

## COMMISSION II      General Assembly

### Committee 4   Trusteeship System

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#### TEXT OF SECTION B OF CHAPTER ON DEPENDENT TERRITORIES AND ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP

#### B. INTERNATIONAL TRUSTEESHIP SYSTEM

1. The Organization shall establish under its authority an international system of trusteeship for the administration and supervision of such territories, hereafter called trust territories, as may be placed thereunder by subsequent individual agreements and set up suitable machinery for these purposes.

2. The basic objectives of the trusteeship system, in accordance with the purposes of the Organization laid down in Chapter 1 of the Charter, shall be:

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and
- (d) to insure 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, without prejudice to the attainment of (a) and (b) above, and subject to the provisions of paragraph 5 below.

3. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which should be based on respect for the principle of sovereign equality.

4. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by one of the United Nations, and shall be approved as provided for in paragraphs 8 and 10 below.

5. Except as may be agreed upon in individual trusteeship agreements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, 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 member states may respectively be parties. This paragraph shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in paragraph 3.

6. The trusteeship agreement in each case shall include the terms under which the territory will be administered and designate the authority which shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations organization itself.

7. In addition, there may also be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the Organization relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic objectives as provided for in paragraph B, 2, above shall be applicable to the people of each strategic area. The Security Council shall, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 below to perform those functions of the Organization under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

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

10. The functions of the Organization with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

11. In order to assist the General Assembly to carry out these functions under the trusteeship system not reserved to the Security Council, there shall be established a Trusteeship Council which will operate under the authority of the Assembly. The Trusteeship Council shall consist of specially qualified representatives designated (a) one each by the states administering trust territories; (b) one each by the states mentioned by name in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other states elected for three-year periods by the General Assembly in order that the total number of representatives is equally divided between administering and non-administering states. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of other bodies which are brought into relationship with the United Nations, in regard to matters with which they are respectively concerned. The Trusteeship Council shall adopt its own rules of procedure and the method of selecting its president. The Trusteeship Council shall meet as required in accordance with rules adopted by the Council. These rules shall include provision for the calling of a meeting on the request of a majority of the members of the Council.



12. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, shall be empowered to consider reports submitted by the administering authority, to accept petitions and examine them in consultation with the administering authority, to provide for periodic visits to the respective trust territories at times agreed upon with the administering authority, and to take these and other actions in conformity with the terms of the trusteeship agreements.

13. The administering authority in each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council on the political, economic, social, and educational advancement of the inhabitants of the trust territory.

CHAIRMAN: The Australian delegate.

DELEGATE FROM AUSTRALIA: Mr. Chairman, I apologize for asking to speak again, but I think there has been some confusion in considering this question in isolation from the other questions in the subcommittee's report. Indeed, I don't think there has been an opportunity for the members of the full committee to read the report as a whole. It is important that it should be done, in my submission, because if this problem can be solved satisfactorily by this technical committee, it will accelerate and bring to a happy conclusion the Conference.

If, on the other hand, if we get off the rails in the beginning, then it might lead to something in the nature of another crisis. Now I am only saying that because I think the issues are quite confused. The delegates from--- and first might I say this at the outset: it will be completely hopeless to get a solution if delegates who speak in a constructive way, like the delegate from Belgium, are answered in the strain of the speech delivered by the delegate of Soviet Russia. I suggest to him that all of us recognize and admire the heroic deeds of the Soviet, but he must not suggest invidious comparisons of various countries that have been in the war, and he must never, I submit, if he wants to solve this problem in an attitude of conciliation and in a spirit of comradeship, he must never make the claims or the suggestions that he made in the course of his speech this afternoon.

I appreciate the strength of which he is putting the case for the Soviet delegation, but no one, no one has fought harder for a constructive suggestion, constructive settlement of this question than M. Rolin and I pay tribute to him.

I say that we have got to see the thing in perspective and we have got to get rid of any preconceptions if we are to solve this problem as a technical committee and, sir, (to the Chairman) as the delegate from Egypt points out, these questions are very intricately connected, especially one, two, and three.

The delegates from Syria and Lebanon and Iraq over-simplify the questions. They say, well, why not have one at any time we want. Isn't that the argument -- more flexible. The truth is that under this proposition, if they will read it carefully, you can only have one revision and no more. It says so: "A general conference, etc. may be held at a date, etc. for the purpose of <sup>reviewing</sup> revealing the Charter." I don't think that because of the, perhaps short while, in which the matter was referred to by the speakers in favor of this, I don't think that has been understood. It is a reviewing, constitutional convention of which we are speaking, not to deal with some problem that we can -- of a constitutional nature which we can deal with separately. It is a general review of the Charter of which this proposal speaks and once it is decided to have such a review, you can't have another.

That is to say, it is a review of the Charter as a whole. It says so for the purpose of reviewing the Charter and, secondly, once it is held this power is exhausted. So it is not a choice between doing what so many delegates say -- having it whenever it is deemed suitable -- it is a choice between having a general review at some time or another and that was the motive that animated the subcommittee; to see whether it would be wiser to be sure of having a revision at not too early a point of time and in addition to that, Mr. President,

although they are divided into paragraphs, proposition No. 3, with which we are dealing is connected with proposition No. 2, proposition No. 1 and also the question which the Egyptian delegate has pointed out on ratification.

The truth is that lies behind the whole question. If we were sure that this constitutional convention was really a constitutional assembly with power to determine the conditions of constitutional alterations, including ratification, perhaps the time would not be so important.

What I submit, sir, is this: that the debate this afternoon has shown, I submit, that the questions have got to be considered as a whole. The committee as a whole has got to study the inter-relations of these questions, as the subcommittee has over a considerable period, and I submit in the interest of an ultimately correct solution we should not go to the vote on this question until the first stage of tomorrow's meeting.

That is a suggestion for the President. I think in the long run it would be very wise to adopt that. I submit the questions are connected; that it has not been sufficiently understood; that there is only one chance to be given of reviewing the Charter, and it is to review the Charter as a whole, and if that were done after the first 12 months or two years of the Organization, this power would be completely exhausted, and it might be much more difficult to have a constitutional review at all.

I ask pardon for intervening at this stage, but I felt that in some of the speeches that there was a misunderstanding of the view



of the subcommittee and for that reason I ask your permission to intervene.

CHAIRMAN: The Chair recognizes the delegate of the United States.

COMMANDER STASSEN: Mr. Chairman, distinguished delegates: I rise to just make one very brief plea. It is this: we tend to get off on other subjects. Every one of the 50 nations are here for just one purpose -- to complete a Charter which they hope will be the best chance of averting war, which is a tragedy to all nations whatever their size, and all peoples everywhere. And we are seeking to take these matters up one at a time and make decisions on them, and we know we have reached the stage of the Conference where decisions need to be taken, and the distinguished delegate of Australia, as I understood it, was entirely agreeable to this procedure and to this order of taking these subjects up just before we came into this meeting. In fact, he was desirous that they had the chance to vote on these issues separately with which I was in full accord. Now it is, of course, correct that after we vote on each question, then comes before us the final paragraph that has resulted from our various actions, and then we must vote on the final action and after we vote on each paragraph then we must vote on a whole Charter which must come before us.

So I plead with you, let us not go off into other subjects. Our subcommittee has worked long days in preparing a series of recommendations. We should pass on them, express our views upon them, and



then in the light of that action decide where we go from there. And I plead with the distinguished delegate of Australia and with all the delegates here, let us proceed with our work, let us continue with our work, let us see what the views of the delegates are upon each of these various points, and when we have concluded that then let us see where we are as to the final action that fits these things together.

DELEGATE FROM AUSTRALIA: Mr. President, I only want to make this personal explanation to Commander Stassen. I adhere to everything I said. I want the vote separately; I want the delegates of this committee to have a chance of reading the report as a whole before they vote on the question. That's all. I think that's reasonable. You and I have studied it as a subcommittee, but I don't think the committee has had an opportunity of doing it. If you think it has had sufficient, I would yield to it.

I submit, the discussion has shown that it is necessary for this committee to read those recommendations as a whole before they pass on them in order, and I support you in everything you have said subject to that.

COMMANDER STASSEN: I merely say, Mr. Evatt, that I know that the delegates have discussed and considered this subject at great length. They have discussed it before the subcommittee ever went out to meet and there have been these --

DELEGATE FROM AUSTRALIA: There was no discussion. The whole amendments in a general way were given over to the subcommittee and over a considerable period ago, some weeks ago.

COMMANDER STASSEN: But I feel that the delegates here have considered this matter thoroughly and we have reached the stage of this Conference where we must reach decisions.

## COMMISSION II      General Assembly

Committee 4      Trusteeship System

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### PROPOSED TEXT FOR CHAPTER ON DEPENDENT TERRITORIES AND ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP

(As far as approved by Drafting Subcommittee II/4/A, June 11, 1945)

#### A. GENERAL POLICY

1. States members of the United Nations which have responsibilities for the administration of territories, whose peoples have not yet attained a full measure of self-government, recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of such territories, within the system of international peace and security, and to this end they undertake:

- (i) to insure the political, economic, social, and educational advancement of the peoples concerned; and
- (ii) to develop self-government in forms appropriate to the varying circumstances of each territory.

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

#### B. INTERNATIONAL TRUSTEESHIP SYSTEM

1. The Organization shall establish under its authority an international system of trusteeship for the administration and supervision of such territories, hereafter called trust territories, as may be placed thereunder by subsequent individual agreements and set up suitable machinery for these purposes.



2. The basic objectives of the trusteeship system, in accordance with the purposes of the Organization laid down in Chapter 1 of the Charter, shall be:

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and
- (d) to insure 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, without prejudice to the attainment of (a) and (b) above, and subject to the provisions of paragraph 5 below.

3. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which should be based on respect for the principle of sovereign equality.

4. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by one of the United Nations, and shall be approved as provided for in paragraphs 8 and 10 below.

5. Except as may be agreed upon in individual trusteeship agreements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such

agreements have been concluded, 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 member states may respectively be parties. This paragraph shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in paragraph 3.

6. The trusteeship agreements in each case should include the terms under which the territory will be administered and designate the authority which shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations organization itself.

7. In addition, there may also be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the Organization relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic objectives as provided for in paragraph B, 2, above shall be applicable to the people of each strategic area. The Security Council shall, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 below to perform those functions of the Organization under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

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

10. The functions of the Organization with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, 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 shall be established a Trusteeship Council which would operate under the authority of the Assembly. The Trusteeship Council shall consist of specially qualified representatives designated (a) one each by the states administering trust territories; (b) one each by the states named in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other states elected for three-year periods by the General Assembly in order that the total number of representatives is equally divided between administering and non-administering states. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of other bodies which are brought into relationship with the United Nations, in regard to matters with which they are respectively concerned.

12. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, shall be empowered to consider reports submitted by the administering authority, to accept the petitions and examine them in consultation with the administering authority, to provide for periodic visits to the respective trust territories at times agreed upon with the administering authority, and to take these and other actions in conformity with the trusteeship agreements.

13. The administering authority in each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council on the political, economic, social, and educational advancement of the inhabitants of the trust territory.



## 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, provisions of this instrument, the signatories agree:

- a) that the states parties to that the Four-Nation Declaration, signed at Moscow, October 30, 1943, 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; and
- b) that they should utilize existing technical organizations ~~recognized by them~~ *and without delay, and*
- c) that they should set up as soon as possible such other agencies as are necessary to deal effectively with international economic and social matters.

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.

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May 25, 1945

Commander Harold E. Stassen  
American Delegation  
United Nations Conference  
Hotel Fairmont  
San Francisco, California

My dear Commander:

It has been brought to our attention that powerful forces in our own country, some of them officially represented at this Conference, are attempting to persuade the American Delegation to alter the commitment of the United States in support of the Yalta voting formula which was drafted and proposed by our late, cherished President Franklin Delano Roosevelt.

The undersigned consultants and associate consultants to the American Delegation consider these efforts destructive of the success of the Conference as well as of the national interests of the United States.

The Yalta formula established the principle of unanimity among the great powers. This unanimity was responsible for victory over Nazi Germany. The continuation of this unanimity is essential for the maintenance of durable peace. It is only to the extent that all nations, large and small, contribute to the strengthening of this unanimity that we shall be successful in establishing security, prosperity and freedom for all the world. President Roosevelt based his entire war and peace policy upon his profound recognition of this fact, and the San Francisco Conference was made possible because he was able to translate this concept into the legal terms of the Yalta formula.

Even if one were to make the impossible assumption that a charter which discarded the Yalta formula would be acceptable to Great Britain and the Soviet Union, it is obvious to all informed persons that it would not be ratified by the

Commander Harold E. Stassen, 2.

United States Senate. Therefore, those in our country who advocate such a course must assume the responsibility for creating obstacles to the formation of an international security organization. The American Delegation must avoid any share in such a grave responsibility.

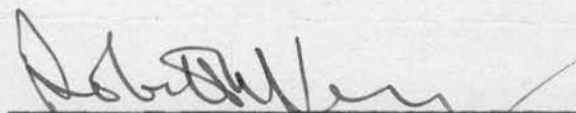
The proposals made by certain American groups to discard the Yalta voting formula are taking two forms. The first is a direct attack upon the language of the formula itself. We firmly urge the American Delegation to oppose any such suggestion as a violation of our moral obligation.

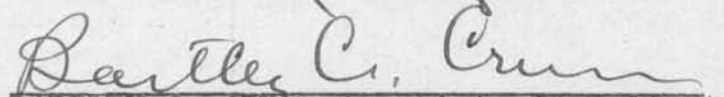
The second proposal to change the Yalta voting formula is more subtle but equally disastrous. It takes the form of a suggestion that the charter which is being drafted in San Francisco shall be subject to review and amendment by less than a unanimous vote of the permanent members of the Security Council. The purpose and effect of this legalistic proposal are to destroy the unanimity principle through indirection.

The American Delegation must state its positive opposition to this proposal as firmly as to the first.

We are in San Francisco to write a charter that will be acceptable to the forty-nine nations and to assure ratification by the United States Senate. The American Delegation must reject any proposal that will weaken or destroy this objective.

Very truly yours,

  
ROBERT W. KENNY, Consultant

  
BARTLEY C. CRUM, Associate Consultant

  
MARTIN POPPER, Associate Consultant



## COMMISSION II      General Assembly

Committee 3      Economic and Social Cooperation

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### Third Report of the Drafting Subcommittee

(This report supersedes the second report (WD 10))

The drafting subcommittee met at 3:30 p.m. on May 18, at 10:15 a.m. and 3 p.m. on May 19, at 9:45 a.m. on May 21, and at 9:45 a.m. on May 22. It makes the following recommendations:

1. Chapter IX, Section C, 1. This Section should be redrafted to read as follows:

#### SECTION C.    FUNCTIONS AND POWERS OF THE                  ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council shall 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, for promoting respect for, and observance of, human rights and fundamental freedoms;

(c) to make and to initiate studies and reports with respect to international economic, social, cultural, health, and other related matters, and to make recommendations, on its own initiative, on such matters to the General Assembly, to the members of the Organization, and to specialized organizations or agencies concerned;

(d) to coordinate the activities of the economic, social, cultural, health, and other specialized organizations or agencies brought into relation with the Organization, through consultation with, and recommendations to, such organizations or agencies, and through recommendations to the General Assembly and to the members of the Organization;

(e) to obtain regular reports from the specialized organizations or agencies; to obtain reports from the members of the Organization and from the specialized organizations or agencies on the steps taken to give effect to its own recommendations and to those of the General Assembly; and to communicate its observations on such reports to the General Assembly;

(f) to perform services at the request of members of the Organization and at the request of specialized organizations or agencies with respect to economic, social, cultural, health, and other related matters, subject to the approval of the General Assembly;

(g) to call, in accordance with the rules prescribed by the Organization, international conferences on matters falling within the scope of the functions of the Council;

(h) to furnish information to the Security Council;

(i) to assist the Security Council upon its request; and

(j) to perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly.

The Subcommittee has agreed to give further consideration to an additional proposed paragraph not included above. Also, the Subcommittee may wish to reconsider the order of the paragraphs in Section C.

The Subcommittee wishes to point out that the phrase "the members of the Organization" occurring in sub-paragraphs (c), (d), and (e) above, should be translated into languages other than English in such a way as to indicate clearly that it means all the members of the Organization.

## 2. Chapter V, Section B, 7.6

The amendment of the four sponsoring powers should be adopted as paragraph 7 (1). The words, "cultural, health," should be added after the word, "social," in paragraph 7.

The Subcommittee recommends, in this connection, that Committee II/1 be asked to consider whether the provisions of V, B, 5 are broad enough to cover the variety of financial and budgetary arrangements which it may be necessary to make with existing and future specialized agencies.

*in accordance*  
*and with the maximum freedom to the whole in house*  
3. Chapter IX, Section A. The following new paragraph should be added after paragraph 1:

1 (1) All members pledge themselves to take separate and joint action and to cooperate with the Organization and with each other to achieve these purposes.

*by sign*  
The Subcommittee wishes to reserve the right to consider the arrangement of the whole of Chapter IX at a later stage of its work.



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Bridgmont

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THE UNITED NATIONS IN CONFERENCE ASSEMBLED

Ordain the creation of an international  
organization to maintain peace and security,  
establish justice, and promote the general  
welfare of all peoples



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