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May 17, 1945

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MEMORANDUM TO COMMANDER HAROLD E. STASSEN

from Robert L. Gulick, Jr.

Yesterday, the House Committee on Ways and Means acted favorably on the Doughton Bill, defeating all crippling amendments by a vote of 14 to 11. Every Republican member voted adversely as did West, Democrat from Texas. Knutson asserts that 13 were against the measure last week; we have apparently come through the first battle by the skin of our teeth. Martin is calling a Republican caucus today with the hope of lining up solid GOP opposition. Today's Examiner reports that Martin expects the Reciprocal Trade Agreements Act to go down to defeat, probably in the House and certainly in the Senate. In my opinion, our initial victory is highly significant but not absolutely conclusive. I anticipate favorable House action but there will be a fight in the Senate. I feel that it is contrary to the interests of the American people and of the Republican Party for Congressional party leaders to follow a policy of economic isolation.

The next test will be in the Senate Finance Committee:

Walter F. George, Ch. - Ga. Dem.
David F. Walsh - Mass. Dem. (Probably in line, uncertain.)
Alben W. Barkley - Ky. Dem.
Tom Connally - Texas Dem.
Josiah W. Bailey - N. C. Dem.
Harry F. Byrd - Va. Dem.
Peter G. Gerry - R. I. Dem. (Certain to oppose.)
Joseph F. Guffey - Penn. Dem.
Edwin C. Johnson - Colo. Dem. (Opposed to Trade Agreements.)
George L. Radcliffe - Md. Dem.
Scott W. Lucas - Ill. Dem.
Brien McMahon - Conn. Dem.
Robert M. LaFollette, Jr. - Wis. Prog. (Will oppose)
Arthur H. Vandenberg - Mich. Rep. (His support would help greatly.)
Robert A. Taft - Ohio Rep. (Will probably oppose)
John Thomas - Idaho Rep. (Consist negative record.)
Hugh Butler - Neb. Rep. (Bitter opponent of program.)
Eugene D. Millikin - Colo. Rep. (Will oppose.)
Owen Brewster - Maine Rep. (Not impossible.)
Harlan J. Bushfield - S. D. Rep. (Impossible; DuPont interests contributed substantially to his campaign fund.)
Albert W. Hawkes - N. J. Rep. (Willing to hear both sides.)
Favorable action in this Committee will depend on our ability to secure the support of one or more Republican members.

Respectfully,

Robert L. Gulick, Jr.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

581 Fairmont Hotel
San Francisco, Cal.
May 21, 1945

MEMORANDUM TO COMMANDER STASSEN

This is pretty late in the game,
but you may possibly be able to do some-
think along the suggested lines of the
attached memoranda.

I understand that Roberts talked
to Cord Meyer about the problem some days
ago.

Oscar H

Attachment

May 21, 1945

Draft of a Provision for an Economic Staff Committee

(Insert a new par. 10 in Chapter VIII, Sec. B)

10. There should be established an Economic Staff Committee, the functions of which should be to advise and assist the Security Council on the economic measures necessary or desirable to maintain or restore peace and security.

The Committee should be responsible under the Security Council for the direction of any economic measures to be taken by member countries, in collaboration with any of the United Nations or with specialized economic organizations which have been brought into relationship with the Organization, to maintain or restore peace and security.

The Committee should consist of representatives of 11 members. Five members should be those having permanent seats on the Security Council. The other six members should be states elected by the General Assembly on the same terms as the nonpermanent members of the Security Council, but need not be the same states.

Any member of the Organization not represented on the Committee should be invited by the Committee to be associated with it when the efficient performance of the Committee's functions would be aided by the state's participation in its work.

May 21, 1945

Memorandum on Proposal for an Economic Staff Committee

An Economic Staff Committee should be established, subordinate to the Security Council. The establishment of such a Committee would emphasize the role which can be played by economic sanctions in averting war. It would thereby secure the support of those who are reluctant to embrace an organization which contemplates, even though only as a last resort, the use of force. No other part of the new Organization will have the special knowledge or the powers to carry out the functions which the Committee should perform. These functions should include, but not be confined to, the following:

1. Continuous surveillance.—The Committee should exercise continuous surveillance of economic matters that might threaten the maintenance of peace, and advise the Security Council of any situation that might later require action by the Council.

2. Economic sanctions.—The Committee should recommend economic sanctions against potential military aggressors, and help administer any such sanctions approved by the Security Council. With its special knowledge of the vulnerability of various nations to the different economic measures that could be taken, the Committee would be able to formulate the proper economic steps to be directed with progressive effectiveness against potential military aggressors. It would thereby assist in averting resort to armed force.

3. Economic warfare.—Should economic sanctions fail to maintain the peace, the Committee should recommend to the Security Council steps of economic warfare to restore the peace, and under the direction of the Security Council should assist in the implementation of appropriate measures. Its special knowledge would enable it to select the most vulnerable points in the aggressors' international economic relations and to recommend the most effective economic measures that can be taken.

4. Military objectives.—The Committee, in event of war, would be in position to recommend the most vulnerable economic objectives for military action.

5. Assistance to nonaggressors.—The Committee would be in position to aid other nations which might suffer as a result of economic sanctions or economic warfare measures instituted against potential or actual aggressors.

May 26, 1945

SUGGESTED CHANGES TO YALTA VOTING FORMULA INTERPRETATION DRAFT
OF MAY 26, 1945

The May 26 draft represents a very significant and very important advance over the May 25 draft and the negotiators of it are to be commended for their results.

There are these limited but essential changes in the document to be made to further liberalize it and make it acceptable.

Paragraph 4: The first sentence states the definite position.

The second sentence, in its present form is objectionable and should either be left out or should be made to read "formal investigation" and "formally call." If the word "formal" cannot be inserted, then it is best that the sentence be left out, since the meaning is complete without the sentence and the meaning might be misinterpreted if the sentence is left in.

Paragraph 5: Seeks to illustrate and argue rather than interpret and the argument cannot be concurred in. Therefore, Paragraph 5 should be left out.

Paragraph 8: It is suggested that a better wording for the last sentence in Paragraph 8 would be "It must be assumed that neither the permanent members nor the non-permanent members will use their voting or veto power willfully or arbitrarily to obstruct the operation of the Council." The good faith of the members is essential to future peace and security with the organization, even as they are without the organization.

Paragraph 9: The first sentence seems too sweeping in its present wording. It is suggested that it read as follows: "In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in consequences of a decision which they had not approved, in so serious a matter as a dispute which threatens international peace and security."

Paragraph 10: This paragraph again is argumentative rather than interpretive and should either be deleted or should be reworded as follows: "The delegations of the four sponsoring governments state that the Yalta formula should now be accepted as the voting provision of the Security Council as it begins to discharge its responsibilities for the maintenance of peace and security."

Harold E. Stassen

May 30, 1945

MEMORANDUM FOR Mr. Leo Pasvolsky

SUBJECT: Proposed Change in Sponsoring Government's Amendment to Chapter VIII, Section C, Paragraph 2.

As suggested after today's Delegation meeting, I have made a detailed analysis of the French proposed amendment to Chapter VIII, Section C, Paragraph 2, and present to you the reasons for my position.

My overall impression is that the language, as agreed by the four parties, makes it quite clear that it is not contemplated that there should be freedom of enforcement action in Europe unless it is either agreed upon by the victorious Allied powers or by the Security Council and that the mutual assistance pacts must be operated in a manner consistent with the Allied powers' wishes or the Security Council's decisions.

In fact, you will recall that in the four power discussions the words "to the extent not inconsistent with Article 12, 2" were dropped as being redundant.

It is my view that the mutual assistance pacts, so far as enforcement action is concerned, should be supplementary to and in support of the victorious powers and the Security Council and should not supersede either one of these if they are effective.

I believe the French amendment would change the entire interpretation of the article and make it not only possible but probable that enforcement action would be taken in Europe in complete disregard of the United States of America, because it would be taken under mutual assistance pacts without reference to either the victorious powers (of which we are one) or the Security Council (of which we are a member).

My detailed analysis follows:

(a) The French amendment puts a period after "states" instead of a comma and thereby takes away the limiting language at the end of the sentence. I feel strongly that, from an interpretative viewpoint, the limitation on the exception should be in the same sentence as the exception itself.

(b) The French amendment refers to the governments party to the arrangements, whereas the four-power proposal refers to the governments concerned. We are a government concerned but we are not a party to the arrangements and I doubt if we ever will become a party to the treaties that exist between Russia and France and Russia and Great Britain; therefore, this directly tends to cut us out of Europe.

(c) The four-power amendment had a phrase in it which needed subsequent interpretation and clarification when it stated "by a state now at war with the United Nations." At the time this four-power amendment was agreed upon, neither Finland nor Italy nor Rumania was at war with the United Nations. The French amendment changes this to read "by a state enemy of the United Nations in this war." This would clearly direct Finland, Italy and Rumania back into the freedom of action area of the mutual assistance pacts. Granted that there is a conflict between the language of the French amendment in this respect and the language of the original Dumbarton Oaks proposals, it is my hope that in resolving this conflict we at least keep Finland and Italy out of the category of enemy states against which there may be a certain freedom of action.

(d) There is also a possible interpretation of the new sentence that the Security Council could never be charged with responsibility for preventing further aggression by a state enemy of the United Nations in this war unless the governments parties to regional arrangements, who might include governments who are not even members of the Security Council, request the Security Council to take over.

I consider these to be extremely serious questions of interpretation and of substance and in the interpretation there would tend to be a presumption in favor of the French interpretation since it is their amendment and since four-power language is stricken out in the acceptance of it.

This is a matter of high policy which can have extremely serious effects upon our future participation in European affairs and can be a tragic weakness in the charter, which would cause a reaction of keen disappointment and cynicism on the part of the American people, if two European powers act in a bilateral manner under their own interpretation of this clause without consulting the United States.

Therefore, I would further like to know what the French interpretation of their own amendment is and I am not at all convinced that their government is in trouble over this issue, as I have seen no indications in the press of any attack on their government on this basis nor do I understand that there is any information from our Embassy in Paris to this effect.

I conclude by stating that if there is actually any difficulty in the meaning of the present language of the four-power amendment, I am entirely agreeable to adjusting this language provided that not only the language but the interpretation of it is clearly agreed upon and that we do not open any door by which the United States might be excluded from European enforcement action and enforcement decisions in which we wish to participate.

Harold E. Stassen

~~He~~ (dictated but not read)

HES:mas

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In fact, you will recall that in the four power discussions the words "to the extent not inconsistent with Article 12, 2" were dropped as being redundant.

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Harold E. Stassen
(dictated but not read)

HES:bms

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Mr. Stassen
May 31, 1945.

Memorandum to the Secretary of State:

I should like to emphasize the importance of securing sound provisions in the Charter relative to the appointment of the deputy secretary generals as discussed in the Delegation meeting this morning. The functioning of the secretariat as an impartial arm of the entire organization is, of course, essential if it is to maintain the confidence of the member nations and if its work is to be organized and administered in an effective fashion.

It is accordingly imperative that the deputies be appointed by the Secretary General. The election of the deputies by the Council or Assembly would be equivalent to having five or six secretary generals. The result would be like a commission with all the attendant evils of such a body as an administrative organ. It would be another CPM, only much worse. In fact it would be more like the National Defense Commission. You will recall how the secretariat of the League of Nations began to fall to pieces when Mussolini secured the appointment of a deputy secretary general whose loyalties were to Italy rather than to the secretary general and the League.

Preferably the Charter should make no other reference to the deputies other than to provide for their appointment as well as the staff by the secretary general. In fact, no reference to deputies at all is necessary. Thus the Dumbarton Oaks draft is sound as is. If agreement cannot be reached along this line, the only safe compromise would be to provide for their appointment by the Secretary General, subject to the approval of the Council or Assembly or some formula as suggested by Leo Pasvolksy.

Donald C. Stone.

June 4, 1945

MEMORANDUM on the Interpretation of the Voting Procedure
in the Security Council

1. Under the Yalta voting formula, which is inserted as Chapter 6, Section C, of the proposed charter, decisions of the Security Council on procedural matters will be made by any seven votes of the eleven members. It is therefore important to interpret what are procedural matters.

2. The four sponsoring powers have unanimously agreed upon the interpretation that all matters under Section D of Chapter 6 are procedural and therefore can be decided by any seven of the eleven members. Under Section D, the following decisions are included as procedural:

- A. A decision to hold a meeting of the Security Council at other places than its permanent headquarters to facilitate its work.
- B. The Security Council may set up such bodies or agencies as it may deem necessary for the performance of its functions.
- C. The Security Council may decide on its own rules of procedure, including the method of selecting its president.
- D. The Security Council may decide that the interests of a member of the organization are especially affected and that that member should participate in the discussion of the question before the Security Council.
- E. The Security Council may decide to invite any member of the organization not having a seat on the Council and any state not a member of the organization, if it is a party to a dispute under consideration by the Security Council, to participate in the discussion relating to the dispute.
- F. In the case of a non-member, the Security Council may lay down such conditions as it may deem just for the participation of such a non-member in a discussion relating to a dispute.

3. It has also been agreed by the sponsoring powers that any seven of the eleven members may reach a decision in the election of judges of the world court (the Assembly must also participate in these elections by a majority vote).

4. It has also been agreed by the sponsoring powers that the decision to call a revisionary convention to review the charter may be taken by any seven of the eleven members (together with a three-fourths vote of the General Assembly).

5. The Yalta voting formula also provides, in Chapter 6, Section C, Paragraph 3, and the four sponsoring powers agree on this interpretation, that if a member of the Security Council is a party to a dispute, that party must refrain from voting in decisions for the peaceful settlement of the dispute, including decisions to investigate the dispute, call upon the parties to settle, to recommend a procedure of settlement, to recommend terms of settlement, to decide whether or not the dispute is in fact likely to endanger the maintenance of international peace and security and to decide to ask the world court for an advisory opinion in the matter.

The decision in these circumstances then would be taken by the concurring votes of the permanent members who were not parties to the dispute, plus a sufficient number of the elected members who were not parties to make a total of seven out of the eleven.

6. The four powers are agreed, in the interpretation of the Yalta formula, that the unanimous votes of the five permanent members, and at least two additional votes, are required in all cases in which efforts at peaceful settlements fail and a decision is to be made to take any enforcement measures, either diplomatic, economic or military.

It is recognized, therefore, that the organization, as such, can only bring moral force and the force of persuasion and public opinion to bear upon a permanent member of the Security Council and if this fails and peace is broken through the arbitrary action of a permanent member in bad faith, the situation will then need to be met and the economic or military action to restore peace will, of necessity, be taken by the other nations of the world acting outside of the organization.

7. It is also the agreed interpretation of the Yalta voting formula by the four sponsoring powers that if none of the permanent members are parties to a dispute, their unanimous votes, plus the votes of at least two other members of the Security Council, are necessary to decide upon a Security Council investigation of the facts, a decision to recommend to the parties either procedure or terms of settlement, or a decision to call upon the parties to settle their dispute by peaceful means and, of course, any decision to employ diplomatic, military or economic force to bring about a settlement.

8. The four sponsoring powers have not agreed as to the interpretation of whether or not the discussion and consideration of a dispute by the Security Council prior to reaching the point of decision for any of the above steps is a procedural matter or not.

It is the interpretation of the Yalta voting formula by the delegations of the United States, United Kingdom and China that since the Security Council is to be in continuous session and its entire purpose and obligation is to maintain peace and security, and since the procedural section of the charter provides for inviting members and non-members to participate in discussions, and since continuous and free discussion of any dispute or situation should be the normal course of the Security Council's activities, and since the preliminary hearing of parties and discussing facts and considering situations should be the accepted and expected procedure of the functioning of the Security Council, that, therefore, a decision to discuss a dispute or to listen to a party to a dispute is procedural. They hold that it involves no more than a decision to place it on the agenda of the Security Council for the particular day's session and that, therefore, the vote of any seven of the eleven members is sufficient to place such a discussion or hearing on the agenda or order of the day and the votes of all of the five permanent members are not necessary under the Yalta formula for this purpose.

The U.S.S.R. has given a different interpretation to the Yalta formula. The U.S.S.R. holds that "a discussion on a dispute is of great political importance by itself and may entail serious consequences; therefore, the question of whether a dispute should be considered in no way could be deemed a procedural matter." The U.S.S.R. states that "there are no grounds whatever to feel that the sponsoring powers, when they become permanent members of the Council, would actually use the rights conferred on them by the charter to block the discussion by the Security Council on any international dispute affecting the interests of states not members of the Council and other situations likely to endanger general peace or to block the taking of appropriate measures by the Council," and that "only rare, exceptional cases are possible when the permanent members of the Council, conscious of their special responsibility for the prestige of the organization, use their formal right."

The other three sponsoring powers interpret the Yalta formula as not giving the right to block discussion and do not concede that any permanent member has this right and state that free discussion must, at all times, be permissible and must never be blocked by the vote of any one member.

9. The four sponsoring powers are all agreed on the importance of unanimity on substantial decisions if world peace and security and progress are to be attained and that each of the major powers must feel the responsibility to find the ground for agreement in substantial

matters and must act in good faith toward that end.

10. It is to be regretted that a unanimous interpretation cannot be reached on this one point, although three of the four sponsoring powers have agreed, but it is submitted that this need not and must not prevent the completion of the charter and the establishment of the organization which will represent the best hope of maintaining a just peace. In the actual operations of the Security Council this difference in this one respect in the interpretation may never arise in practice. If it does it will then present a direct issue for the Security Council and the Organization to decide at that time. It is pointed out that many great documents have had divided interpretations for many years, some of which were finally resolved by divided opinions of the highest courts.

A wide and important area of agreement has been reached at San Francisco. For the future peace and progress of mankind this agreement must be preserved and we must proceed to establish our United Nations Organization, leaving to the future those future problems which cannot here and now be completely resolved.

H.E.S.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 5, 1945

To: Commander Stassen

From: Charles Taussig

Referring to my conversation with you at the Delegates meeting this morning, I am attaching copies of excerpts from the verbatim minutes of the Committee meeting of May 31, and June 1, 1945.

I shall appreciate it if you would edit your remarks for inclusion in the special report which I am preparing.

WT
Charles W. Taussig

Attached:
copies of minutes.

From the Verbatim Minutes
May 31, 1945

STASSEN

I just want to make a brief statement to assure the distinguished Delegate from the Philippines that this document in its completion, that Charter that we are drafting at San Francisco, I am certain will prove to be the greatest document there ever has been in the history of the world for the progressive advancement of people toward independence, self-government, better standards of living and full recognition of sovereignty in the world, and I assure him that his interpretation comes only by taking a small part of the document and then making an analysis of that part which is not the correct analysis. We are concerned with four parts of this document in this discussion that the Delegate of the Philippines has raised. There are these four important parts. Assuming that we will be able to complete our work at San Francisco and that we have this trusteeship document as we are now beginning to envisage it included in the Charter, there will be four important sections of the Charter with which the dependent peoples throughout the world will be very much concerned. They are the General Purposes of the entire Organization, Chapter I; Chapter II, the General Principles of the entire

entire Organization; three, the General Policy statement that we are here concerned with; and four the direct basic objectives of the trusteeship system, and this is the manner in which they are applied. As the entire Organization in all of its aspects and the responsibility of those having a responsibility in the administration of people, the people themselves proceed to develop; they reach the stage where they do come under the General Purpose, Purpose 2, which states that every member is obliged to follow these principles when they sign the document, to develop friendly relations among nations based on the respect for the principles of equal rights and self-determination of peoples. That is the very important statement that applies. Every member who signs this document must believe it. On the basis of the development that takes place, first under the trusteeship and first under a colony, the progressive development under these objectives or under the policy, they reach the stage where on the matter of the self-determination based on their development, they can apply for membership in the United Nations. When they reach the stage of membership in the United Nations, the first principle comes into play, and that is that it is based on the principle of sovereign equality of all the members, and by the signing of this document every signatory will agree that every member is entitled to sovereign equality.

So we have the regular step of progress reaching the point whereby in having a seat at the United Nations table, you are entitled, as an obligation on the part of all of the other members, to recognize your sovereign equality, and you cannot take one part of this document and ignore the other parts and then have an adverse reaction, because you cannot do it with any document that everyone ever thought in any place in the world, and I assure the Delegate of the Philippines that just as he is here at a place that his country has earned at this Conference, and as he becomes a member of the United Nations Organization which we are met to establish, he reaches that stage of the recognition of sovereign equality by all of the other members of the United Nations. Far from being a question such as that which he raises in his concern, this document taken together in its four respects--the general purposes, the principles, the general policy statement and then the direct basic objectives on that part of the dependent territories that we have direct administration over in this Organization, each stating its proper portion of the total picture, we will have a great document for the progress of dependent people as well as of mankind throughout the world.

From the VERBATIM MINUTES

of June 1, 1945

The Delegate of Iraq was discussing the termination of the mandates. He said he had a question in mind-- in case a power entrusted did not fulfill its duties, etc., should the mandate terminate. Of course, he said, we have the example of Japan.

STASSEN. The answer to that question is that if there is an agreement of the termination of the mandate or the change of the trusteeship power, then they do have to come before the Assembly in the same manner as any other change or alteration or amendment to the trusteeship arrangement. That does not cover a case like Japan, because obviously that is not going to be a case of agreement. The method by which Japan's mandates will be terminated, we are confident, will be by the complete defeat of Japan and not in taking the mandates away from them in that defeat. That is the only way by which we can compulsorily take territories away.



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