe this gratifying expression of solidarity. And as long as this admirable unity is maintained, and it shall be maintained, we have no right to doubt of either the success of this conference or the beneficent effectiveness of the new Organization that we have been summoned to establish, nor, above all, of the great services that it can render, by its very existence, to humanity.

MR. STETTINIUS: Ladies and Gentlemen, that brings to a close the Sixth Plenary Session. We will adjourn and meet again at 8:30 in this room tonight. Thank you.

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The United Nations Conference on International Organization

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ADDENDUM TO VERBATIM MINUTES OF THE FIFTH PLENARY SESSION

April 30, 1945

ORGANIZATION OF THE CONFERENCE

The following report, introduced by the Chairman of the Delegation of Cuba, Rapporteur for the Steering Committee, was approved at the Fifth Plenary Session on Monday, April 30, 1945:

I. PRESIDENTS OF THE CONFERENCE

There shall be four Presidents who will preside in rotation at the Plenary Sessions. These four may meet from time to time, with Mr. Stettinius presiding over these meetings and Mr. Stettinius to be Chairman of the Executive and Steering Committees, the three others delegating full powers to Mr. Stettinius for conducting the business of the Conference.

II. GENERAL COMMITTEES

The following general committees shall be created:

1. The Steering Committee, which shall be composed of the Chairmen of all the Delegations. Mr. Edward R. Stettinius, Jr. shall be Chairman of the Committee, which shall choose its Rapporteur. It shall consider any major policy or procedure question submitted to it during the Conference by the Co-Presidents or by the Chairman of any Delegation.

2. The Executive Committee, which shall be composed of the Chairmen of the Delegations of the Sponsoring Governments, namely, China, Union of Soviet Socialist Republics, United Kingdom, United States of America, and the Chairmen of the Delegations of ten additional Governments, namely, Australia, Brazil, Canada, Chile, Czechoslovakia, France,

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Iran, Mexico, Netherlands, Yugoslavia. The Chairman of the Steering Committee shall also serve as Chairman of the Executive Committee. The Executive Committee shall make recommendations to the Steering Committee for its consideration and shall otherwise assist the Steering Committee as the latter may authorize. When considering matters affecting the work of Commissions, the Executive Committee shall normally invite the appropriate Presidents of Commissions to sit with it.

3. The Coordination Committee, which shall be composed of fourteen members, one representing each member of the Executive Committee. The Coordination Committee shall assist the Executive Committee in the performance of the latter's functions.

4. The Credentials Committee, which shall be composed of six members appointed by the Chairmen of the following Delegations: Ecuador, Luxembourg, Nicaragua, Saudi Arabia, Syria, and Yugoslavia. The member representing Luxembourg shall be Chairman. The Credentials Committee shall verify the delegates' credentials and shall report to the Conference in Plenary Session.

III. COMMISSIONS AND TECHNICAL COMMITTEES

1. The Conference shall be divided into four Commissions. Each Commission shall have a President and a Rapporteur who shall be nominated by the Steering Committee and approved by the Conference in Plenary Session. An Assistant Secretary General of the Conference, to be chosen in a similar manner, shall act in the capacity of Secretary General of each Commission. Each Commission shall develop general principles to guide its Technical Committees and Subcommittees; shall consider the recommendations of its Technical Committees and the relationships of such recommendations to those made by Technical Committees of other Commissions; and shall recommend to the Conference in Plenary Session proposed texts for adoption as parts of the Charter.

2. Each Commission shall have Technical Committees which shall formulate recommendations on the various parts of the Agenda assigned to it. The Chairmen and Rapporteurs of the Technical Committees shall be nominated by the Steering Committee and be approved by the Conference in Plenary Session. The Technical Committees may establish such drafting and other subcommittees as they find desirable. Each Technical Committee shall provide the opportunity for discussion and technical consideration necessary

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to develop draft provisions for submission to the Commission to which it reports.

3. All Delegations shall be entitled to be represented on each Commission and on each of their Technical Committees, and to participate in their deliberations.

4. The four Commissions, their Technical Committees, and the scope of their activities, shall be as described below. The Commissions shall be free to make their own rules, including changes which might be desirable in the number and the work of the Technical Committees, and there shall be no restriction on the scope of their discussions. The Steering Committee may from time to time assign duties to the Commissions in addition to those mentioned.

COMMISSION I - General Provisions

Functions: To consider and recommend Conference action upon draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Preamble, Purposes and Principles

Functions: To prepare and recommend to Commission I draft provisions for the Charter of The United Nations relating to matters dealt with in Chapters I and II of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Membership, Amendment and Secretariat

Functions: To prepare and recommend to Commission I draft provisions for the Charter of The United Nations relating to matters dealt with in Chapters III, IV, X and XI of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

COMMISSION II - General Assembly

Functions: To consider and recommend Conference action upon draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Structure and Procedures

Functions: To prepare and recommend to Commission II draft provisions for the Charter of The United Nations

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relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on structure and procedures (Sections A, C, D and the pertinent paragraphs of Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Political and Security Functions

Functions: To prepare and recommend to Commission II draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter V of the Dumbarton Oaks Proposals on political and security functions (especially Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 3 - Economic and Social Cooperation

Functions: To prepare and recommend to Commission II draft provisions for the Charter of The United Nations relating to matters dealt with in the pertinent paragraphs of Chapter V and in Chapter IX of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Trusteeship System

Functions: To prepare and recommend to Commission II, and to Commission III as necessary, draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder.

COMMISSION III - Security Council

Functions: To consider and recommend Conference action upon draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - Structure and Procedures

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VI of the Dumbarton Oaks Proposals on structure and procedures (Sections A, C, D and the pertinent paragraphs of Section B), and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

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Technical Committee 2 - Peaceful Settlement

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section A, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 3 - Enforcement Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section B, and Chapter XII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Regional Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section C, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

COMMISSION IV - Judicial Organization

Functions: To consider and recommend Conference action upon draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - International Court of Justice

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Legal Problems

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of The United Nations relating to matters dealt with in connection with the functioning of the United Nations Organization, such as registration of treaties, treaty obligations inconsistent with the Charter, the juridical status of the Organization, and privileges and immunities of officials of the Organization.

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Technical Committee 2 - Peaceful Settlement

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section A, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 3 - Enforcement Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section B, and Chapter XII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 4 - Regional Arrangements

Functions: To prepare and recommend to Commission III draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VIII, Section C, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

COMMISSION IV - Judicial Organization

Functions: To consider and recommend Conference action upon draft proposals submitted to it by its Technical Committees and upon other matters relating to its field.

Technical Committee 1 - International Court of Justice

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of The United Nations relating to matters dealt with in Chapter VII, of the Dumbarton Oaks Proposals, and to the comments and suggestions relevant thereto submitted by the Governments participating in the Conference.

Technical Committee 2 - Legal Problems

Functions: To prepare and recommend to Commission IV draft provisions for the Charter of The United Nations relating to matters dealt with in connection with the functioning of the United Nations Organization, such as registration of treaties, treaty obligations inconsistent with the Charter, the juridical status of the Organization, and privileges and immunities of officials of the Organization.

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