

COMMISSION II GENERAL ASSEMBLY
Committee 4 Trusteeship System

ANALYSIS OF PAPERS
PRESENTED BY DELEGATIONS OF
AUSTRALIA, CHINA, FRANCE, UNITED KINGDOM and UNITED STATES
WITH SUGGESTIONS AND COMMENTS BY OTHER GOVERNMENTS

United Nations
Research

I GENERAL PRINCIPLE

- A. All members of the United Nations responsible for the administration of dependant territories recognise in relation to them the principle of trusteeship - viz. that the main purpose of administration is the welfare of the dependent peoples and their economic social and political development. (Par. (1))
- C. The Organization should establish a system of international territorial trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement and to set up suitable machinery for these purposes. (Par. 1)
- F. The Organization should create, under its authority, a system of international trusteeship for the administration and control of such territories as may be placed under this system through subsequent individual agreements. (Art. 1)
- UK. 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 well-being of the inhabitants of these territories within the world community.
This objective implies, in particular (1) the economic and social advancement of the dependent peoples concerned, and (11) 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 well-being of other members of the world community, in defence, social, economic, and commercial matters. (Par. 1)
- US. 1. The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement. (Par. 1)

GENERAL COMMENTS AND SUGGESTIONS.

Venezuela - Doc. 2, G/7 (d), p. 34.

II OBJECTIVES AND PURPOSES

- A. the main purpose of administration is the welfare of the dependent peoples and their economic social and political development. (Par. (1))
- C. The Organization should establish a system of international territorial trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement and to set up suitable machinery for these purposes. (Par. 1)

The basic objectives of the trusteeship system should be:

- (a) to further international peace and security;
- (b) to promote the political, economic and social advancement of the trust territories and their inhabitants, and their progressive development toward independence or self-government as may be appropriate to the particular circumstances of each territory and its people; and
- (c) to provide for non-discriminatory treatment in trust territories with respect to the economic and other appropriate civil activities of the nationals of all member states. (Par. 2)

- F. The essential purposes of the system should therefore be the following:

- (a) to promote international peace and security;
- (b) to promote the political, economic, and social progress of the territories placed under international trusteeship and of their inhabitants and further the progressive development of their political institutions;
- (c) to secure in these territories non-discriminatory treatment with regard to legitimate private and economic activities for the nationals of the member States of the Organization and, in reciprocity, secure for these territories an equitable economic treatment by the members of the Organization. (Art. 2)

- UK. 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 well-being 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 well-being of other members of the world community, in defence, social, economic, and commercial matters.

US. ~~The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement. (Par. 1)~~

The basic objectives of the trusteeship system should be: (a) to further international peace and security; (b) to promote the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government; and (c) to provide for non-discriminatory treatment in trust territories with respect to the economic and other appropriate civil activities of the nationals of all member states. (Par. 2)

COMMENTS AND SUGGESTIONS

Panama - Doc. 2 G/7 (g) (a), p. 1, par. 2 (b)

III SCOPE OF APPLICATION

- A. The territories to which paragraph (2) applies shall be declared either by the voluntary action of the member administering the territory or by the General Assembly, after consideration of the recommendations of a conference or conferences, specially convened by the United Nations, of members responsible for the administration of dependent territories. (Par. 3)

The General Assembly may authorize the acceptance of mandates on behalf of the United Nations for the administration of particular territories, in each case by a specified member. (Par. 4)

- C. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (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 would be a matter for subsequent agreement as to which territories would be brought under the trusteeship system and upon what terms. (Par. 3)
- F. The international trusteeship system will apply only to those territories which, being classified as follows, should come under this system in accordance with subsequent agreements:

- a) territories now under mandate;
- b) territories which as a consequence of the war may be detached from enemy States.

Only ulterior agreements arrived at for each particular case would determine which territories should be placed under trusteeship and under what conditions. (Art. 3)

- UK 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 administered 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 of 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. (Par. 2)

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3. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (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 would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms. (p. 3)

IV METHOD OF BRINGING TERRITORIES WITHIN THE SYSTEM

- A. The terms of the mandate shall in each case be defined by agreement between the General Assembly and the mandatory State, and shall include the principle of trusteeship as defined in paragraph (1) and the obligation to report provided for in paragraph (2). (Par. 5)

- C. The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states concerned and should be approved as provided for in paragraphs 10 and 11 below. (Par. 5)

The trusteeship arrangements in each case should include the terms under which the territory will be administered. It should be understood that in the trusteeship arrangements as provided for in paragraph 5 above the people of each territory should be accorded civil liberty and the right of representation in the local deliberative or legislative assembly. (Par. 6)

- F. For each territory to be placed under trusteeship, an individual trusteeship treaty should be entered into by the states directly concerned and should be subject to the approval specified in either Article 7 or Article 8 hereafter. (Art. 4)

UK (no proposals)

- US 4. The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states directly concerned and should be approved as provided for in paragraphs 7 and 8 below. (para 4)

5. The trusteeship arrangements in each case should include the terms under which the territory will be administered. (para 5)

V. NATURE OF ADMINISTERING AUTHORITY

- A The General Assembly may authorize the acceptance of mandates on behalf of the United Nations for the administration of particular territories, in each case by a specified member. (Par.4).
- C Any territory belonging to one of the above three categories of territories may be administered either directly by the international Organization through an agency of its own or indirectly by one or more of the United Nations by agreement of the states concerned. (Par.4).
- F (No proposals)
- UK 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 this tutelage should be exercised by them on behalf of the United Nations. (Par.3).
- US (No proposals)

VI OBLIGATIONS OF ADMINISTERING AUTHORITY

- A. A member of the United Nations administering any dependent territory to which this paragraph applies undertakes to make reports upon its administration of that territory to an expert commission with advisory functions, to be established by or under the authority of the General Assembly. The commission shall keep the United Nations informed, through the Economic and Social Council, as to the welfare and development of the peoples of the territories to which this paragraph applies. (Par. 2)

- C. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, should be empowered to require, consider and publish reports from the administering authorities, to accept petitions, to institute investigations, to make recommendations, and to take other action within their competence as defined by the trusteeship arrangements.

The administering authority in each trust territory within the competence of the General Assembly or the Security Council should make an annual report to the General Assembly or the Security Council, as the case may be, according to paragraphs 10 and 11, upon the basis of a questionnaire formulated respectively by the Trusteeship Council and the Security Council. A representative of the people of a trust territory not within the purview of paragraph 10 above should be entitled to attend the meetings of the Trusteeship Council where matters relating to the particular trust territory are being considered. (Par. 14)

- F. The authority responsible for the administration of the territories referred to in Article 8 will make an annual report to the General Assembly, on the basis of a questionnaire established by the Trusteeship Council. (Art. 11)

- UK. 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. (Par. 5)

The State administering any territory to which the special machinery prescribed in paragraphs 2-8 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. (Par. 6)

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(cont) The State administering any territory to which the special machinery prescribed in paragraphs 2-8 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. (Par. 7)

US 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 authorities, to accept petitions, to institute investigations, and to take other action within their competence as defined by the Trusteeship arrangements. (Par. 10)

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. (Par. 11)

VII. CHARACTER OF THE TERMS OF TRUST

- A The terms of the mandate shall in each case be defined by agreement between the General Assembly and the mandatory State, and shall include the principle of trusteeship as defined in paragraph (1) and the obligation to report provided for in paragraph (2). (Par.5).
- C The trusteeship arrangements in each case should include the terms under which the territory will be administered. It should be understood that in the trusteeship arrangements as provided for in paragraph 5 above, the people of each territory should be accorded civil liberty and the right of representation in the local deliberative or legislative assembly. (Par.6).
- F Each individual trusteeship treaty should specify the conditions of the trusteeship, which differ according to the characteristics of the territories and of the peoples coming under such trusteeship. (Art.5).
- UK 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 condition, 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 concerned. (Par.4).
- US The trusteeship arrangements in each case should include the terms under which the territory will be administered. (Par.5).

VIII COMPOSITION OF SPECIAL TRUSTEESHIP ORGAN

- A. an expert commission with advisory functions, to be established by or under the authority of the General Assembly. (par.2)
- C. 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 (b) one each by an equal number of other states named for three-year periods by the General Assembly. (par. 12)

A representative of the people of a trust territory not within the purview of paragraph 10 above should be entitled to attend the meetings of the Trusteeship Council where matters relating to the particular trust territory are being considered. (par. 14.)

- F. In order to assist the General Assembly in exercising the prerogatives granted to it by Article 8, an International Trusteeship Council shall be created under its authority. This Council shall consist of specially qualified representatives chosen in the following manner:

- a) one each by the States entrusted with the administration of territories under trusteeship
- b) one by an equal number of other States appointed for three years by the General Assembly. (Art. 9)

- UK 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. (par.8)
- US 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 (b) one each by an equal number of other states named for three-year periods by the General Assembly. (par. 9)

IX. FUNCTIONS OF THE UNITED NATIONS ORGANS
CONCERNED WITH TRUSTEESHIP

- A . . . an expert commission with advisory functions, to be established by or under the authority of the General Assembly. The Commission shall keep the United Nations informed, through the Economic and Social Council, as to the welfare and development of the peoples of the territories to which this paragraph applies. (Par.2).
- C The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, should be empowered to require, consider and publish reports from the administering authorities, to accept petitions, to institute investigations, to make recommendations, and to take other action within their competence as defined by the trusteeship arrangements. (Par.13).
- Any violation of the terms of the trusteeship arrangements by the administering authority of the trust territory should be regarded as a matter of international concern and as such could be brought by any United Nation to the attention of the General Assembly or the Security Council, as is provided in paragraphs 10 and 11 below. (Par.7).
- F The General Assembly and, under it, the Trusteeship Council should have the necessary powers to examine reports submitted to them by the authorities responsible for the administration of the territories under trusteeship and, generally, to exercise the prerogatives within their competence, defined by the individual trusteeship agreements. (Art.10)/
- UK 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. (Par.8).
- US 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 authorities, to accept petitions, to institute investigations, and to take other action within their competence as defined by the trusteeship arrangements. (Par.10).

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

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 as 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.

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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.

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION
FOR THE PRESS

JUNE 7, 1945
No. 214

STATEMENT TO THE STEERING COMMITTEE OF THE CONFERENCE,
THURSDAY, JUNE 7, 1945, BY THE HONORABLE EDWARD R.
STETTINIUS, JR., SECRETARY OF STATE AND CHAIRMAN OF THE
DELEGATION OF THE UNITED STATES.

Consultations among the four sponsoring powers and France have resulted in agreement on the provisions for voting in the Security Council.

The agreement reached preserves the principle of the unanimity of the permanent members of the Council in all actions taken by the Council, while at the same time assuring freedom of hearing and discussion in the Council before action is taken. We believe both are essential to the success of the World Organization.

Null Under the terms of the agreement, unanimity of the permanent members of the Council is required as provided by the Crimea Agreement in all decisions relating to enforcement action and -- except as to parties to disputes -- in all decisions for peaceful settlement. But this requirement of unanimity does not apply to the right of any nation to bring a dispute before the Council as provided by paragraph 2, section A, Chapter VIII, and no individual member of the Council can alone prevent a consideration and discussion by the Council of a dispute or situation thus brought to its attention.

The successful conclusion of discussions on this matter among the four sponsoring powers and France offers a new and heartening proof of the will and ability of the allied nations which have fought side by side in the war to construct, upon the strong foundation of their wartime collaboration, a workable and effective and lasting peace in which they will labor together with mutual understanding and a common purpose.

The same spirit which has now been so effectively demonstrated by the powers which have taken part in these conversations will, I feel certain, motivate the entire Conference and make possible the speedy and successful conclusion of its task in which I have always had an unswerving faith and confidence.

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Original Copy
sent Comdr. F.
July 13-

SUMMARY REPORT OF TWENTIETH MEETING OF COMMITTEE III/1
Veterans Building, Room 223, June 13, 1945, 10:40 a.m.

Page 2, item 2, paragraph 2--

The Delegate of the United States urged that the text be adopted as unanimously as possible. [Paragraph 1, Section C, Chapter VI] In this connection he gave the following explanation of the manner in which the veto would operate with respect to methods for pacific settlement:

He stated that when a permanent member of the Council was a party to a dispute, its enforced abstention would mean that the other four permanent members and three of the non-permanent members might reach a decision which involved a judgment concerning "the rightness or wrongness of a dispute". This decision could include recommendations as to the terms of settlement. He observed, therefore, that "there is no exception from the judgment of the bar of the world".

The Delegate pointed out that, when no permanent member was a party to a dispute every means of pacific settlement was open. After these means had been exhausted the parties were obliged to present the case to the Council. The veto would not apply either to a discussion of the matter or to an invitation to other interested nations to participate in the discussion. He suggested that a solution might be forthcoming from the discussions, without the necessity of a decision.

He compared application of the veto to the requirement of unanimity among the jurors in a criminal trial. He argued that unanimity would help assure acceptance of the recommendations for peaceful settlement, since they would thus carry the united weight of the nations of the world.

With respect to the exercise of the veto in decisions to apply sanctions, the Delegate of the United States observed that this meant that if a major power became the aggressor the Council had no power to prevent war. In such case the inherent right of self-defense applied, and the nations of the world must decide whether or not they would go to war. In conclusion, he expressed the opinion that although the proposed Charter was not perfect and would be difficult to operate, it was as good as, or better than, any other system that could be devised.

U.S. DELEGATION MINUTES OF TWENTIETH MEETING OF COMMISSION III,
COMMITTEE I-- (Page 1, paragraph 2)

The Delegate of the United States (Commander Stassen) explained in some detail the deliberations of Committee III/2 on Section A of Chapter VIII and the relation of the veto thereto. He explained that where a permanent member is a party to a dispute that member cannot vote and that a decision under that section would be taken by the affirmative vote of all permanent members not involved in the dispute, plus a sufficient number of non-permanent members not involved in the dispute, plus a sufficient number of non-permanent members to total 7. He referred to paragraph 4 of Section A wherein the Security Council may recommend terms of settlement to the permanent Council members should they be parties to a dispute. In such cases there would be no exemption from the bar of justice; the permanent members would not be above the law. He also pointed out that in Chapter VIII A encouragement is given to all kinds of peaceful settlement outside of the Security Council. In addition any party has a right to call a matter to the attention of the Security Council, thus permitting discussion to take place. This would be by a procedural vote. Moreover, an invitation to non-members of the Security Council under paragraph 5 of VI, D to participate in discussion would be made by a procedural vote. Only when action is required would the unanimous vote of all permanent members be required; that is, in the taking of decisions for enforcement action.

SUMMARY REPORT OF NINETEENTH MEETING OF COMMITTEE III/1
Veterans Building, Room 223, June 12, 1945, 8:40 p.m.

Page 5, paragraph 2 - page 6, paragraph 1 --

The United States Delegate requested the delegates to cast their votes in favor of the present voting provisions and to do so in the knowledge that they were creating one of the greatest documents drawn by the hand of man. He was aware of the discouragement which had been voiced by certain delegates, but this was not the first time in history that cynicism had presided at the birth of great events. He hoped that certain statesmen here would prove to be as wrong as those who had voiced doubts and apprehensions at the time of the framing of the United States Constitution. The delegates were here met together for a purpose which men had been fighting for years to attain. They were united by a common bond greater than all that might divide them: The desire of all their peoples for peace. Regardless of what was written in the Charter, the nations of the world would have to live together in harmony or the words of the Charter would be valueless.

According to the provisions of the Dumbarton Oaks Proposals, the same principles were binding on all nations but when a dispute arose which threatened the peace, it could not be settled unless a basis were found on which the five permanent members and two non-permanent members were agreed. If the great powers were divided on an issue there was no real hope of a successful peaceful settlement, for disunity would be engendered that might cause a breach of the peace. When a dispute was brought before the Security Council, after other means of pacific settlement had been exhausted, a solution would have to be found by the united action of the major powers. The problem which would occupy the best minds of today and tomorrow was to keep the "key oarsmen" pulling together, but it was a problem no greater than had been successfully met by achieving unity in the present war. The problem of peace must be worked out by a united, and not a divided, world. He pleaded that the time had come to champion the results of the great work accomplished here. If criticism were to continue, the Organization would be undermined before it started functioning. The Charter admittedly was not perfect but it held the best hope of mankind.

U.S. DELEGATION MINUTES OF NINETEENTH MEETING OF COMMISSION III,
COMMITTEE I-- (Page 1, paragraph 5)

The Delegate of the U.S. (Commander Stassen), made a moving appeal to the Delegates that they leave the Conference in a spirit of unity, and not in one of cynicism, because the

latter would be disseminated throughout the world. He read statements of three men who had opposed the adoption of the Constitution of the United States because they were fearful of it, and had found in it the seeds of tyranny and despotism. So he thought some delegates were over skeptical about the Charter. He remarked that the nations have an overwhelming common bond for peace and expressed the convictions that the major powers must live together if there is to be peace. He referred to the tragedy which confronted this world when at the beginning of this war the great powers which later led the fight against the Axis were not united. He remarked that just as the military staffs had encountered tremendous difficulties in their conduct of the war but had overcome them, so the nations must work together in peace to overcome the difficulties they will face. The time has come, he said, to champion and sell the organization to the world. If criticism of the Organization continues, he remarked, it will not have a chance of succeeding. It is not perfect, but it is our best hope.



determination of this country and the other nations to see to it that this machinery does work and their willingness to abide by the decisions of the new international organization will determine whether or not it can meet successfully the conflicts that will necessarily arise in the future. At the optimistic best, we have no guarantee of peace here, no cure for the world's ills, no new millenium. What we do have is the framework for an organization and if believed in, if worked for with consistent determination may prove to be a way out of the desperate cycle of recurring and increasingly destructive nationalistic wars.

Briefly I would like to analyze what are the root causes of war in our time and just ~~exactly~~ what the charter proposes to do about it.

The basis and fundamental resources for two catastrophic world wars within a generation are these. As long as the world is organized into separate, sovereign, independent states able to make war when and if they please, as long as they are subject to no superior law or authority, as long as military power is the price of survival and a nation must be prepared at any time to defend itself against the attack of its neighbors, so long will international society continue to be international anarchy and so long will war continue to be not only possible but inevitable. If this is the situation that the nations face today and I believe it is, what are the alternatives?

There are actually only two alternatives, a continuation



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