

## COMMENTS ON CHAPTER VIII

### (Arrangements for Maintenance of International Peace and Security)

Section B, Paragraphs 5 and 6, need to be considerably revised. These paragraphs in effect, as now drafted, give the member states the right to make a series of agreements between themselves which might turn out to be a series of criss-cross, bilateral agreements, some nullifying each other, with a system so complex as to make automatic action on the request of the Security Council practically impossible. The agreement or agreements for the contingents should be between member states and the Security Council. I suggest Chapter V might be reworded somewhat as follows:

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 armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. The numbers and types of forces and the nature of the facilities and assistance to be provided shall be governed by agreements between the member states and the Security Council. Each member state shall reach such an initial agreement with the Security Council within six months after its entrance into the Organization.

I suggest that Paragraph 6 might be revised to read as follows:

In order to enable urgent military measures to be taken by the Organization there shall 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, their location and plans for combined action shall be determined by the Security Council with the assistance of a Military Staff Committee within the limits laid down in the agreements with the Security Council referred to in Paragraph 5 above.

There might be value in adding an additional paragraph:

Nothing in the above article shall be interpreted as prohibiting the nations voluntarily establishing an international police force composed of voluntary enlistments and under the direct command of the Security Council and Military Staff Committee.

# LONDONER'S DIARY



**PROBABLY IT WILL GROW OUT OF IT (WE HOPE)** (Copyright in All Countries)

The terms of such arrangements in regard to such of the territories mentioned in paragraph 4 of Article 22 of the Covenant of the League of Nations as may be brought under the trusteeship system shall not be inconsistent with the ultimate objects laid down in that paragraph.

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION


May 21, 1945

Memorandum to: Commander Stassen

From: Mr. John Foster Dulles

The phrase used by the  
World Trade Union Conference in  
London in February, 1945, to which  
I referred, was "develop their own  
institutions of free citizenship".

J.F.D.





Pending the establishment of the United Nations Organization provided for in the Charter, the Governments attending the United Nations Conference on International Organization confer on the Executive Committee of the present conference the primary responsibility for the maintenance of international peace and security and agree that in carrying out these duties under this responsibility it shall act on their behalf. In fulfilling these responsibilities the Executive Committee shall follow the general procedures set forth in Chapter VI, Section B, C, and D, and in Chapter VIII, Section A, B, and C, to whatever extent they are applicable.

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

art 5. ~~THE~~ Art 5 has been agreed upon  
among US and Mr. Nazzari cannot  
see any possibility for him to agree  
to any fundamental changes

A public address over the radio of thirty minutes cannot contain all that is necessary for a complete presentation to the public. Two things are needed, a careful factual analysis of the Charter; and what might be called a moral or psychological speech which would not analyze the Charter but place it in the proper setting of public opinion.

Since both cannot be given in a brief address, a choice must be made and I think the choice should be in favor of the second kind of speech. There will be many opportunities for a factual presentation of the details of the Charter.

In what I call the "psychological presentation" the following points, among others, should be covered:

- (1) Portrayal of the wide element of agreement between the United Nations, particularly the British, Russians and ourselves. My contacts throughout the country write me that the reporting by the press and radio has been too much in the prize-fight technique. In other words, someone was always winning, someone was always losing and too frequently, in the eyes of the commentator, it was the Russians who were winning. The press wants drama and conflict and only exceptional reporters, such as a few on the Times, and the Monitor, and the San Francisco Chronicle, believe that a faithful reporting job can be done in terms of agreement.

Therefore, I think that the speech might open with considerable good humor and point out that the Americans won some points, the British did, and the Russians did, and that the score of victories is about even, but that more important is the tremendous area of agreement, goodwill and understanding.

- Conference*
- (2) Another point to make is that this Conference produced results in the most democratic process. After months of preparation on the part of all countries there was the Dumbarton Oaks and the wide public discussion that followed. At San Francisco, in addition to over a thousand newspapermen in attendance, there was the impact of the small states upon the large and the strong impression made by the Consultants. Some newspapers, of course, have referred to secret committee meetings and the difficulty of getting information, whereas almost anyone could find out what went on behind closed doors and the conference was a ~~very~~ democratic one.

- (3) The Charter, while an excellent, workable document, and an improvement over the League Covenant and a refinement of Dumbarton Oaks, is nevertheless the beginning of the evolutionary process of an international community.
- (4) And I think this is the most important of all, that the Charter and the United Nations Organization which it creates cannot of themselves guarantee peace. From now on the job is one of courageous statesmanship, excellent technical planning and a vigorous and informed public opinion. The United Nations Charter opens the door to political security, economic cooperation, justice and human rights. Whether or not we wish to enter that door is up to us.



It had been for the people

(4) And I think this is the most important of all that the Charter and the United Nations Organization should create cannot of themselves guarantee peace. From now on the job is one of co-operation, technically, economically, politically, socially, and in every other way. The United Nations Charter opens the door to technical planning and a vigorous and informed public opinion. The United Nations Charter opens the door to political security, economic cooperation, justice and human rights. Whether or not we wish to enter that door is up to us.

(5) The Charter, while as excellent, worthy document, and an improvement over its predecessor, the Charter of Amsterdam Oath, is nevertheless the sign of the evolutionary process in international community.

*You would have been a*

MEMORANDUM

May 29, 1945.

To: S - Mr. Secretary

From: Mr. Foy D. Kohler

The Arab Delegations have expressed strong opposition to paragraph B-5 of the trusteeship working paper, stating that the paper in no way alters the rights of any state or any peoples in any territory or the terms of any mandate. They interpret this as favoring the Zionists in Palestine.

This matter is now being discussed by Commander Stassen in a five-power committee meeting and we are consequently not yet prepared to discuss it definitely. However, if the Arab delegations raise the question, it is suggested that you assure them that:

- 1) It is our firm desire that all existing rights, whatever they may be, remain exactly the same as they are--that they are neither increased or diminished by the adoption of the Charter;
- 2) Commander Stassen is earnestly seeking a formula which would fully reassure the Arab states and is at this very moment meeting with representation of the other four powers on this matter;
- 3) We hope soon to have a suggestion to make and Commander Stassen will get in touch with them shortly.

FDK

NEA:FDK:FRW

May 29, 1945

Mr. Hackworth:

I should like to try to clarify the view I advanced in regard to the disagreement among the delegations regarding the compulsory jurisdiction of the Court.

The first point is that the United States and the Soviet Union do not wish the Statute drawn in such a way as to impose on them the acceptance of compulsory jurisdiction through the acceptance of the Statute as part of the Charter.

The second point is that other delegations, while quite ready, I believe to accept that point of view so far as we and the Soviet Union are concerned, would like to have the Statute register the progress which the world in general has made in this respect by laying greater emphasis on compulsory jurisdiction.

The old Statute takes the 1920 point of view: compulsory jurisdiction is not included in the Statute and those who want it must take the affirmative step of accepting the Optional Clause.

The new Statute could take the more advanced point of view: compulsory jurisdiction would be included in the Statute but those who do not want it must take the affirmative step of making a declaration in accordance with some clause which could be written into the Statute.

If it were recognized as perfectly proper for a State to make the declaration declining to accept compulsory jurisdiction, no stigma would attach to it. The Senate, in acting on the Charter, could, if it wished, direct that the United States make the declaration. We would be as fully protected as under any other plan and I should think we and the Soviet Union could accept it. I think the other States would be glad to accept it.

The attached draft is designed to give effect to such a plan.

PCJ/pcj



Article 36

(1) The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of The United Nations or in treaties and conventions in force.

(2) The members of the Organization and the States parties to the present Statute recognize, indefinitely, or for such length of time as may be specified at the time of becoming parties to the present Statute, and on condition of reciprocity, that the Court has jurisdiction ipso facto and without special agreement in any dispute concerning:

- 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.

A party to a dispute may, however, decline to submit to the jurisdiction of the Court if the dispute is one arising out of a matter which under international law is solely within the domestic jurisdiction of that State, or is one which arises prior to the coming into force of this  
Statute



Statute unless the State was already bound to submit the dispute to the jurisdiction of the Court.

(3) In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

(4) The obligations of this article shall take effect one year after the Charter comes into force for any member which does not give notice to the Secretary General that a different date shall be applicable in its case.

OPTION I.

The obligations of this Article shall take effect for any state one year after it becomes a member of the organization, unless it files with the Secretary-General before that date a declaration excepting or postponing these obligations. Such a declaration may be modified or withdrawn at any time.

NOTE: This paragraph would be added to Article 36 of the Statute.

OPTION II.

The obligations of this Article shall take effect for any state one year after it becomes a member of the Organization, unless it files with the Secretary-General a declaration to the effect that it does not wish to be bound by it. Such a declaration may be modified or withdrawn at any time.

NOTE: This paragraph would be added to Article 36 of the Statute.



29th May, 1945.

Memo for Dr. Evatt

TRUSTEESHIP - LORD CRANBORNE'S LETTER  
(AUSTRALIAN PROPOSALS).

- (a) Accepted as part of A1.
- (b) Acceptable as Part of A1, but suggested that the same principle might be stated in the words suggested for Section B, viz. "to encourage respect for human rights and for fundamental freedoms, without distinction as to race, language, religion or sex, and recognition of the interdependence of the peoples of the world". Suggested that there would be criticism if this were included in (B) and not in (A).
- (c) Points made are that the list of abuses is not complete; others would be proposed in Committee and paragraph might become cumbersome; also some of these matters already covered by international conventions. Suggested that following be substituted for (c):

"Member States which ratify or accept international conventions or recommendations dealing with social and humanitarian matters undertake that they will bring to the notice of the competent authorities in each territory for which they are responsible the provisions of such conventions or recommendations, and will impress upon them the importance of securing the effective application of these provisions unless, even with modification to local circumstances, they are definitely unapplicable."

(Comment on this is to the effect that these words would combine permanent obligation with flexibility of policy and recognition of progressive development of self-government.)

- (d) Omission suggested.
- (e) ) Acceptable but thought to be too detailed.
- (g) )
- (h) )

(f) Statistics and Information

Objection to this if it gave the Organisation a right to concern itself with administration of particular territories. Could be held to be interference in matters of domestic jurisdiction. Would also be unacceptable to Colonial peoples who <sup>had</sup> reached an advanced stage of or towards self-government. Nevertheless, some provision of this kind might be accepted if pressed, but essential that it should be framed in terms making it absolutely clear that reports are for information only.



THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION  
MEMORANDUM

San Francisco,  
June 1, 1945.

URGENT

Mr. Gerig;

The Arab delegations are still meeting with reference to the new proposal on Paragraph B-5. They will probably not arrive at a definite conclusion before the meeting this afternoon, and they therefore beg that discussion of this paragraph again be deferred.

With reference to the new language, they all agree that they do not like the specific additions "increase or diminish, prolong or terminate, or", but prefer to say simply "to alter, etc.". All agree also that the word "state" should be made plural, to read "any states or any peoples".

Their present thought is to have Commander Stassen propose the new language for Paragraph B-5 in place of the language approved by the Committee, on the understanding that the Iraqi right to recommit would still remain. The Iraqis would then present a motion to strike out Paragraph B-5 and substitute other language, simply for the record and to keep their skirts clean at home politically. However, they would accept the Charter containing the revised language proposed by Commander Stassen and accepted by the Committee, as revised in accordance with the foregoing suggestions, and would not make any further difficulties about the matter.

Foy D. Kohler

Copy to: Commander Stassen

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION



All members pledge  
themselves to take  
joint and separate  
action in cooperation  
with the organization  
to achieve their purposes



# ORDER OF THE DAY

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Thursday, May 31, 1945

Committee	Time	Room
IV/1/D (Subcommittee)	9:45 a.m.	308 Veterans Building
III/1/B and III/3/A (Joint Subcommittee)	10:30 a.m.	311 Veterans Building
I/2		314 Veterans Building
II/4		223 Veterans Building
IV/1		202 Veterans Building
II/3/A (Subcommittee)		316 Veterans Building
Advisory Committee of Jurists	2:30 p.m.	418 Opera House
II/2/A (Subcommittee)	3:30 p.m.	308 Veterans Building
IV/2/A (Subcommittee)		219 Veterans Building
IV/2	4:30 p.m.	202 Veterans Building
Coordination Committee	5:30 p.m.	418 Opera House
I/2/D (Subcommittee)	6:00 p.m.	314 Veterans Building
II/3	8:30 p.m.	223 Veterans Building

These meetings will not be open to the public.

~~Statement~~

~~Jan~~

~~It is established in  
the~~

It is confirmed that the  
Steering Committee, consisting  
~~Chairman~~ as it does of  
the Chairman of all of  
the delegations, has the



complete  
authority and the power  
to review any decision  
of procedure or substance  
of any technical committee  
or Commission <sup>of the Conference</sup> and is itself  
subordinate only to the  
Plenary sessions.



~~SECRET~~

/Not used/

Draft  
June 2, 1945  
7 p.m.

STATEMENT BY THE HONORABLE  
EDWARD R. STETTINIUS, JR., SECRETARY  
OF STATE AND CHAIRMAN OF THE U.S.  
DELEGATION

In all discussions with the Delegations of other sponsoring powers and with France on voting procedures in the Security Council, the United States Delegation has taken the position that the requirement for unanimity of the five permanent members does not apply to consideration and discussion of a dispute by the Council.

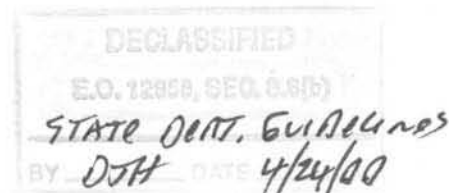
On March 24, 1945 the Acting Secretary of State, Joseph C. Grew, stated the understanding of the United States of the voting procedures agreed upon at Yalta on this point as follows:

(Agreed alternative:

On March 24, 1945 the Government of the U.S. stated its understanding of the voting procedures agreed upon at Yalta on this point as follows: )

"It is this Government's understanding that under these voting procedures there is nothing which could prevent any state from bringing to the attention of the Security Council any dispute or any situation which it believes may lead to international friction or may give rise to a dispute. And furthermore, there is nothing in these provisions which could prevent any party to such dispute or situation from receiving a hearing before the Council and having the case discussed. Nor could any of the other members of the Council be prevented from making such observations on the matter as they wish to make."

The United States Delegation believes that the right to any nation to a hearing and to the consideration and discussion of its



11 /

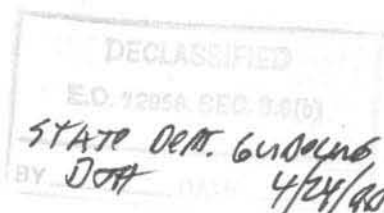
case is indispensable to the establishment of the World Organization and to the discharge of the Security Council's responsibilities for the maintenance of peace. It is the understanding of the United States Delegation that under the Yalta Voting Procedures no one nation could prevent consideration and discussion of a dispute by the Council and that the unanimity rule would not apply until the Council makes a decision involving action toward the settlement of the dispute either by peaceful or forceful measures.

**TOP SECRET**  
TOP SECRET

June 11, 1945

AGENDA

1. Authorization of the Secretariat to Take Up the Draft on Interim Arrangements of June 9, 1945, Informally with the Members of the Executive Committee
2. Abstention from Voting in the Security Council
3. Withdrawal
4. Time Required by Delegations for Clearance of Final Text of Charter





THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

CONFIDENTIAL  
June 9, 1946

INTERIM ARRANGEMENTS CONCLUDED BY THE GOVERNMENTS  
REPRESENTED AT THE UNITED NATIONS CONFERENCE ON  
INTERNATIONAL ORGANIZATION

1. There is hereby established a Preparatory Commission for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each Government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those Governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials detailed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall:

- (a) Convoke the General Assembly in its first session;
- (b) Prepare the provisional agenda for the first sessions of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda;
- (c) Formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;
- (d) Formulate recommendations concerning the relationship to be established between specialized intergovernmental organizations and agencies and the Organization;

(e) Issue

- (e) Issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court;
- (f) Prepare recommendations concerning arrangements for the Secretariat of the Organization; and
- (g) Make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of \_\_\_\_\_ (the country in which the Commission is located) or, if the Commission so requests, shared by other Governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in \_\_\_\_\_. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary General of the Organization, at which time its property and records shall be transferred to the Organization.

8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five official languages in which it is signed, for the purpose of furnishing certified copies thereof to each of the Governments signatory to the Charter. Upon the appointment of the Executive Secretary, the Government of the United States of America shall transfer the custody of the original of this document to the Executive Secretary.

9. This document shall be effective beginning with the day on which it is first signed, and shall remain open for signature until the Commission is dissolved in accordance with paragraph 7.



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