

PSF World Security Organization

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April 20, 1944.

ALTERNATIVES CONSIDERED IN CONNECTION WITH
MAJOR MATTERS ARISING OUT OF THE POSSIBLE
PLAN FOR A GENERAL INTERNATIONAL
ORGANIZATION

I

GENERAL CHARACTER OF AN
INTERNATIONAL ORGANIZATION

A. NATURE OF THE
ORGANIZATION

1. Membership (pars. 1 and 2)

A type of automatic membership was considered
in the following terms:

All independent states might be considered
members of the organization, the executive
council to determine in case of doubt
whether a state is independent. Initially
the United Nations and the nations asso-
ciated with them, together with such other
states as the United Nations may determine,
might exercise the rights and duties of
membership. The right of other states to
exercise active membership would depend
upon a two-thirds vote of the general
assembly. Withdrawal from active to in-
active membership would be provided for.

II

A GENERAL ASSEMBLY

C. REPRESENTATION
AND VOTING

1. Special Vote (par. 3)

The possibility was considered of having the
assembly take all its decisions by a majority
vote but requiring the concurring votes of

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two or more of the principal states in decisions involving:

- a. determination of general policies;
 - b. admission of states to membership;
 - c. election of non-continuing members of the council; and
 - d. election of judges of the court.
2. Usual vote (par. 3)

A two-thirds vote was considered for the usual vote of the general assembly.

III

AN EXECUTIVE COUNCIL

A. COMPOSITION AND REPRESENTATION

1. Basis of Composition (par. 1)

Other possibilities for the composition of the council were considered:

- a. a council or committee solely of the four principal states having special responsibilities for the maintenance of security and peace; and
 - b. a council having four principal states as continuing members and an equal number of states less one elected by the assembly instead of a council having an equal number of elected and continuing members.
2. Alterations in Composition

Instead of leaving alterations in the composition of the council to the amendment process,

as in the present plan, consideration was given to the following text:

Alterations in the size of the membership of the executive council, in the number of members having continuing tenure, in the tenure and in the method of selecting other members, might be effected by the general assembly by a two-thirds vote including the concurring votes of the representatives of the member states having continuing tenure on the council.

B. POWERS

The main alternative considered was to vest in the council not only primary responsibility for security matters but also certain powers shared with the general assembly with respect to matters deemed to impair the general welfare.

C. VOTING

1. Special Vote (par. 2)

Three other suggestions were considered for decisions affecting final terms of settlement, regulation of armaments, determination of threats to or breaches of the peace, and enforcement measures, as follows:

- a. a majority vote of all council members including the concurrence of all states having continuing tenure without any right of abstention;
- b. a two-thirds vote of all council members including the concurrence of all the states having continuing tenure on the council, with the right of abstention; and
- c. a majority vote of all council members including the concurrence of three-fourths of the states having continuing tenure, with the right of abstention.

D. ORGANIZATION

D. ORGANIZATION
AND SESSIONS

1. Chairman of the Executive Council (par. 2)

Instead of having the president of the international organization automatically preside over the executive council, it was considered that the council might be left free to select its own chairman, the president being among those eligible for selection.

IV

ARRANGEMENTS FOR SECURITY

A. PREVENTION AND
SETTLEMENT OF
DISPUTES

1. Obligation to Refrain from Use of Force
/par. 1(b)/

Two alternative ways of defining the obligation of states to refrain from the threat or use of force in their international relations were considered:

- a. in no case to use force in any manner contrary to the authority of the international organization; and
- b. in no case to use force without prior authorization of the international organization.

2. Role of General Assembly

The possibility was considered of vesting greater responsibility in the general assembly for the settlement of disputes likely to lead to a breach of the peace, rather than requiring that the assembly without taking other action refer such disputes to the executive council.

B. REGULATION

B. REGULATION OF
ARMAMENTS AND
ARMED FORCES

1. Nature of the Agreement (par. 1)

Consideration was given to the establishment of levels of armaments through separate agreements or arrangements, one for the principal United Nations among themselves, and another for other states.

2. Levels of Armaments (par. 3)

- a. A proposal to make provision for the establishment of maximum and minimum levels of armaments was considered.
- b. A provision requiring member states to reduce or limit armaments was considered in place of the present provision for adjustment to levels to be determined by the general agreement.

3. Powers of the Executive Council (par. 5)

A proposal was considered to empower the council aside from action under a general agreement to take appropriate steps pending the conclusion or in the absence of the general agreement, to limit manufacture of armaments and to regulate traffic in arms, and to reduce armaments and armed forces, to levels which would promote general security.

C. DETERMINATION OF
THREATS TO THE PEACE
OR BREACHES OF THE
PEACE AND ACTION WITH
RESPECT THERETO

1. Tests for Determining Threats or Breaches
(par. 2)

An alternative was considered which would make specific the conditions, situations, and acts

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which the executive council should regard as threats to the peace or breaches of the peace, instead of noting certain major examples.

2. Power to Initiate Emergency Measures (par. 4)

Consideration was given to a proposal to restrict to the whole council the power to initiate all emergency measures rather than empowering the chairman to exercise limited initiative subject to review by the council.

D. NON-MILITARY
MEASURES OF
ENFORCEMENT

1. Suspension of the Exercise of Rights of
Membership

Consideration was given to including among the non-military measures of enforcement which might be taken by the council the suspension of the exercise of certain rights of membership by a member against which enforcement action is determined upon, for such periods and under such conditions as the council might prescribe, except that the right to representation in the general assembly should not be abridged.

E. SUPPLY AND USE
OF ARMED FORCES
AND FACILITIES

1. Availability of Armed Forces and Facilities (par. 1)

a. Three alternative methods were considered for assuring the availability of armed forces and facilities, the third of which was favored by some members on the ground that it seemed more likely to prove effective toward providing real security and toward enforcing decisions of the executive council. Under these the council would be empowered:

(1) to

- (1) to require the supplying of minimum quantities of forces, agreed upon in advance by member states in consultation with the executive council, without further reference to the member states;

or

- (2) to require the supplying of earmarked forces, agreed upon in advance by member states in consultation with the executive council, without further reference to the member states;

or

- (3) to call upon forces (mostly naval and air) maintained by the international organization on the basis of an agreed upon procedure as a standing international armed force.

- b. A further alternative for assuring the availability of armed forces and facilities was considered in the following terms:

In order to assure the availability of armed forces and facilities to the international organization when and as needed for the maintenance of security and peace the executive council should be empowered and have responsibility to formulate plans and call upon the member states to provide forces and facilities upon the basis of a general obligation to supply them, the kind and number to be determined by the member states in consultation with the executive council before or at the time it determines that the need to employ them impends. In these consultations, account should be taken of the geographical position of the member states, their regional or special obligations, and their relative resources.

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The executive council, upon its creation should initiate without delay the procedures outlined in the preceding paragraph.

In any instance necessitating enforcement action the executive council should be empowered, within the limitations and according to the procedures of paragraph E 1 above, to determine what states should be called upon to supply forces and facilities and the kind and number thereof. The member states should be under obligation to render the assistance agreed upon.

This alternative with the omission of the provision "upon the basis of a general obligation", was also considered.

- c. An alternative proposal was considered with respect to the special agreement to be made fixing the kind and number of forces and facilities to be supplied by member states, whereby, it would be absolutely stipulated, the agreement would be made in advance of the time the council decides that the need to employ them impends.

F. SECURITY AND
ARMAMENTS COMMISSION

1. Composition of the Commission

A proposal was considered specifying that the commission should be composed of technical representatives selected from a large number of states, instead of leaving its composition to the discretion of the council.

V

AN INTERNATIONAL COURT OF JUSTICE

A. ESTABLISHMENT

A proposal was considered that the revised Statute of the Permanent Court of International Justice

should

should constitute a separate agreement independent of the basic instrument of the international organization.

VI

GENERAL ADMINISTRATION AND SECRETARIAT

A. OFFICE OF
PRESIDENT

Consideration was given to a proposal that there should be no office of president of the organization and that the functions assigned to this office should be discharged by a chairman of the council, the president of the assembly, and the director-general.

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COMPARISON OF THE POSSIBLE PLAN FOR
A GENERAL INTERNATIONAL ORGANIZATION
WITH THE LEAGUE OF NATIONS AND SIGNIFICANT
UNOFFICIAL PROPOSALS

The Possible Plan for a General International Organization (referred to in this memorandum as the Tentative Draft) is compared below with the following documents:

The Covenant of the League of Nations (1920);

The International Law of the Future: Postulates, Principles, and Proposals, by the Lawyers' Group under the Chairmanship of Manley O. Hudson (referred to as the Hudson Draft), (January 1944);

Draft Pact for the Future International Authority by the Executive Committee of the League of Nations Union, London (referred to as the Cecil Draft), (November 1943);

Views Regarding a New International Organization Tentatively Arrived at by a Small Informal Committee Convened by Judge Hudson (referred to as the New York Group), (April 1944).

I

GENERAL CHARACTER OF ORGANIZATION

All these documents declare in some form that the fundamental objectives of the international organization are to maintain peace and security and to improve the general welfare. All of them describe machinery and procedures for preventing hostilities, and all provide for economic, social, and technical arrangements to promote human welfare.

They differ, as will appear below, in stating the basic concept of the organization, in defining membership, and in recognizing regional arrangements, as well as in describing the organs of the international body and setting forth their powers and procedures. They differ also in the emphasis placed upon the enforcement of obligations underlying the maintenance of security.

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By R. H. Parks Date JUN 2 1972

A. BASIS

A. BASIS OF
THE ORGANIZATION

The Tentative Draft projects a general organization based on a contractual agreement among sovereign states. All states, however, whether or not participating in the organization, are regarded as under obligation: (1) to settle disputes by none but peaceful means; (2) to refrain from the threat or use of force in their international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization; (3) to refrain from action which would violate the measures provided for in the general international agreement for the regulation of armed forces and of the manufacture of and international traffic in arms; (4) to refrain from giving assistance to any state contrary to preventive or enforcement action undertaken by the international organization. The organization would be empowered to assure that these obligations are respected.

1. The League Covenant provides an association of states, based on contract, in which only members undertake obligations, similar to (a) and (b) above, and assigns to the organization power to facilitate the fulfillment of the obligations by the members. It provides that a non-member may be invited to accept the obligations of membership in the settlement of a dispute, and that if the state refuses the Council may take such measures and make such recommendations as will prevent hostilities and bring about settlement of the dispute.
2. The Hudson Draft bases the organization on the concept of a community of states, including all states which exist or may come into existence in the future. The obligations of the states are enumerated as legal duties but the power of the organization to enforce these obligations is merely implied.

This draft specifically states that conditions within a state that menace international peace and order are a matter of concern to the community of states, and that the organization may take such action as deemed necessary to protect the interests of the community of states. This power is implied but not expressed in the Tentative Draft.

3. The Cecil Draft sets up an International Authority on a contractual basis, maintained by the states which accept the principles on which it is founded. This draft provides that the principal states, acting together on behalf of the Authority on the basis of a special undertaking, will use their whole strength to prevent or stop any act of aggression by any state against any other state.
4. The New York Group proposes that all states should be included in the organization, and therefore assumes that all states have the same basic obligations. The organization is given power to maintain peace.

B. MEMBERSHIP

The Tentative Draft provides that the United Nations, the nations associated with them, and other states as the United Nations may determine, should comprise the initial membership of the organization. Other independent states would be admitted to membership by the general assembly, by a two-thirds vote. Withdrawal is provided for, but not expulsion.

1. The League Covenant provides for the establishment of the League by the Allied and Associated Powers which signed the Covenant, and other states named in the Annex were permitted to become original members. Other "fully self-governing" states, dominions, or colonies could become members by two-thirds vote of the Assembly under prescribed conditions. Withdrawal and expulsion from membership are also provided for.
2. The Hudson Draft includes all states as members of the organization and makes no provision for adherence or withdrawal. Presumably, a state could be deprived of its rights as a specific measure in connection with the prevention or suppression of the wrongful use of force. This draft does not designate the states which should establish the organization.
3. The Cecil Draft proposes that the first members should be the states named in an annex which

accede

accede to the Pact in the prescribed manner, and provides that any state might become a member of the International Authority by two-thirds vote of the assembly. It provides for withdrawal and expulsion.

4. The New York Group, urging that all states should be included in the organization, proposes that any restrictions on the participation of certain states should be temporary.

C. REGIONAL ARRANGEMENTS

The Tentative Draft provides that the organization be so constituted as to make possible regional or group arrangements that are not inconsistent with the purposes of the general organization. It contemplates that regional groupings should be able to function on their own initiation or by reference from the general organization on matters of security and peace which are appropriate for regional adjustment.

1. The League Covenant recognizes the validity of regional understandings "like the Monroe Doctrine" which have for their purpose the maintenance of peace. In practice, the League did not discourage the development of regional security arrangements consistent with the obligations of the Covenant.
2. The Hudson Draft recognizes the possibility of arrangements involving groups of states "on the basis of regional propinquity, historical relationship, or mutuality of interest", provided that they are not inconsistent with those of the universal organization.
3. The Cecil Draft does not include a general recognition of regional organization, but in the section on the defense committee it is suggested that subcommittees may be formed to deal with aggression in any special region, and that the membership of such ad hoc subcommittees should include at least one great power and representatives of the powers interested in the region affected.

4. The

4. The New York Group proposes that regional organizations be coordinated with the general organization, but makes no suggestions as to the methods of coordination.

D. ORGANS
AND AGENCIES

The Tentative Draft projects the following organs for the international organization: a general assembly, an executive council, an international court of justice, a general secretariat, and such additional organs, councils, commissions, or agencies as may be necessary for cooperation in economic and social activities, as well as a security and armaments commission and a territorial trusteeship body. It is further suggested that the economic, social and technical arrangements and agencies might be universal or regional in character. It is contemplated that certain existing specialized agencies, and new ones, will be brought into relationship with the general international organization.

1. The League Covenant provides for an assembly, council, and secretariat, for a permanent military, naval, and air commission, and a permanent mandates commission. The Permanent Court of International Justice is not an organ of the League of Nations but closely related to it. The Covenant of the League provides that existing international bureaus and other agencies which might be established should be placed under the direction of the League.
2. The Hudson Draft envisages an assembly, a council, a series of specialized agencies, and a general secretariat. This draft also provides for maintaining existing international unions as agencies of the community of states, referring especially to the International Labor Organization. It is proposed that the Permanent Court of International Justice be maintained as an organ of the community of states, and that the Permanent Court of Arbitration be maintained.
3. The Cecil Draft likewise envisages an assembly, a council, and a secretariat, and provides for

the

the creation of standing committees and specialized agencies to facilitate cooperation in international activities. It proposes that the Mandates Commission of the League continue to function until other arrangements are made. A permanent defense committee is proposed as an emergency executive organ.

4. The New York Group proposes an assembly, a political council, a defense committee which would either form a part of the political council or be otherwise linked with it, and a secretariat. In addition this group envisages a series of coordinating councils in various economic and social fields on a level with the political council. It is suggested that existing special agencies be brought into constitutional relationship with the general international organization.

E. POSITION OF THE PRINCIPAL STATES

The Tentative Draft, while assuming that all states have mutual responsibility for the maintenance of security and peace, assigns a position of special responsibility for the maintenance of security to the principal states. By giving the principal states continuing seats on the council and requiring their unanimity (with right of abstention) in voting on matters concerning security enforcement, the responsibility of the principal states is emphasized and the necessity of their continuing solidarity on the basic issue of security is underlined.

1. The League Covenant assigns permanent seats on the Council for the principal states, but limits the preponderant position of the large states by a requirement of unanimity in voting by all states on major questions.
2. The Hudson Draft provides that states should be selected for council seats with special reference to the importance of their role in international affairs, and suggests longer terms for the states exercising greater powers and responsibility.

3. The

3. The Cecil Draft goes further than any other proposals in giving special security functions to the principal states. The permanent members of the council are to constitute a defense committee, entering into a special undertaking to prevent or restrain any act of aggression. Provision is made for admitting other states to the defense committee on the recommendation of the permanent members. The preponderant position of the principal states is not reflected in the voting arrangements excepting in the defense committee.
4. The New York Group's proposal for a special defense committee with continuing membership of the five states best qualified to assume responsibility for security stresses the special position of the principal states. The concept of responsibility and authority to match the power of a state is carried into the suggestions for the several proposed councils. It is suggested that in each council the five states of chief importance in the respective fields be represented ex officio, and the concept is further emphasized by the requirement that decisions taken by the assembly in any field require the concurrence of the appropriate council.

II

A GENERAL ASSEMBLY

A. COMPOSITION

All the documents provide for an assembly composed of representatives of all states participating in the organization.

B. POWERS

The Tentative Draft projects the general assembly as the central organ of the international organization in all matters except security, and empowers it to determine general policies with respect to international cooperation in matters of concern to the international

organization

organization not specifically reserved to the executive council. In general, the assembly would be given the residual powers of the organization, authorized to take action on matters not allocated by the basic instrument to other organs.

Specifically the general assembly would:

- (1) be empowered to promote international cooperation in all fields and to make studies and recommendations for developing international law and promoting the observance of basic human rights;
- (2) have limited security functions consisting principally of assistance to the executive council upon request by the council;
- (3) receive reports from the executive council and all bodies and agencies within the international organization; and
- (4) harmonize the policies of the specialized agencies, admit states to membership, elect the president of the organization, the judges of the International court, and the council members with limited tenure, approve the budget, and apportion dues.

1. The League Covenant assigns the Assembly and the Council identical general powers, although their functions have become differentiated in practice and to some extent in theory. The Assembly is empowered to deal with any matter "within the sphere of action of the League or affecting the peace of the world". The Assembly has equal powers with the Council to deal with disputes likely to lead to a rupture, upon reference of such disputes by the Council. In practice, the League Assembly frequently dealt with security problems.

On points other than security the Assembly of the League has powers and functions similar to those of the proposed general assembly except that the Covenant does not state them as clearly and explicitly as the proposed Tentative Draft. The Covenant does not mention the role

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of the assembly in the development of international law and the protection of basic human rights. It does, however, give the assembly the specific function of advising the review of the specific function of advising the review of treaties and considering international conditions "whose continuance might endanger the peace of the world".

2. The Hudson Draft assigns to the assembly the general power "to deal with any matter of concern to the community of states", but the assembly would not have any specific security functions. The assembly would elect council members, pass on the budget, and apportion contributions. It is not given any specific power to coordinate in any way the work of the specialized agencies, but the council must seek the concurrence of the assembly in creating and maintaining such agencies. This draft, like the proposed Tentative Draft but unlike the League Covenant, makes the assembly especially responsible for the development of international law. In this respect, however, it goes further than the Tentative Draft, by giving the assembly the power, with the concurrence of the council, to modify general international law and to enact new general rules of international law.
3. The Cecil Draft envisages an assembly with practically no assigned security functions except to receive the reports of the defense committee and, alternatively to the council, to approve the non-emergency acts of the defense committee. However, the assembly is given the same general power as the council to deal with any international matter affecting peace or welfare. The powers and functions of the assembly are not sharply differentiated from those of the council, and both bodies are required to act on many items of business.
4. The New York Group would set up the assembly as the general deliberative body of the international organization, empowered to adopt the policy directives to be executed by the various councils. Its functions are confined to

establishing

establishing principles and adopting regulations, on recommendation of the political council, to govern the various types of security problems likely to arise under the international organization. The assembly would choose the elective members of the political council and of the specialized councils. Like the Hudson Draft, the assembly is vested with power to modify or enact international law.

C. ORGANIZATION AND VOTING OF THE ASSEMBLY

All the documents vest in the assembly the power to formulate its own procedures and elect its own officers and committees.

The Tentative Draft permits each state to send not more than six representatives to the assembly, while the League Covenant permits three representatives. The other drafts do not mention this point.

All of the documents give one vote to each state in the assembly, but the voting regulations differ.

The Tentative Draft specifies a two-thirds vote for decisions involving the determination of general policies with respect to international cooperation, for admission of states to membership, for election of non-continuing members of the council, and for the election of judges to the international court. Other decisions would be taken by a majority vote.

1. The League Covenant requires a unanimous vote on questions of policy and a majority vote on questions of procedure including the appointment of committees to investigate special matters. The rules dealing with the election of the non-permanent members of the Council are to be fixed by a two-thirds vote of the Assembly.
2. The Hudson Draft proposes that a majority vote be decisive except where otherwise provided. The exceptions, for which a two-thirds vote would be required, are (1) modification and enactment of international law, with concurrence of the council, (2) concurrence with the council in advising the revision of treaties,

(3) concurrence

(3) concurrence with the council in advising the readjustment of any situation whose continued existence would endanger good understanding between states, and (4) amendment of the creating instrument, with the concurrence of the council and the tacit acceptance of a given number of states (not specified in the draft).

3. The Cecil Draft requires a unanimous vote except where otherwise expressly provided. The exceptions for which a majority is required are (1) approval of a council decision fixing the numbers of council members and the conditions of their membership, (2) the appointment of committees to assist in the work of the assembly, (3) approve the addition of members to the regional subcommittees of the defense committee, and (4) approval of proposals for action by the defense committee and the regional subcommittees. A two-thirds majority is required for disapproving action already taken by the defense committee. A majority including the permanent council members is required for admission of additional states to membership in the defense committee.
4. The New York Group makes no general statement about voting. To enact international law the assembly must have a qualified majority with the unanimous concurrence of the appropriate council; a policy directive voted by the assembly may be vetoed by the council affected, but the assembly may override the veto by a two-thirds vote. A two-thirds vote is required to determine the states to be represented on each council. Concurrence with the political council in advising the revision of treaties and the adjustment of dangerous situations also requires a two-thirds vote.

III

AN EXECUTIVE COUNCIL

A. ROLE IN THE ORGANIZATION

The Tentative Draft projects the executive council as the organ especially responsible for the maintenance of international peace and security, and charges it with representing and acting on behalf of the entire international organization in such matters.

1. In the League Covenant the Council is assumed to have special authority and responsibility in security matters, but this is not expressly stated. Since 1931 responsibility in this field has shifted increasingly to the Assembly.
2. The Hudson Draft assigns greater security functions to the council than to the assembly but does not state this as a principle. The council is considered the general executive organ of the community of states, and therefore has wider jurisdiction than has the council in the Tentative Draft.
3. The Cecil Draft describes the council as "a central committee of certain members". It has general executive functions as well as special security functions and in some cases operates like the upper chamber of a legislative body. The defense committee performs the most urgent security functions of the council.
4. The political council envisaged by the New York Group is described as the general coordinating and conciliatory body and is assigned such general powers as are not within the exclusive competence of some other body. The executive security functions of the council are vested in the defense committee, which is composed of "the five states best qualified to assume the responsibility" for the maintenance of international peace and security.

B. COMPOSITION

B. COMPOSITION AND REPRESENTATION

The Tentative Draft provides for an executive council composed of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China as members with continuing tenure and an equal number of states elected for annual terms by the assembly and not immediately eligible for re-election. Each state member of the executive council would have one representative. Alterations in the composition of the council would be made by means of the amendment process.

1. The League Covenant provides for two classes of members, permanent and non-permanent, the latter elected by the Assembly for three-year terms under a system of rotation which recognizes the principle of regional representation. Originally, the permanent members were to have more seats than the non-permanent members but the latter soon outnumbered the former. The composition of the Council could be, and was, altered by the Council with the approval of the majority of the Assembly, but the Assembly regulated the elections and terms of office of the non-permanent members.
2. The Hudson Draft suggests that a distinction be made between council members with indeterminate tenure and those elected for a fixed period, and that in the choice special consideration should be given to the relative international roles of the states. The size of the council, the initial members, and the terms and conditions of election are not specified.
3. The Cecil Draft provides for two classes of membership and names the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the Republic of China as the initial permanent members. There would be five other members whose terms and manner of election would be left to be prescribed in regulations adopted by the council with the approval of the assembly.

4. The

4. The New York Group does not name the states of chief importance which should be ex officio members of the political council, but proposes that they be designated by the assembly from time to time. The assembly would also determine the total number of states to be represented on the political council. The states to be represented at the beginning would be named in a schedule attached to the basic instrument.

All of the documents provide that if a state not represented on the council is party to a case before the council it may have special temporary representation for consideration of that case.

C. POWERS AND FUNCTIONS

The Tentative Draft assigns to the executive council the primary responsibility for the maintenance of international security and peace and states that it should in such matters represent, and act on behalf of, all the members of the international organization. The reserved powers of the council are those involved in the security provisions of the basic instrument. These include the settlement of disputes, the regulation of armaments and armed forces, the determination of threats to the peace, of breaches of the peace, and of acts obstructing measures for the maintenance of security and peace, and the institution and application of measures of enforcement. The executive council would have power to initiate action in relation to any of these matters and if necessary to impose a just and equitable settlement if negotiation, conciliation, arbitration, and judicial procedures fail. The executive council would also be given authority to initiate the general policies of the organization with respect to the security matters listed above.

The Tentative Draft assigns few non-security executive functions to the executive council; it would participate in the election of the president and the director-general of the organization and nominate the judges of the court. It would also set up any bodies or agencies it might deem necessary for the performance of its own functions.

1. The

1. The League Covenant empowers the Council, like the Assembly, to deal with any matter within the sphere of action of the League or affecting the peace of the world. The executive functions of the Council include the appointment of the Secretary-General with the approval of the Assembly and the approval of other administrative officers, who are appointed by the Secretary-General. The Council may also change the seat of the League.

The types of security measures, which the Council might take under the League Covenant, are not substantially different from those outlined for the executive council in the Tentative Draft. However, the League Council is not specifically empowered to initiate security action; the responsibility for initiating League action and for carrying out recommended enforcement measures rests on the member states.

2. The Hudson Draft assigns both executive and security functions to the council. The executive functions include the power to create and maintain specialized agencies, with the concurrence of the assembly. The council is also to have concurrent powers with the assembly in the enactment of international law. The security functions of the council are not given in detail in this draft, but in general terms they cover both the prevention of unauthorized use of force by a state in its relations with other states and the prevention of conditions within a state of conditions which menace international peace and order. The council has the right to initiate security measures, including the imposition of a settlement in case a dispute likely to lead to a rupture is not settled by other peaceful methods.
3. The Cecil Draft assigns general and executive functions as well as security functions to the council, but enforcement action is assigned to the defense committee. As has already been pointed out, this draft treats the council in some respects as the upper house of a bicameral legislature.

4. The

4. The New York Group assigns general coordinating and conciliatory functions to the council and proposes the establishment of a defense committee for the most urgent security measures. The more permanent security measures are left to be regulated and assigned by joint action of the political council and the assembly, after the organization begins to operate.

D. ORGANIZATION AND
VOTING OF THE COUNCIL

1. Officers and Regulations

All the drafts state that the executive council should perfect its own organization and make its own rules of procedure. The Tentative Draft specifies that the president of the international organization should be chairman of the executive council.

2. Voting

The Tentative Draft and the League Covenant give one vote to each member of the council, except that a party to a dispute may not vote when decisions are taken regarding the dispute.

The Tentative Draft provides that the major decisions on security matters should be taken by a majority vote in the executive council, including the concurring votes of all member states having continuing tenure. It also provides that any state member of the executive council should have the right to abstain from voting, but that in such case the abstaining member should be bound by the decision.

- a. The League Covenant requires a unanimous vote on questions of policy and a majority vote on questions of procedure including the appointment of committees to investigate special matters. The Covenant includes a special provision that the Council may make a report by unanimous or majority vote on the facts of a dispute which could not be settled by the prescribed procedures; in case of a majority vote the members of the League reserve to themselves the right to

take

take such action as they consider necessary for the maintenance of peace and justice. A unanimous vote in such a case lays upon the members the obligation not to go to war with any party to the dispute which complies with the recommendations of the report.

- b. The Hudson Draft proposes that decisions by the council should require a unanimous vote unless expressly provided otherwise, but that decisions on procedure and appointments should be by majority vote. A two-thirds vote would be required, with the concurrence of the assembly (1) to advise the revision of treaties, and (2) to advise the readjustment of dangerous situations. The council would concur in amendments to the basic instrument by a two-thirds vote. If the effort of the council to settle a dispute is unsuccessful and the council is not unanimously agreed on a decision which shall be binding upon the parties, a report on the facts and recommendations might be made by majority vote.
- c. The Cecil Draft, requires a unanimous vote except where otherwise expressly provided. A majority vote is required for approval of appointments to the administrative staff and for approval of proposed actions of the defense committee.
- d. The New York Group do not make a general statement about voting. The unanimous concurrence of the appropriate council is required for modification and enactment of international law. The political council, acting by a two-thirds vote including the vote of all states represented on the defense committee, is directed to propose for action by the assembly the establishment of principles and adoption of regulations on detailed security matters.

3. Meetings

3. Meetings

The Tentative Draft projects that the executive council should be in continuous session, meeting at any places best facilitating its work.

- a. The League Covenant provides that the Council meet from time to time as occasion may require, but at least once a year.
- b. The Hudson Draft proposes that the council should meet in public and publish its minutes promptly. It does not specify the frequency of meetings.
- c. The Cecil Draft specifies that meetings be held at least four times a year.
- d. The New York Group do not prescribe the frequency of council meetings.

IV

ARRANGEMENTS FOR SECURITY

A. SCOPE OF
ARRANGEMENTS

The Tentative Draft treats the security powers and functions of the organization under six headings:

Prevention and Settlement of Disputes
Regulation of Armaments and Armed Forces
Determination of Threats to the Peace or
Breaches of the Peace and Action with
Respect Thereto
Non-Military Measures of Enforcement
Supply and Use of Armed Forces and Facilities
Security and Armaments Commission

While the other documents and proposals under comparison include all of these subjects belonging to the arrangements for security, they are treated less directly and in less detail.

The principal difference between the proposals of the Tentative Draft and the other post-1939 formulations on the one hand, and the League Covenant on the other lies in the fact that in the League most of the initiative is in the hands of the member states, while in the post-1939 documents the organization is given the power to take initiative and the responsibility to exercise it under prescribed conditions.

B. ROLES ASSIGNED TO
THE ORGANIZATION AND
TO THE STATES

The Tentative Draft defines the general security obligations of all states, whether members of the international organization or not, as being (a) to settle disputes by none but peaceful means, and (b) to refrain from the threat or use of force in their international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization. The "friendly right" of any member state to bring to the attention of the general assembly or the executive council any condition which it considers dangerous to security is recognized. Without in the least

diminishing

diminishing the role of the individual states in carrying out the peaceful settlement of disputes, the regulation of armaments, and enforcement action whether non-military or military, there is also emphasis on the role of all the states in and through the organization.

1. In the League Covenant the role of the organization is seriously limited in relation to that of the individual states. The initiative in considering disputes and in most of the enforcement action remains with the states. They are obligated under the Covenant to support many of the security decisions and recommendations of the League, but the League is not empowered to require states to carry out their promises, or respect its decisions in regard to security.
2. The Hudson Draft goes into considerable detail on the "legal duties of states", listing ten such duties, based on the concept of the community of states governed by international law. The power and duty to enforce the peace are, however, assigned to the community, acting through its appropriate organs, mainly the executive council.
3. One legal duty of a state which is recognized in both the Hudson Draft and the Cecil Draft is to conduct its internal affairs according to the dictates of humanity and to see that conditions within its own territory do not menace international peace and order.
4. The Cecil Draft and the New York Group subordinate the role of the states to that of the international organization. However, through the instrumentality of the defense committee they place directly on the largest, most powerful states the responsibility to take the initiative to suppress aggression in a crisis, regardless of whether other states act or not.

C. ORGANS

C. ORGANS TO WHICH
SECURITY FUNCTIONS ARE
ASSIGNED

The Tentative Draft assigns the security functions mainly to the council, proposing that it should appoint a security and armaments commission to provide the necessary technical advice and assistance. The assembly's part in the security arrangements is limited to calling to the attention of the council a condition menacing peace and assisting the council in settling disputes or enforcing decisions.

1. The League Covenant uses both the Council and the Assembly in security matters. A permanent military, naval, and air commission was provided for in the Covenant, but it did not develop effectively.
2. The Hudson Draft makes the council chiefly responsible for security action, requiring the concurrence of the assembly in some decisions.
3. The Cecil Draft proposes a similar arrangement, but vests in the defense committee the power to act in an emergency.
4. The New York Group, likewise, places special emphasis on the defense committee, acting with the political council. Most of the actual regulations for action to maintain peace and security are left for formulation to the political council and the assembly.

D. SPECIFIC POWERS,
FUNCTIONS, AND PRO-
CEDURES

1. Prevention and Settlement of Disputes
 - a. Conditions or situations threatening peace and good international relations

In the Tentative Draft there are three ways to bring up for consideration "any condition, situation, or controversy" the continuation of which is deemed likely to endanger security or peace: (1) any member state may call such a condition to the attention of

the general assembly or the executive council; (2) the assembly should refer it to the council if action to prevent an immediate threat to or breach of the peace is required; and (3) the council on its own initiative or on reference from the assembly should investigate and recommend measures of adjustment to the states concerned.

- (1) In the League Covenant it is considered the friendly right of each member to bring to the attention of the Council "any circumstance whatever effecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends". Under a broad interpretation of the League's powers "to take any action that may be deemed wise and effectual to safeguard the peace of nations" the Council or Assembly could take the initiative, but the League lacked strength to develop its powers to that point.
- (2) Starting from the premise that the community of states constitutes a legal order, the Hudson Draft indicates more precisely some of the conditions and situations of which cognizance should be taken, e.g., alleged failure by a state to carry out its obligations under international law, the prevalence within the territory of any state of conditions which menace international peace and order, the persistence of a dispute not settled by diplomatic or judicial overtures, and the need to consider revision of a treaty. This draft also empowers the council on its own initiative and with the concurrence of the assembly to advise the readjustment of any situation the continued existence of which would endanger the good understanding between states. The use of the court in the process of revising treaties is recommended.

(3) The

- (3) The Cecil Draft keeps the League of Nations formula, specifying that any member of the international authority should bring any threatening conditions to the attention of the assembly or council, but it adds the provision that the director-general has a duty to take such a step. He is empowered to collect information about the situation and to arrange for a special meeting of the council. The document includes "the terms of treaties which are alleged to have become inapplicable, unjust and dangerous to peace" among the conditions which any member may bring up for consideration.
- (4) The New York Group recommends that the political council, on its own initiative or at the request of any state and with the concurrence of the assembly, be empowered to advise the readjustment of a dangerous international situation. The proposals of the group include procedures for revising treaties, envisaging action by the court under some conditions.

b. Disputes not settled by negotiation between the parties

The Tentative Draft projects two ways in which the executive council may become responsible for the settlement of disputes: (1) where a situation or controversy develops into a dispute in which one or more of the parties demand a settlement, the parties would be obligated to seek a settlement by peaceful means, referring it in the first instance to agencies of their own choosing, but if they fail to settle it in this way they would be obligated to refer the case to the council; (2) if the executive council determines on its own initiative that there exists between member states a dispute which constitutes a threat to security or peace, it would be empowered to assume

jurisdiction

jurisdiction to effect a just and equitable settlement. These provisions would apply in the case of non-members as well as members of the organization.

The Tentative Draft also projects that the council should be authorized to seek the assistance of the assembly in settling disputes, and to appoint commissions of inquiry and conciliation or refer the dispute to the international court, "or take other appropriate measures to effect a final settlement".

Under the plan the executive council would be empowered to take necessary measures to assure compliance with the terms of any final settlement determined under the authority of the international organization.

- (1) In the League Covenant the member states agree to submit disputes to arbitration, to judicial settlement or to the Council in which case the Council is instructed to endeavor to effect a settlement. The Covenant does not give the Council the power to take the initiative in settling disputes or to compel compliance with its recommendations. The member states are obligated not to go to war with a state which complies with the recommendations.
- (2) The Hudson Draft heavily emphasizes judicial settlement and arbitration. However, the council is empowered to take cognizance of any dispute not pending before the court; and if the attempt to settle the dispute by agreement between the parties is not successful the council may give a binding decision by unanimous vote.
- (3) The Geoil Draft would obligate all member states to settle all international disputes peacefully. The council is

empowered

empowered to assist in the negotiations, but not to take the initiative. On the other hand, the council when brought into a case is authorized to direct how the dispute is to be settled. The document states that no party to the dispute shall take hostile action on behalf of its claims unless authorized to do so by a two-thirds vote of the assembly.

- (4) The New York Group proposes a general obligation to seek the settlement of disputes by peaceful means only and suggests that the political council might be authorized to intervene to protect the general interests. The proposal is also made that a distinction should be made between political and legal disputes, giving the court obligatory jurisdiction over the latter. While it is suggested that the council be given general power to deal with disputes, it is also proposed that the assembly should approve any final decision.

2. Regulation of Armaments and Armed Forces

The Tentative Draft proposes that the international organization initiate and establish a system for the regulation of armaments and armed forces on the basis of a general international agreement. They suggest a special provision that the armaments and armed forces of the Axis states be governed by the terms of their surrender until the general regulations become operative.

The Tentative Draft states the objective of the general agreement to be the establishment of armaments and armed forces at the lowest levels consistent with the maintenance of domestic security and with the responsibility for the enforcement of international security and peace under the basic instrument. The member states would be obligated to adjust their armaments at the agreed levels and maintain the armaments needed for cooperative international enforcement action. All states,

whether

whether members or not, would be obligated not to violate the measures provided for in the general agreement for the regulation of armaments and armed forces and of the manufacture of and international traffic in arms.

Under this plan the executive council would be empowered not only to initiate, establish, and to adjust through periodic review a system of regulation to give effect to the general agreement, but also to investigate and enforce the observance of the general agreement. The council would be authorized to request the assembly to assist in enlisting the cooperation of all states in giving effect to such regulations and enforcement action.

- a. In the League Covenant the member states recognize the necessity of reducing armaments "to the lowest point consistent with national safety", and the Council is empowered to formulate plans for such reduction.
- b. The Hudson Draft mentions the regulation of armaments only as one of the matters requiring the establishment of specialized agencies.
- c. The Cecil Draft recommends that regulation of armaments should be undertaken "as soon as international conditions permit". The defense committee would be made responsible for planning such regulation and submitting proposals to the international authority. The plans would include limitation and supervision of armaments as well as arrangements designed to make the international authority strong enough to maintain peace. This draft suggests that the defense committee consider the feasibility of an international air force.
- d. The New York Group include the regulation of armaments (both limitation and maintenance) in the list of matters which the political council and the assembly are to decide upon by concurrent action.

3. Determination

3. Determination of Threats to or Breaches of the Peace

The Tentative Draft would empower the council, on its own initiative or on the request of any state or the assembly, to determine the existence of a threat to or breach of the peace and to decide upon the action to be taken to maintain or restore peace.

The executive council would be empowered to determine whether any condition, situation or act involving an alleged threat to the peace or breach of the peace of sufficient gravity to require action. The plan lists certain examples of conditions, situations, or acts which might come under this heading. All states, non-members as well as members, would be obligated to refrain from giving assistance to any state contrary to such enforcement action.

The council would also be empowered to seek the advice and assistance of the general assembly, and of the international court in any matter within the competence of the court.

- a. The League Covenant assigns broad general powers to the League of Nations to "take any action deemed wise and effectual to safeguard the peace of nations" if there should be a war or threat of war. Nevertheless, the initiative for taking up a threat to or breach of peace is left to the members, and the only powers specified for dealing with such a situation are for investigation, report, and recommendations to the member states. The obligation of the members not to resort to force is limited to the undertaking not to go to war with any party to a dispute which complies with the recommendations of a report adopted unanimously by the Council.

b. The

- b. The Hudson Draft assigns to the council, with the concurrence of the assembly, the power to prescribe general provisions for preventing or suppressing the unauthorized use of force. The council, on its own initiative or at the request of any state, is empowered to take action for the protection of the interests of the community of states in case of such resort to force.
 - c. The Cecil Draft leaves the initiative in the hands of the member states in case of a threat to peace. However, the defense committee is empowered to act promptly to prevent or suppress a flagrant, unauthorized use of force, although it is required to report such action to the council.
 - d. The New York Group also give the defense committee of the political council the power to act in an emergency to maintain or restore peace, reporting to the political council. The general measures which are to be prescribed for dealing with threats to or breaches of the peace are left to the assembly to determine on recommendation of the political council.
4. Non-Military Measures of Enforcement

The Tentative Draft proposes that the executive council be empowered to require that the parties to a dispute refrain from any action likely to aggravate the situation. They would also empower the council to require the use of non-military measures to support an enforcement action. The council would determine when such measures should be put into effect. In this plan the states would be obligated (a) to cooperate in obtaining information, (b) to take part in concerted diplomatic measures, (c) to take part in collective economic, commercial and financial measures and (d) to cooperate in mutual efforts to relieve the states suffering inequitably by their support of such measures.

a. The

- a. The League Covenant places on the member states an obligation to take non-military measures against a state resorting to war in violation of its obligations as a member of the League, such a state being ipso facto deemed to have committed an act of war against all other members. The measures which the member states undertake to apply include (1) the severance of all trade or financial relations, (2) the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and (3) the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a member or not. Under the Covenant, the member states agree further to support one another in the financial and economic measures undertaken, in order to minimize loss and inconvenience, and to support one another in resisting any special measures aimed at one of their number by the covenant-breaking state. A covenant-breaking state may also be expelled from the League by the Council.
- b. Measures of non-military enforcement would be included in the general powers assigned to the council in the Hudson and Cecil Drafts. In the New York Group's proposal they are among the matters left for determination by the political council and the assembly.

5. Supply and Use of Armed Forces and Facilities

The Tentative Draft provides for a long-term and a provisional arrangement for the supply of forces and facilities. By adhering to the basic instrument, members of the international organization would undertake to supply forces and facilities when needed, for the maintenance of security and peace and at the call of the executive council. This undertaking would involve a promise by the member states to conclude among themselves at the earliest possible moment after

the

the organization comes into existence an agreement as to the number and kind of forces and facilities to be supplied. The duty of the council would be to formulate the plans and procedure for negotiating the agreement. In the plans for the agreement and in the operations under the agreement, it is emphasized that the council should take account of the geographical position of the member states, their regional or special obligations, and their relative resources.

The provisional arrangement would consist of a requirement that the states parties to the Moscow Four Nation Declaration and other states in a position to do so should supply, on the basis of their various capacities and of undertakings among themselves, such forces and facilities as may be needed to establish security and peace.

The council would be empowered to call upon the member states for economic, financial, and commercial assistance to supplement a military enforcement action, and the member states would be under obligation to comply with the request. The council would also be empowered to call upon them for facilities such as bases and rights of passage as arranged in advance by consultation and agreement. It would be responsible for general supervision over any exercise of force under the provisions of the basic instrument, acting with the advice and assistance of the permanent security and armaments commission.

a. By the League Covenant the Council has the duty to recommend to the members the "effective military, naval, and air force" that they should contribute in case a member resorts to war in disregard of its undertakings. The members undertake to afford passage through their territory to the forces of any of the members which cooperate to protect the covenants of the League.

b. The

- b. The supply of military forces would be included in the general powers of the organization and its subsidiary agencies in the Hudson and Cecil Drafts. The New York Group leave the matter to be settled by the assembly on recommendation of the defense committee.

6. Security and Armaments Commission

The Tentative Draft provides that the council should appoint a permanent security and armaments commission to give necessary technical advice and assistance to the council and to recommend on security measures including matters relative to military command. The commission would have authority with the approval of the executive council to establish subordinate agencies and otherwise perfect its organization.

The executive council would also have authority to appoint ad hoc commissions to perform special security responsibilities including operational staff duties.

- a. The League Covenant provides for a permanent commission which, if it had functioned to the full extent of its powers could have advised on general military, naval, and air questions, and on the reduction of armaments.
- b. The Hudson Draft makes no special provision for a committee on security and armaments.
- c. The Cecil Draft suggests that the defense committee appoint a general staff to advise on technical matters.
- d. The New York Group does not make any definite proposal with regard to a committee on security and armaments. Presumably this would be treated as a detail of the security arrangements to be decided upon by the council after its creation. According to this set of proposals the defense committee might make such temporary arrangements as it deemed necessary pending the establishment of permanent arrangements by the assembly on the recommendation of the council.

V

AN INTERNATIONAL COURT OF JUSTICE

The Tentative Draft proposes that the Permanent Court of International Justice be reconstituted in accordance with a revision of its present Statute, and that the revised Statute should be made a part of the basic instrument of the international organization.

1. The League Covenant provides that the Permanent Court of International Justice should come into existence on the basis of plans drawn up by the Council and submitted to the members. The Statute of the Permanent Court of International Justice, however, is not a part of the basic instrument of the League.
2. The Hudson Draft proposes that the Permanent Court of International Justice should be maintained as the chief judicial organ of the community of states, and that its statute should be adapted to the organization of the community of states.
3. The Gecil Draft assumes the continued existence of the Permanent Court of International Justice, but does not mention the revision of the court's statute or its relationship to the basic instrument.
4. The New York Group suggest that the Permanent Court of International Justice be continued and given general obligatory jurisdiction over legal disputes, but no proposal is made about revising the present statute or about the relationship of the court to the international organization.

VI

ADMINISTRATION

All the documents being compared assign the administrative functions of the international organization to

a secretariat,

a secretariat, directed by a chief administrative officer. None of them undertake to describe the administrative machinery in detail. There are, however, some differences among the documents which have some significance.

A. OFFICE OF
PRESIDENT

The Tentative Draft alone proposes that the international organization should have a president.

B. THE CHIEF ADMIN-
ISTRATIVE OFFICER

In the Tentative Draft and in the Geoil Draft this officer is called the director-general; in the League Covenant he bears the title of Secretary-General. The Hudson Draft and the New York Group do not mention the office apart from the general statement that there should be a secretariat.

The Tentative Draft suggests that the director-general should have an important responsibility for coordinating the administrative policies and regulations of the various specialized agencies of the international organization and of the more or less autonomous international bodies which would be brought into relationship with the general organization. His term of office would be 5 years, and he would be eligible for re-election.

1. In the League Covenant the Secretary-General is assigned one political function, being instructed to call meetings of the council to consider a threat to the peace of the world, on the request of a member state. In practice he performed some of the political functions of the proposed president, but not those connected with the chairmanship of the Council. His term of office is not stated in the Covenant but the Assembly voted to make it 7 years, eligible to re-election for a term of 3 years more.

2. The

2. The Cecil Draft would empower the director-general on his own initiative to draw the attention of the council to a condition threatening the peace of the world. He would also be assigned the function of preparing the budget. His term is set at 7 years in this document and he would be eligible for re-election.

C. THE ADMINISTRATIVE STAFF

All of the documents state or imply that the members of the administrative staff should be chosen for their professional competence and not for political considerations. Also, as international civil servants they are to enjoy diplomatic immunities and privileges and are to be free from pressure by their own governments. The League Covenant and the Cecil Draft specify that all positions shall be open equally to men and women.

The Tentative Draft, the League Covenant, and the Cecil Draft specify that the members of the administrative staff should be appointed by the chief administrative officer with the approval of the council. The Hudson Draft and the New York Group do not mention the method of appointment.

D. HEADQUARTERS OF THE INTERNATIONAL ORGANIZATION

The Tentative Draft assumes the establishment of permanent headquarters for the international organization, stating in the provisions for the assembly and the council that each body shall maintain headquarters at the seat of the organization.

1. The League Covenant specifies Geneva as the seat of the League, but provides that the council may at any time determine that the seat of the League should be established elsewhere.

2. The

2. The Hudson Draft does not mention the headquarters of the community of states.
3. The Cecil Draft incorporates the provisions of the League Covenant on this point, leaving blank the initial location of the seat of the international authority.
4. The New York Group propose that the general secretariat of the organization should have a permanent seat or seats and that regional offices might be created in some cases.

~~Secret~~

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April 29, 1944

POSSIBLE PLAN FOR A GENERAL INTERNATIONAL ORGANIZATION

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I

GENERAL CHARACTER OF AN
INTERNATIONAL ORGANIZATION

A. NATURE OF
THE ORGANIZATION

1. The general international organization to establish and to maintain security and peace, as projected in the Four-Nation Declaration, signed at Moscow, October 30, 1943, should be based on the principle of cooperation freely agreed upon among sovereign and peace-loving states. The organization should be open to membership by all such states, large and small, and should be world-wide in character.

2. The United Nations and the nations associated with them, and such other nations as the United Nations may determine, should comprise the initial membership of the organization.

3. The organization should be empowered to make effective the principle that no nation shall be permitted to maintain or use armed force in international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization or to give assistance to any state contrary to preventive or enforcement action undertaken by the international organization.

4. The organization should be so constituted as to make possible the existence of regional organizations or other arrangements not inconsistent with its purposes, and to enable such organizations and arrangements to function on their own initiation or by reference from the general organization on matters of security and peace which are appropriate for regional adjustment. The general organization should at all times be kept informed of the activities in matters of security and peace undertaken by regional organizations or under regional or other arrangements.

5. The organization should comprise arrangements for cooperation in the fields of economic and other specialized activities.

B. PURPOSES

B. PURPOSES

1. The primary purposes of the organization should be, first, to maintain international security and peace, and second, to foster cooperative effort among the nations for the development of conditions essential to the maintenance of security and peace.

C. METHODS

As methods to be used for achieving these purposes, the international organization should:

- a. encourage peaceful adjustment by the parties;
- b. initiate cooperative action by member states for the settlement of disputes;
- c. recommend political or diplomatic action to adjust differences;
- d. provide, and encourage resort to, procedures of mediation, conciliation and arbitration;
- e. encourage reference of justiciable matters to the international court of justice;
- f. refer to the court justiciable questions pending before the organization;
- g. settle disputes referred to it by the parties or over which it assumes jurisdiction on its own initiative;
- h. determine the existence of threats to the peace or breaches of the peace;
- i. arrange, when necessary, for economic, commercial, financial and other measures of enforcement not involving use of armed force;
- j. provide for the institution of other enforcement measures, including, when necessary, arrangements for the use of armed forces and facilities.

D. PRINCIPAL

D. PRINCIPAL ORGANS
AND AGENCIES

1. The international organization should have as its principal organs:

- a. A general assembly.
- b. An executive council.
- c. An international court of justice.
- d. A general secretariat.

2. The international organization should have additional organs, councils, commissions, or other agencies for cooperation in international economic and social activities, for territorial trusteeship responsibilities, and for such other functions as may be found necessary.

II

A GENERAL ASSEMBLY

A. COMPOSITION

The general assembly should be composed of representatives of the states members of the international organization.

B. POWERS

1. It should be empowered to receive and to examine representations addressed to the international organization on matters deemed to be of concern to the organization, and to take action in matters of concern to the international organization which are not allocated to other organs by the basic instrument.

2. The principal powers of the general assembly should be as follows:

a. to make, on its own initiative or on request of a member state, reports on and recommendations for the peaceful adjustment of any situation or controversy the continuation of which it deems likely to impair the general welfare;

b. to assist the executive council, upon its request, in enlisting the cooperation of all states toward giving effect to action under consideration in or decided upon by the council with respect to:

(1) the settlement of a dispute the continuance of which is likely to endanger security or to lead to a breach of the peace;

(2) the maintenance or restoration of peace; and

(3) any

- (3) any other matters within the jurisdiction of the council;
- c. to initiate studies and make recommendations for:
 - (1) the promotion of international cooperation;
 - (2) the development and revision of rules of international law; and
 - (3) the promotion of the observance of basic human rights in accordance with principles or undertakings agreed upon by the states members of the international organization;
- d. to admit to membership in the organization independent states not initial members of the organization;
- e. to elect the members of the executive council not having continuing tenure, the judges of the international court of justice, and the president of the general international organization;
- f. to determine the basis of apportionment of expenses of the international organization among the member states, and to approve all administrative and budgetary arrangements for the organs and agencies of the organization;
- g. to receive reports of all decisions and recommendations of the executive council and of all bodies or agencies brought into relationship with the international organization;
- h. to provide for harmonizing the general policies of the permanent or temporary agencies brought into relationship with the international organization, except such agencies as may be created for purposes of security by the executive council;

1. to

- i. to set up any bodies or agencies it may deem necessary for the performance of its functions; and
- j. to propose amendments of the basic instrument, which should come into force when approved by two-thirds of the member states through their constitutional processes, including the members having continuing tenure on the executive council.

C. REPRESENTATION
AND VOTING

1. The delegation of each member state should consist of not more than six representatives.
2. Each member state should have one vote in the general assembly.
3. Decisions involving the admission to membership in the organization, the election of the non-continuing members of the executive council, and the election of judges of the international court of justice should be taken by a two-thirds vote. Other decisions should be taken by a majority vote.

D. ORGANIZATION
AND SESSIONS

1. The general assembly should meet annually, but it may be convened in special session on the initiative of the executive council or under any procedure the assembly may adopt.
2. It should elect its president, vice-presidents, and other principal officers who should serve for annual terms or until their successors assume office. It should perfect its organization and adopt its own rules of procedure.
3. It should maintain headquarters at the seat of the international organization but may hold its sessions in whatever places would best facilitate the accomplishment of its work.

III

AN EXECUTIVE COUNCIL

A. COMPOSITION
AND REPRESENTATION

1. The executive council should consist of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China as member states with continuing tenure, together with an equal number of member states elected for annual terms by the general assembly, which states should not be immediately eligible for re-election.

2. Each state member of the executive council should have one representative.

3. Any state member of the organization not having a seat on the executive council should be entitled to attend and be heard on matters specially affecting that member.

B. POWERS

1. The executive council should have primary responsibility for the maintenance of international security and peace and should in such matters represent, and act on behalf of, all the members of the international organization.

2. The principal powers of the executive council are enumerated below in sections IV Pacific Settlement of Disputes, VI Determination of Threats to the Peace or Breaches of the Peace and Action with Respect Thereto, VII Regulation of Armaments and Armed Forces, and X General Administration and Secretariat.

C. VOTING

1. Each state member of the executive council should have one vote.

2. Decisions

2. Decisions with respect to the following matters should be taken by a majority vote including the concurring votes of all member states having continuing tenure:

- a. the assumption on its own initiative or on reference to it of jurisdiction over a dispute;
- b. the terms of settlement of disputes;
- c. the negotiations for a general agreement on the regulation of armaments and armed forces;
- d. the determination of threats to the peace, of breaches of the peace, and of acts obstructing measures for the maintenance of security and peace; and
- e. the institution and application of measures of enforcement.

3. Other decisions should be taken by a majority vote.

4. In all decisions any state member of the executive council should have the right to abstain from voting, but in such case the abstaining member should be bound by the decision.

D. ORGANIZATION
AND SESSIONS

1. The executive council should be in continuous session. Its headquarters should be maintained at the seat of the organization, but its meetings may be held at any places best facilitating its work.

2. The president of the organization should be the chairman of the executive council.

3. The executive council should be empowered (a) to set up any bodies or agencies it may deem necessary for the performance of its functions, (b) to perfect its own organization, and (c) to adopt its own rules of procedure.

IV

PACIFIC SETTLEMENT OF DISPUTES

1. All states, whether members of the international organization or not, should be required (a) to settle disputes by none but peaceful means, and (b) to refrain from the threat or use of force in their international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization.

2. The parties to any dispute the continuance of which is likely to endanger international security or peace should be obligated, first of all, to seek a settlement by negotiation, mediation, conciliation, arbitration or other peaceful means of their own choice.

3. Where feasible regional or other arrangements should be employed to bring about adjustment or settlement of local or regional controversies.

4. If the parties fail to effect a settlement of such a dispute, by the means above indicated, they should be obligated to refer it to the executive council for a just and equitable settlement.

5. Any member state should have the right to bring to the attention of the general assembly or the executive council any condition, situation, or controversy the continuance of which the member deems likely to endanger international security or peace.

6. The general assembly should refer to the executive council any such condition, situation, or controversy which it deems to require action to prevent an immediate threat to the peace or breach of the peace.

7. The executive council, at the instance of any member state, or upon reference from the general assembly, or upon its own initiative, should investigate any such condition, situation, or controversy and should recommend appropriate procedures or measures of adjustment.

8. The

8. The executive council, when it determines upon its own initiative that there exists between member states a dispute which constitutes a threat to security or peace, should assume jurisdiction to effect a just and equitable settlement.

9. In case of a dispute involving a member and a non-member state, or non-member states only, and which is likely to lead to a breach of the peace, the executive council should be authorized to take jurisdiction either upon its own initiative or at the request of any party.

10. In discharging these responsibilities the executive council should be authorized to seek the advice and assistance of the general assembly, to appoint commissions of inquiry or conciliation, to refer to the international court of justice justiciable disputes or legal aspects of disputes not wholly justiciable, to employ regional or group procedures, or to take any other appropriate measures to effect a settlement.

11. The executive council should be empowered with respect to any dispute referred to in the preceding paragraphs to take necessary measures to assure compliance with the terms of any settlement determined under the authority of the international organization.

AN INTERNATIONAL COURT OF JUSTICE.

The Permanent Court of International Justice should be reconstituted in accordance with a revision of its present Statute. The revised Statute should be made a part of the basic instrument of the international organization.

VI

DETERMINATION OF THREATS TO THE
PEACE OR BREACHES OF THE PEACE AND
ACTION WITH RESPECT THERETO

A. DETERMINATION OF
THREATS TO THE PEACE
OR BREACHES OF THE PEACE

1. The executive council should be empowered to determine the existence of any threat to the peace or breach of the peace, and to decide upon the action to be recommended or taken to maintain or restore peace. It should be empowered to seek the advice and assistance of the general assembly in any matter in this connection, and of the international court of justice in any matter within the competence of the court.

2. The executive council should be empowered to determine whether any condition, situation, or act involving an alleged threat to the peace or breach of the peace is of sufficient gravity to require action.

Note: The conditions, situations, and acts envisaged above include, for example;

- a. employment of military forces by a state within the jurisdiction of another state not authorized by the international organization;
- b. failure to comply with a request of the executive council to accept procedures of pacific settlement in any dispute;
- c. failure to accept terms of settlement of a dispute as prescribed under the authority of the international organization;
- d. failure to comply with a request of the executive council to maintain the existing position or to return to a prior position as determined by the executive council;
- e. failure

- e. failure to observe obligations with respect to the regulation of armaments and armed forces and the manufacture of and international traffic in arms; and
- f. obstruction of measures for the enforcement of security and peace through failure to comply with a call from the council (1) to carry out agreed undertakings regarding measures of enforcement, and (2) to make available, upon the basis of agreed obligations, forces and facilities for enforcement action.

B. INITIATION
OF ACTION

1. When the executive council determines that a threat to the peace or breach of the peace exists, it should immediately (a) require the parties to refrain from any action likely to aggravate the situation and (b) decide upon the measures to be recommended or taken.

2. In the event that a threat to the peace or breach of the peace occurs at a time when the executive council is in recess, the council should immediately be convened by the chairman who should be empowered also to initiate such emergency measures as may be necessary, subject to review by the council when it resumes session.

3. All states, whether members of the international organization or not, should be required to refrain from giving assistance to any state contrary to preventive or enforcement action undertaken by the international organization.

C. NON-MILITARY
MEASURES

1. The executive council should be empowered to call upon member states to institute measures not requiring the use of armed force in support of its decisions and to determine, in any instance necessitating action, what measures should be employed and the extent to which the respective member states should be called upon to apply them.

2. In

2. In any case in which such enforcement action has been decided upon by the executive council, member states should be obligated:

- a. to cooperate with the executive council and the general assembly in obtaining the information necessary for action and in appropriate measures of publicity;
- b. to take part in concerted diplomatic measures;
- c. to take part in collective economic, commercial, and financial measures; and
- d. to join in mutual efforts to afford relief and aid to states assuming undue burdens through participation in non-military measures of enforcement of security and peace instituted by the executive council.

D. PROVISION AND
USE OF ARMED FORCES
AND FACILITIES

1. In order to assure the maintenance of security and peace, the member states should undertake to furnish forces and facilities when needed for this purpose, at the call of the executive council, and in accordance with a general agreement governing the number and kind of forces and facilities to be provided. Such an agreement should be concluded among the member states at the earliest possible moment after the organization comes into existence. It should be a duty of the executive council to formulate as rapidly as possible plans and procedure for the negotiation of such agreement. In formulating plans for the agreement and in carrying out operations under the agreement, the council should take account of the geographical position of the member states, their regional or special obligations, their population, and their relative resources.

2. The general agreement should provide that member states should be obligated to maintain in condition of effective readiness the armaments and armed forces which by the agreement they respectively undertake to make available for international cooperative action.

3. Pending

3. Pending the conclusion of the general agreement, the states parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and other states in position to do so should provide, on the basis of their various capacities and of undertakings among themselves, such forces and facilities as may be needed for establishing and maintaining security and peace.

4. The executive council should be empowered to call upon the member states for economic, financial, and commercial assistance necessary to support and to supplement forcible international action as and when undertaken. Member states should undertake:

- a. to afford such assistance, the terms to be determined in consultation between the executive council and member states;
- b. to deny economic or other assistance to a state against which enforcement action is undertaken, the nature of such assistance to be defined by the executive council at the time of the action; and
- c. to join in mutual efforts to afford relief and aid to states assuming undue burdens through participation in military measures of enforcement of security and peace instituted by the executive council.

5. The executive council should be empowered to call upon member states to grant rights of passage and to furnish facilities, including bases, necessary to the effective action of forces operating under authority of the council. The conditions of the exercise of these rights and of the furnishing of facilities, including bases, should be determined, in advance or at the time of action, by agreement between the executive council and the member states in whose territories these rights and facilities are required.

6. The executive council, advised and assisted by the permanent security and armaments commission described in part E below, should be responsible for

the

the planning of, and should exercise general supervision over, any use of force determined to be necessary under the provisions of the basic instrument of the international organization.

E. SECURITY AND
ARMAMENTS COMMISSION

1. The executive council should establish a permanent security and armaments commission to provide necessary expert advice and assistance to the council.

2. The principal duties to be performed by the security and armaments commission, responsible to and under authority of the executive council, should be:

- a. to report on the strategical, tactical, and logistical aspects of situations which might threaten the peace;
- b. to study, plan for, and make recommendations concerning the composition, organization, command, supply, utilization, and maintenance of forces and facilities, and the application of enforcement measures;
- c. to recommend plans and procedures for the regulation of armaments and armed forces.

3. The security and armaments commission should have authority, with the approval of the executive council, to establish subordinate agencies and otherwise perfect its organization.

4. The executive council should have authority to appoint ad hoc commissions to perform special security missions.

VII

REGULATION OF ARMAMENTS AND ARMED FORCES

1. In order to promote the establishment and maintenance of international security and peace with the least diversion of the world's human and economic resources for armaments, the executive council should be made responsible for initiating negotiations for the conclusion of a general international agreement, envisaged in the Four-Nation Declaration signed at Moscow, October 30, 1943, for the establishment of a system of regulation of armaments and armed forces and for the control of, manufacture of, and international traffic in arms.

2. The armaments and armed forces of the Axis states [To be named later] should be governed by the terms of their surrender and by the authority established thereunder.

GENERAL ADMINISTRATION AND SECRETARIAT

A. OFFICE
OF PRESIDENT

1. A person of widely recognized eminence should be elected by the general assembly, on the nomination of the executive council, as president of the international organization. He should serve for a period of two years, and should be eligible for re-election.
2. The president of the organization should act as chairman of the executive council, and when presiding should be free to participate in the deliberations as representing the general interests and purposes of the organization, without right of vote. He should open each new session of the general assembly and preside until the election of its president. He should perform other duties of a general political character as entrusted to him by the general assembly or by the executive council.
3. The president should be empowered to nominate for election by the council one or more deputies to serve in his absence as chairman of the council and to assist him in the discharge of his other duties.
4. The president and his deputies should not during their terms of office hold any other public office.

B. OFFICE OF DIRECTOR-
GENERAL AND THE CENTRAL
ADMINISTRATIVE STAFF

1. A director-general of the international organization should be elected by the general assembly with the concurrence of the executive council. He should serve for a period of five years and should be eligible for re-election.
2. The director-general should have the responsibilities of the chief administrative officer of the organization. He should serve as the secretary-general

of

of the general assembly, of the executive council, and of such other agencies of the international organization as the assembly or the council may direct. He should direct, within the general policies appertaining to administration established by the general assembly, administrative procedures and regulations of the specialized agencies brought into relationship with the international organization. He should report to the general assembly on the work of the various commissions, agencies, and other bodies of concern to the international organization.

3. The director-general should appoint (a) such deputies and other officers of the central administrative staff as may be required, subject to confirmation by the general assembly, (b) directors of commissions and agencies created by the executive council or the general assembly, subject to confirmation by the creating organ, and (c) other personnel of secretariats for which he is responsible.

4. The director-general and his deputies should not during their terms of office hold any other public office.

5. Officers appointed to the central administrative staff should be selected on the basis of technical or administrative competence and experience, and of the widest practicable distribution among nationalities. These officials should be constituted as a continuing international civil service, and they should undertake to perform the duties entrusted to them in the impartial manner and spirit necessary to advance the interests and purposes of the international organization.

C. OBLIGATIONS OF
MEMBER STATES WITH
RESPECT TO OFFICIALS
OF THE ORGANIZATION

1. Member states should impose no obligations upon their nationals who are officials of the international organization that are inconsistent with the performance of their duties.

2. Member

2. Member states should grant the customary diplomatic immunities to officials of the international organization when engaged on business of the international organization or when traveling to and from their offices.

~~Secret~~
May 4, 1944

XI

PROCEDURE OF ESTABLISHMENT AND INAUGURATION

1. The general international organization for the maintenance of peace and security projected in the Four-Nation Declaration signed at Moscow, October 30, 1943, should be established at the earliest practicable date--if feasible, prior to the termination of hostilities.
2. The United States, the United Kingdom, the Union of Soviet Socialist Republics, and China, the signatories of the Four-Nation Declaration, should take immediate steps to reach agreement in principle on the fundamental features of a plan of the organization.
3. An agreed statement of the fundamental features of the plan of the organization should then be transmitted to the governments of the other United Nations and the nations associated with them, together with an invitation to communicate comments and suggestions for the purpose of arriving at a substantial consensus of views on the fundamental features of the plan.
4. As soon as practicable, the signatories of the Four-Nation Declaration should convene a conference of the United Nations and the nations associated with them for the formulation and signature of an agreement which would constitute the basic instrument of the organization. The agreement should be submitted to the participating governments for ratification in accordance with their respective constitutional procedures.
5. Provision should be made in the agreement for its coming into force when ratified by 15 states including the signatories of the Four-Nation Declaration.
6. The signatories of the Four-Nation Declaration should be empowered by the agreement to call the first meeting of the general assembly of the organization under the agreement when ratified.
7. The general assembly should elect at its first meeting the non-continuing members of the executive council, and the council should thereupon immediately come into existence and proceed to organize itself.

PSF

World Security Organization folder 4-44

file

THE UNDER SECRETARY OF STATE
WASHINGTON

June 5, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: World Security Organization

I enclose herewith text of a telegram from the Foreign Office, giving their response to the invitation for discussions on the World Security Organization, which Lord Halifax handed me this afternoon.

I forwarded a copy of the message from Chiang Kai Shek, giving the Chinese answer, to you on Saturday.

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Text of a telegram from the Foreign Office,
dated June 4th, 1944

It is most satisfactory that the Administration should have made such good progress, and we ourselves would be fully prepared to send a delegation to the United States for a conference on official level in the near future. We would fall in with any date after July 1st agreeable to the Americans and Russians, but would rather hope that in view of the heat it might be possible to hold the conference outside Washington itself.

2. On the other hand, we should prefer to exchange papers with the Americans (and with the Russians too if theirs are ready) before the conference actually meets. If we wait for the opening of the conference before doing so much time will be wasted in consulting the Government and agreement is likely to be delayed. Please therefore ask Mr. Hull to let us see his proposals before delegation leaves. Our own papers should be ready for communication to him and the Russians at an early date.

3. So far as the Chinese are concerned we should ourselves be ready to accept them as full members of the conference provided the Russians agree. If however the Russians do not, it seems to us that a much less cumbersome procedure than that suggested in your telegram of May 31st should suffice. Would not in fact the Chinese Ambassador be present at the meeting place of the conference and be kept informed of the proceedings by ourselves and the Americans behind the scenes (see your telegram of December 13th).

4. We could also take into account in our discussions with the Russian representatives any comments or suggestions which the Chinese Ambassador might make. Since the main reason for Russian opposition to Chinese participation will be obvious, procedure we propose need not imply divergencies of view between the four powers.

5. In any case we do not understand Mr. Hull's proposal that the United States, ourselves and China should only discuss "matters affecting Japan". As the whole subject for debate will be world organization it is difficult to see how the discussions could be thus confined.

PSF: World Security Org. folder 4-44

TELEGRAM

**THE WHITE HOUSE
WASHINGTON**

July 15, 1944.

**The Honorable
The Secretary of State,
Washington, D. C.**

**I have read the memorandum
with great interest and it has
my approval. I like the plans
for discussion and the pre-
liminary outline of the proposals
for a general international
organization. Good luck!**

FRANKLIN D. ROOSEVELT

*Pac Cont.
L. H. The Commission*

~~SECRET~~

July 11, 1944.

MEMORANDUM FOR THE PRESIDENT

We have developed the following plans for handling the forthcoming discussions with the British, Russians, and Chinese on the subject of international organization and security:

Plan for discussions

The discussions, which are scheduled to begin on August 2, are envisaged as an informal interchange of views at a high diplomatic level, relating both to basic policies and to technical questions. It is contemplated that the order of the discussions will follow three phases: (1) consideration of basic policies; (2) detailed technical discussions in separate groups, based on the discussion of basic policies; and (3) further consideration of basic policies in the light of the detailed technical discussions.

The topics to be discussed fall naturally into three broad categories: (1) the structure and establishment of the proposed international organization, (2) arrangements for pacific settlement of disputes,

and

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State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

and (3) security arrangements. The detailed discussions would be conducted in three separate sections corresponding to these categories, as indicated in the attached tentative agenda.

Assignments of American group

The Secretary of State would be the senior American representative. He would have general direction of the proceedings and would preside over the first and third phases of the discussions.

The Under Secretary of State would head the American group responsible for the detailed technical discussions and would be chairman of the third section, to which the detailed technical discussions of security arrangements is assigned.

It is contemplated that, in the American-British-Soviet phase of the discussions, a British official would be chairman of the first section and a Soviet official would be chairman of the second section. In the American-British-Chinese phase, a Chinese official would be chairman of the second group.

The American group would be assigned to the three sections as follows:

First

First section: Messrs. Bowman, Grew, and Pasvolksy.

Second section: Messrs. Haskworth, Hornbeck and Cohen.

Third section: Messrs. Stettinius, Dunn and Wilson, Admirals Hepburn, Willson and Train, and Generals Embick, Strong and Fairchild.

Members of all sections and Assistant Secretary of State Long would be present at the first and third phases of the discussions.

Advisers and Secretariat

The American group would have advisers and a secretariat to assist them in preparation for and in the conduct of the discussions. Arrangements would be made for the assignment of Army and Navy officers to the secretariat. This secretariat would also function as the secretariat for the discussions. The advisers would be Mr. Notter and officers of the four geographic offices of the Department. Mr. Alger Hiss would act as executive secretary.

Arrangements

Tentative arrangements have been made for using Dumbarton Oaks in Georgetown, the former estate of Mr. Robert Woods Bliss, now the property of Harvard University, as headquarters for the discussions.

Meetings

Meetings might be held there for a few hours in the latter part of each morning and afternoon, with luncheon and perhaps tea being served. There would be a few offices available for consultation and immediate drafting needs, but the groups representing the other nations would presumably do the major part of their separate drafting in their own embassies before and after the daily meetings.

Preparatory period

The members of the American group would immediately organize themselves in three committees, corresponding to the three sections. Mr. Stettinius would take general charge of the necessary preparations for the discussions and would look to Mr. Pasvelsky as responsible for the the activities of the first committee; Mr. Hackworth for the second; and Mr. Dunn for the third. We are planning to have the entire group meet once a week with the Secretary of State. There would also be a small informal steering committee, both for the period of preparation and of actual discussions. It would be under the chairmanship of the Secretary with Mr. Stettinius as vice chairman. Its members would be Messrs. Dunn, Hackworth, Pasvelsky, Admiral Willson and General Strong.

I hope that these arrangements meet with your approval.

TENTATIVE AGENDA

I. The structure and establishment of the proposed international organization.

1. General structure and scope of the organization.
2. Membership, functions, powers, and voting procedures of a general assembly.
3. Membership, functions, powers, and voting procedures of a smaller executive body (executive council).
4. Administration and secretariat of the organization.
5. Arrangements for coordination of economic and other functional activities and agencies, and the relation of such agencies and of any regional arrangements to the general organization.
6. Procedure of establishment and inauguration of the organization.

II. Arrangements for pacific settlement of disputes.

1. Methods of pacific settlement.
2. Procedures, regional and otherwise, outside the central organization.
3. Procedures in the council and in the assembly.
4. The structure and functions of the Court of Justice.

III. Security arrangements.

1. Scope and character of joint action with respect to
 - a. Determination of threats to or breaches of the peace;
 - b. Prevention or suppression of such threats or breaches;
 - c. Enforcement of decisions.
2. Methods of joint action.
 - a. Not involving use of armed forces.
 - b. Involving use of armed forces.
3. Arrangements for provision of armed forces and facilities.
4. Relationship to mutual defense and regional systems.
5. Arrangements for the regulation of armaments and the manufacture and traffic in arms.
6. Structure and functions of an armaments and security commission.
7. Interim arrangements pending the effective functioning in the field of security of the general organization.

~~SECRET~~

~~Secret~~

July 6, 1944.

TENTATIVE PROPOSALS FOR A GENERAL
INTERNATIONAL ORGANIZATION

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I

GENERAL CHARACTER OF AN
INTERNATIONAL ORGANIZATION

A. NATURE OF
THE ORGANIZATION

1. The general international organization to establish and to maintain security and peace, as projected in the Four-Nation Declaration, signed at Moscow, October 30, 1943, should be based on the principle of cooperation freely agreed upon among sovereign and peace-loving states. The organization should be open to membership by all such states, large and small, and should be world-wide in character.

2. The United Nations and the nations associated with them, and such other nations as the United Nations may determine, should comprise the initial membership of the organization.

3. The organization should be empowered to make effective the principle that no nation shall be permitted to maintain or use armed force in international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization or to give assistance to any state contrary to preventive or enforcement action undertaken by the international organization.

4. The organization should be so constituted as to make possible the existence of regional organizations or other arrangements or policies not inconsistent with its purposes, and to enable such organizations and arrangements to function on their own initiation or by reference from the general organization on matters of security and peace which are appropriate for regional adjustment. The general organization should at all times be kept informed of the activities in matters of security and peace undertaken by regional organizations or under regional or other arrangements.

5. The organization should comprise arrangements for cooperation in the fields of economic and other specialized activities.

B. PURPOSES

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State Dept. Letter, 1-11-72

By R. H. Parks Date JUN 2 1972.

B. PURPOSES

1. The primary purposes of the organization should be, first, to maintain international security and peace, and second, to foster through international cooperation the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations and essential to the maintenance of security and peace.

C. METHODS

As methods to be used for the maintenance of security and peace, the international organization should:

- a. encourage peaceful adjustment of controversies by the parties themselves;
- b. initiate cooperative action by member states for the settlement of disputes;
- c. encourage the use of local or regional procedures for the settlement of disputes capable of adjustment by such procedures;
- d. recommend political or diplomatic action to adjust differences;
- e. provide for, and encourage resort to, processes of mediation, conciliation, and arbitration;
- f. encourage reference of justiciable matters to the international court of justice;
- g. refer to the court justiciable questions pending before the organization;
- h. settle disputes referred to it by the parties or over which it assumes jurisdiction on its own initiative;
- i. determine the existence of threats to the peace or breaches of the peace;
- j. arrange, when necessary, for economic, commercial, financial, and other measures of enforcement not involving use of armed force;
- k. provide

- k. provide for the use of armed force, when necessary in support of security and peace, if other methods and arrangements are inadequate.

D. PRINCIPAL ORGANS
AND AGENCIES

1. The international organization should have as its principal organs:

- a. A general assembly;
- b. An executive council;
- c. An international court of justice; and
- d. A general secretariat.

2. The international organization should have additional organs, councils, commissions, or other agencies for cooperation in international economic and social activities, for territorial trusteeship responsibilities, and for such other functions as may be found necessary.

II

A GENERAL ASSEMBLY

A. COMPOSITION

The general assembly should be composed of representatives of the states members of the international organization.

B. POWERS

1. It should be empowered to receive and to examine representations addressed to the international organization on matters deemed to be of concern to the organization, and to take action in matters of concern to the international organization which are not allocated to other organs by the basic instrument.

2. The principal powers of the general assembly should be as follows:

a. to make, on its own initiative or on request of a member state, reports on and recommendations for the peaceful adjustment of any situation or controversy the continuation of which it deems likely to impair the general welfare;

b. to assist the executive council, upon its request, in enlisting the cooperation of all states toward giving effect to action under consideration in or decided upon by the council with respect to:

(1) the settlement of a dispute the continuance of which is likely to endanger security or to lead to a breach of the peace;

(2) the maintenance or restoration of peace; and

(3) any other matters within the jurisdiction of the council;

c. to

- c. to initiate studies and make recommendations for:
 - (1) the promotion of international cooperation;
 - (2) the development and revision of rules of international law; and
 - (3) the promotion of the observance of basic human rights in accordance with principles or undertakings agreed upon by the states members of the international organization;
- d. to admit to membership in the organization independent states not initial members of the organization;
- e. to elect the members of the executive council not having continuing tenure and the judges of the international court of justice;
- f. to approve the budget of the organs and agencies of the organization, to determine a provisional and a continuing basis of apportionment of expenses of the organization among the member states together with the procedure of apportionment, and to review, make recommendations on, and take other action concerning the budgets of specialized agencies brought into relationship with the international organization in accordance with the terms agreed upon between such agencies and the international organization.
- g. to receive reports from the executive council and other organs and agencies of the organization and from all specialized bodies or agencies brought into relationship with the international organization;
- h. to exercise the powers with respect to economic and social activities and territorial trusteeship stipulated in Sections VIII and IX;
- i. to provide for the coordination of the general policies of all organs and agencies of the international organization and organizations and agencies brought into relationship with it;
- j. to

- j. to set up any bodies or agencies it may deem necessary for the performance of its functions; and
- k. to propose amendments of the basic instrument, which should come into force when approved by two thirds of the member states through their constitutional processes, including the members having continuing tenure on the executive council.

C. REPRESENTATION
AND VOTING

- 1. The delegation of each member state should consist of not more than six representatives.
- 2. Each member state should have one vote in the general assembly, except as provided for in paragraph 3 below.
- 3. In taking decisions with respect to the budget of the organs and agencies of the organization, the continuing basis of apportionment of expenses of the organization, and the budgets of specialized agencies brought into relationship with the organization each member state should have voting power in proportion to its contribution to the expenses of the organization.
- 4. Decisions with respect to the admission to membership in the organization, the election of the members of the executive council, the election of judges of the international court of justice, and the provisional basis of apportionment of expenses, should be taken by a two-thirds vote. Other decisions should be taken by a majority vote.

D. ORGANIZATION
AND SESSIONS

- 1. The general assembly should meet annually, but it may be convened in special session on the initiative of the executive council or under any procedure the assembly may adopt.

2. It

2. It should elect its president, vice-presidents, and other principal officers who should serve for annual terms or until their successors assume office. It should perfect its organization and adopt its own rules of procedure.

3. It should maintain headquarters at the seat of the international organization but may hold its sessions in whatever places would best facilitate the accomplishment of its work.

III

AN EXECUTIVE COUNCIL

A. COMPOSITION
AND REPRESENTATION

1. The executive council should consist of eleven states members of the international organization. These states should be elected annually by the general assembly and should not be immediately eligible for re-election except that the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China should have continuing tenure.

2. There should be a provision in the basic instrument that whenever the executive council finds that a government freely chosen by the French people has been established and is in effective control of the territory of the French Republic, France should be added to the list of states members having continuing tenure on the council.

3. Each state member of the executive council should have one representative.

4. Any state member of the organization not having a seat on the executive council should be entitled to attend and to be heard on matters specially affecting that member.

B. POWERS

1. The executive council should have primary responsibility for the peaceful settlement of international disputes, for the prevention of threats to the peace and breaches of the peace, and for such other activities as may be necessary for the maintenance of international security and peace. It should in such matters represent, and act on behalf of, all the members of the international organization and should in every case seek a just and equitable settlement of international disputes.

2. The

2. The principal powers of the executive council are enumerated below in Section V, Pacific Settlement of Disputes, Section VI, Determination of Threats to the Peace or Breaches of the Peace and Action with Respect Thereto, Section VII, Regulation of Armaments and Armed Forces, and Section X, General Administration and Secretariat.

C. VOTING

1. Each state member of the executive council should have one vote.

2. Decisions with respect to the following matters should be taken by a majority vote including the concurring votes of all member states having continuing tenure, except as provided for in paragraphs 4 and 5 below:

- a. the assumption on its own initiative or on reference to it of jurisdiction over a dispute;
- b. the terms of settlement of disputes;
- c. the negotiations for a general agreement on the regulation of armaments and armed forces;
- d. the determination of threats to the peace, of breaches of the peace, and of acts obstructing measures for the maintenance of security and peace; and
- e. the institution and application of measures of enforcement.

3. Other decisions should be taken by a simple majority vote.

4. In all decisions any state member of the executive council should have the right to abstain from voting, but in such case the abstaining member should be bound by the decision.

5. Provisions will need to be worked out with respect to the voting procedure in the event of a dispute in which one or more of the members of the council having continuing tenure are directly involved.

D. ORGANIZATION

D. ORGANIZATION
AND SESSIONS

1. The executive council should be in continuous session. Its headquarters should be maintained at the seat of the organization, but its meetings may be held at any places best facilitating its work.

2. It should elect its chairman.

3. It should be empowered (a) to set up any bodies or agencies it may deem necessary for the performance of its functions, (b) to perfect its own organization, and (c) to adopt its own rules of procedure.

IV

AN INTERNATIONAL COURT OF JUSTICE

1. The Permanent Court of International Justice should be reconstituted in accordance with a revision of its present Statute.
2. The revised Statute should be made a part of the basic instrument of the international organization.

PACIFIC SETTLEMENT OF DISPUTES

1. All states, whether members of the international organization or not, should be required (a) to settle disputes by none but peaceful means, and (b) to refrain from the threat or use of force in their international relations in any manner inconsistent with the purposes envisaged in the basic instrument of the international organization.

2. The parties to any dispute the continuance of which is likely to endanger international security or peace should be obligated, first of all, to seek a settlement by negotiation, mediation, conciliation, arbitration, reference to the international court of justice, or other peaceful means of their own choice.

3. Where feasible, regional or other arrangements should be employed to bring about adjustment or settlement of local or regional controversies.

4. If the parties fail to effect a settlement of such a dispute by the means above indicated, they should be obligated to refer it to the executive council.

5. Any member state should have the right to bring to the attention of the general assembly or the executive council any condition, situation, or controversy the continuance of which the member deems likely to endanger international security or peace.

6. The general assembly should refer to the executive council any such condition, situation, or controversy which it deems to require action to prevent an immediate threat to the peace or breach of the peace.

7. The executive council should be empowered to investigate any such condition, situation, or controversy and should recommend appropriate procedures or measures of adjustment. It should be empowered to do this upon its own initiative, or upon reference from the general assembly, or at the instance of a member state.

8. The

8. The executive council, when it determines upon its own initiative that there exists between member states a dispute which constitutes a threat to security or peace, and which is not being adequately dealt with by other procedures, should be authorized to assume jurisdiction to effect a settlement.

9. In case of a dispute involving a member and a non-member state, or non-member states only, and which is likely to lead to a breach of the peace, the executive council should be authorized to take jurisdiction either upon its own initiative or at the request of any party.

10. In discharging its responsibilities with respect to pacific settlement the executive council should be authorized to seek the advice and assistance of the general assembly, to appoint commissions of inquiry or conciliation, to refer to the international court of justice justiciable disputes or legal aspects of disputes not wholly justiciable, to employ regional or local procedures, or to take any other appropriate measures to effect a settlement.

11. The executive council should be empowered with respect to any dispute referred to in the preceding paragraphs to encourage and facilitate the execution of the terms of any settlement determined under the authority of the international organization.

VI

DETERMINATION OF THREATS TO THE
PEACE OR BREACHES OF THE PEACE AND
ACTION WITH RESPECT THERETO

A. DETERMINATION OF
THREATS TO THE PEACE
OR BREACHES OF THE PEACE

1. The executive council should be empowered to determine the existence of any threat to the peace or breach of the peace, and to decide upon the action to be recommended or taken to maintain or restore peace. It should be empowered to seek the advice and assistance of the general assembly in any matter in this connection, and of the international court of justice in any matter within the competence of the court.

2. The executive council should be empowered to determine whether any condition, situation, or act involving an alleged threat to the peace or breach of the peace is of sufficient gravity to require action.

Note: The conditions, situations, and acts envisaged above include, for example:

- a. employment of military forces by a state within the jurisdiction of another state not authorized by the international organization;
- b. failure to comply with a request of the executive council to accept procedures of pacific settlement in any dispute;
- c. failure to accept terms of settlement of a dispute as prescribed under the authority of the international organization;
- d. failure to comply with a request of the executive council to maintain the existing position or to return to a prior position as determined by the executive council;
- e. failure

- e. failure to observe obligations with respect to the regulation of armaments and armed forces and the manufacture of and international traffic in arms; and
- f. obstruction of measures for the enforcement of security and peace through failure to comply with a call from the council (1) to carry out agreed undertakings regarding measures of enforcement, and (2) to make available, upon the basis of agreed obligations, forces and facilities for enforcement action.

B. INITIATION
OF ACTION

1. When the executive council determines that a threat to the peace or breach of the peace exists, it should immediately (a) require the parties to refrain from any action likely to aggravate the situation and (b) decide upon the measures to be recommended or taken.

2. All states, whether members of the international organization or not, should be required to refrain from giving assistance to any state contrary to preventive or enforcement action undertaken by the international organization or with its authorization.

C. MEASURES NOT INVOLVING
THE USE OF ARMED FORCE

1. The executive council should be empowered to call upon member states to institute measures not requiring the use of armed force in support of its decisions and to determine, in any instance necessitating such action, what measures should be employed and the extent to which the respective member states should be called upon to apply them.

2. In any case in which such action has been decided upon by the executive council, member states should be obligated:

- a. to cooperate with the executive council and the general assembly in obtaining the

information

information necessary for action and in appropriate measures of publicity;

- b. to take part in concerted diplomatic measures;
- c. to take part in collective economic, commercial, and financial measures; and
- d. to join in mutual efforts to afford relief and aid to states assuming undue burdens through participation in such measures instituted by the executive council.

D. MEASURES INVOLVING
THE USE OF ARMED FORCE

1. In the event that other measures prove to be inadequate, the executive council should be authorized to provide for the use of armed force to assure the maintenance of security and peace.

2. The member states should undertake to furnish forces and facilities when needed for this purpose at the call of the executive council and in accordance with a general agreement governing the number and type of forces and the kind and extent of facilities to be provided. Such an agreement should be concluded among the member states at the earliest possible moment after the organization comes into existence. It should be a duty of the executive council to formulate as rapidly as possible plans and procedure for the negotiation of such agreement. In formulating plans for the agreement and in carrying out operations under the agreement, the council should take account of the geographical position of the member states, their regional or special obligations, their population, and their relative resources.

3. The general agreement should provide that member states should be obligated to maintain in condition of effective readiness the armaments and armed forces which by the agreement they respectively undertake to make available for international cooperative action.

4. Pending the conclusion of the general agreement, the states parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and other states

in

in position to do so should provide, on the basis of their various capacities and of undertakings among themselves, such forces and facilities as may be needed for establishing and maintaining security and peace.

5. The executive council should be empowered to call upon the member states for economic, financial, and commercial and other assistance necessary to support and to supplement international action involving the use of armed force as and when undertaken. Member states should undertake:

- a. to afford such assistance, the terms to be determined in consultation between the executive council and member states;
- b. to deny economic or other assistance to a state against which enforcement action is undertaken, the nature of such assistance to be defined by the executive council at the time of the action; and
- c. to join in mutual efforts to afford relief and aid to states assuming undue burdens through participation in security measures involving the use of armed force instituted by the executive council.

6. The executive council should be empowered to call upon member states to grant rights of passage and to furnish facilities, including bases, necessary to the effective action of forces operating under authority of the council. The conditions of the exercise of these rights and of the furnishing of facilities, including bases, should be determined, in advance or at the time of action, by agreement between the executive council and the member states in whose territories these rights and facilities are required.

7. The executive council, advised and assisted by the permanent security and armaments commission described in part E below, should be responsible for the planning of, and should exercise general supervision over, any use of force determined to be necessary under the provisions of the basic instrument of the international organization.

E. SECURITY

E. SECURITY AND
ARMAMENTS COMMISSION

1. The executive council should establish a permanent security and armaments commission.

2. The permanent security and armaments commission should provide the executive council with the expert military advice and assistance necessary for the discharge of the responsibilities of the council concerning the employment of force and the regulation of armaments and armed forces, and should perform such duties of study, recommendation, administration, and execution as the council may assign to it.

3. The security and armaments commission should have authority, with the approval of the executive council, to establish subordinate agencies and otherwise perfect its organization.

VII

REGULATION OF ARMAMENTS AND ARMED FORCES

1. In order to promote the establishment and maintenance of international security and peace with the least diversion of the world's human and economic resources for armaments, the executive council should be made responsible for initiating negotiations for the conclusion of a general international agreement, envisaged in the Four-Nation Declaration signed at Moscow, October 30, 1943, for the establishment of a system of regulation of armaments and armed forces and for the regulation of the manufacture of and international traffic in arms.

2. The executive council should be authorized to exercise such powers for the execution of obligations stipulated in the general international agreement as may be assigned to it by the agreement.

3. The armaments and armed forces of the Axis states [to be named later] should be governed by the terms of their surrender and by the authority established thereunder. The executive council should be empowered to take responsibility for assuring the execution of stipulations governing the armaments and armed forces of the Axis states, to the extent that such responsibility may be assigned to it in succession to the authority established under the surrender terms.

VIII

ARRANGEMENTS FOR
ECONOMIC AND SOCIAL COOPERATION

A. PURPOSE AND
RELATIONSHIPS

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the general international organization should facilitate and promote solutions of international economic and social problems, including educational and cultural problems. Responsibility for the discharge of this function should be vested in the general assembly, and under the authority of the general assembly, in an economic and social council, established in the basic instrument of the organization.

2. The various specialized economic and social organizations and agencies would have responsibilities in their respective fields as defined in their statutes. Each specialized economic or social organization or agency should be brought into relationship with the general international organization. The terms under which each specialized organization or agency should be related to the general international organization should be determined by agreement between the economic and social council and the appropriate authorities of the specialized organization or agency, subject to approval by the general assembly.

B. POWERS

1. The economic and social council should be empowered:

- a. to carry out, within the scope of its functions, recommendations of the general assembly in regard to economic or social matters;
- b. to make recommendations, on its own initiative, to the various specialized organizations or agencies, to governments, or to the general assembly, with respect to economic or social problems, including those beyond the scope of the specialized organizations, with a view to

promoting

promoting the fullest and most effective use of the world's economic resources, to achieving high and stable levels of employment, and in general to advancing the well-being of all peoples;

- c. to coordinate the activities of the specialized economic and social organizations or agencies through advisory consultations with, and recommendations to, such organizations;
- d. to receive and consider reports of the activities, decisions and recommendations of the specialized organizations or agencies, and to submit annually an analysis of such reports to the general assembly;
- e. to examine the administrative budgets of the specialized organizations or agencies with a view to recommending to the organizations or agencies concerned, and in appropriate cases to the general assembly, as to the most effective utilization of resources; and
- f. to perform such other functions within the general scope of its competence as may be assigned to it by the general assembly, or as may be provided for in future agreements among member states.

C. COMPOSITION
AND VOTING

1. The economic and social council should consist of qualified representatives of a specified number [24] of member states. The states designated for this purpose should be selected by the general assembly for terms of three years, and each such state should have one representative.

2. Each representative of a state designated as a member of the economic and social council should have one vote. Decisions of the council should be taken by majority vote.

3. The economic and social council should make suitable arrangements for representatives of the specialized organizations or agencies to participate

without

without vote in its deliberations and in those of the commissions established by it.

D. ORGANIZATION

1. The economic and social council should establish an economic commission, a social commission, and such other commissions as may be required to facilitate the consideration of problems within the scope of its functions. Such commissions should consist of experts specially qualified in their respective fields, who may be nationals of any member state of the general international organization. The members of the commissions should be appointed for periods of three years.

2. The economic and social council should elect a chairman from among its members. A director and a staff of competent experts should serve as the permanent secretariat of the economic and social council and of the commissions, and should constitute a part of the central administrative staff of the general international organization.

3. The council should adopt its own rules of procedure and otherwise perfect its organization.

IX

ARRANGEMENTS FOR
TERRITORIAL TRUSTEESHIPS

A. SCOPE AND
PURPOSES

1. Subject to such exceptions as may be made by common agreement in the interests of international peace and security, the international organization should establish a system of international trusteeship by which it would (a) succeed to the rights, titles, and interests of the Principal Allied and Associated Powers under the Treaty of Versailles and the Treaty of Lausanne and to the rights and responsibilities of the League of Nations under the Covenant with respect to the non-self-governing territories detached from previous sovereigns in 1919, and (b) acquire authority over certain territories which may be detached from the present enemy states. By action of the general assembly the system might be extended to any territories for which assistance is requested by member states having control over such territories. Italy and Japan should be required by the terms of the peace settlement to relinquish all their rights, titles, and interests in the present mandated territories.

2. The basic objectives of the trusteeship system should be: (a) to promote, in accordance with the provisions of any declaration or code that may be agreed upon, the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government; (b) to provide non-discriminatory treatment in trust territories for appropriate activities of the nationals of all member states; and (c) to further international peace and security.

B. STRUCTURE AND
COMPOSITION

1. The responsibilities of trusteeship should be vested in the general assembly and should be exercised through a trusteeship council and through administering authorities in the trust territories.

2. The

2. The trusteeship council should be composed of persons of special competence designated (a) one each by the states administering trust territories as continuing members and (b) one each by an equal number of other states named periodically for that purpose by the general assembly.

3. The administering authority in each trust territory should be a state or a specially constituted international administration. Each territory now administered under a mandate, except those so administered by Japan, should be administered under the trusteeship arrangements by the state which now administers it, unless in a particular case or cases some other disposal is made by the international organization.

4. Each territory should be governed in accordance with a territorial charter, which should constitute the fundamental law of the territory, defining the rights and obligations of the parties concerned. Each charter should be so drawn as to take into account the special circumstances of each territory.

C. POWERS

1. The general assembly should be empowered:
(a) to call for, receive, and consider the reports, recommendations, and decisions of the trusteeship council;
(b) to take action upon the recommendations of the trusteeship council concerning the initial territorial charters, alterations in such charters, designation of administering authorities, removal of such authorities for cause, and the conditions of termination and the act of termination of trusteeship in any territory; (c) to establish advisory commissions of a regional or technical character with respect to trust territories situated in a given region; and (d) to encourage and facilitate cooperation between the administering authorities and the specialized agencies brought into relationship with the international organization.

2. The trusteeship council, exercising general supervision over trust territories, should be empowered:
(a) to advise the administering authorities; (b) to examine reports from the administering authorities;
(c) to interrogate representatives of those authorities;
(d) at its discretion, to receive petitions and to hear

petitioners

petitioners in person; (e) to recommend or pass upon economic projects of more than a minor local character and to conduct investigations relevant to such projects; (f) to conduct periodic inspections in the trust territories; and (g) to make recommendations to the general assembly regarding the territorial charters, the administering authorities, and other aspects of the trusteeship system.

D. PROCEDURES

1. The financial position of each trust territory should be reviewed periodically by the trusteeship council. The costs of administration should in general be met from the regular revenues of the trust territory, and the costs of supervision should be provided in the budget of the international organization.

2. The administering authorities should cooperate fully in the application of any international security measures specified by the executive council.

X

GENERAL ADMINISTRATION AND SECRETARIAT

A. OFFICE OF DIRECTOR-
GENERAL AND THE CENTRAL
ADMINISTRATIVE STAFF

1. A director-general of the international organization should be elected by the general assembly with the concurrence of the executive council. He should serve for a period of five years and should be eligible for re-election.
2. The director-general should have the responsibilities of the chief administrative officer of the organization. He should serve as the secretary-general of the general assembly, of the executive council, and of such other organs and agencies of the international organization as the assembly or the council may direct. He should also provide for coordination, within the general policies appertaining to administration established by the general assembly, of the administrative procedures and regulations of the specialized agencies brought into relationship with the international organization. He should report to the general assembly on the work of all the organs and agencies of the organization and of commissions, agencies, and other bodies of concern to the international organization.
3. The director-general should appoint such deputies and principal officers of the central administrative staff as may be required, subject to confirmation by the general assembly, and such other personnel of secretariats for which he is responsible. He should recommend for appointment by the general assembly or the executive council respectively the directors of commissions and agencies responsible respectively to these two organs.
4. The director-general and his deputies should not during their terms of office hold any other public office.
5. Officers appointed to the central administrative staff should be selected on the basis of technical

or

or administrative competence and experience, and of the widest practicable distribution among nationalities. These officials should be constituted as a continuing international civil service, and they should upon their appointment pledge themselves to perform the duties entrusted to them in the impartial manner and spirit necessary to advance the interests and purposes of the international organization.

B. OBLIGATIONS OF
MEMBER STATES WITH
RESPECT TO OFFICIALS
OF THE ORGANIZATION

1. Member states should impose no obligations upon their nationals who are officials of the international organization that are inconsistent with the performance of their duties.

2. Member states should grant the customary diplomatic immunities to officials of the international organization when engaged on business of the international organization or when traveling to and from their offices.

XI

PROCEDURE OF ESTABLISHMENT AND INAUGURATION

1. The general international organization for the maintenance of peace and security projected in the Four-Nation Declaration signed at Moscow, October 30, 1943, should be established at the earliest practicable date--if feasible, prior to the termination of hostilities.

2. The United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, the signatories of the Four-Nation Declaration, should take immediate steps to reach agreement in principle on the fundamental features of a plan of the organization.

3. An agreed statement of the fundamental features of the plan of the organization should then be transmitted to the governments of the other United Nations and the nations associated with them, together with an invitation to communicate comments and suggestions for the purpose of arriving at a substantial consensus of views on the fundamental features of the plan.

4. As soon as practicable, the signatories of the Four-Nation Declaration should convene a conference of the United Nations and the nations associated with them for the formulation and signature of an agreement which would constitute the basic instrument of the organization. The agreement should be submitted to the participating governments for ratification in accordance with their respective constitutional procedures.

5. Provision should be made in the agreement for its coming into force when ratified by fifteen states including the signatories of the Four-Nation Declaration.

6. The signatories of the Four-Nation Declaration should be empowered by the agreement to call the first meeting of the general assembly of the organization under the agreement upon its coming into force.

7. The general assembly should elect at its first meeting the non-continuing members of the executive council, and the council should thereupon immediately come into existence and proceed to organize itself.

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4-44

THE WHITE HOUSE
WASHINGTON

November 22, 1944.

MEMORANDUM FOR

HON. E. R. STETTINIUS, JR.

The messages for Marshal
Stalin and Prime Minister Churchill
are O.K. Please have Admiral Leahy
send them through the Map Room but
you must paraphrase a copy to show
to Halifax.

F.D.R.

~~TOP SECRET~~

November 21, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Messages for Marshal Stalin and Prime Minister Churchill on Voting in the Security Council

I enclose the proposed messages to Marshal Stalin and to Prime Minister Churchill on the voting question in the Council of the proposed international organization, which I mentioned to you yesterday in conversation.

It is our thought that the message to Churchill should go directly to him but that the one to Stalin should be sent to Harriman, with instructions to Harriman to deliver it personally and discuss it. Also, we feel we should give Ambassador Halifax informally a copy of the message to Stalin so the British Foreign Office will be fully informed of the arguments you are using with Stalin.

If these reflect your views accurately and you will initial and return copies to me, I will have them dispatched.

DECLASSIFIED
State Dept. Letter, 1-11-72

By R. H. Parks Date JUN 2 1972

[REDACTED]

TO PRIME MINISTER CHURCHILL

November 22, 1944

In view of the fact that prospects for an early meeting between you, Marshal Stalin and myself are unsettled and because of my conviction, with which I am sure you agree, that we must move forward as quickly as possible in the convening of a general conference of the United Nations on the subject of international organization, I am taking this means of placing before you my present views on the important subject of voting procedure in the Security Council. This and other questions will, of course, have to be agreed between us before the general conference will be possible. I am also taking up this matter with Marshal Stalin.

I am certain that the following draft provision should be eminently satisfactory to everybody concerned:

PROPOSAL FOR SECTION C OF THE
CHAPTER ON THE SECURITY COUNCIL

C. VOTING

1. Each member of the Security Council should have one vote.
2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting.

You

You will note that the proposal provides for the unanimity of the permanent members in all decisions of the Council which relate to a determination of a threat to the peace or to action for the removal of such a threat or for the suppression of aggression or other breaches of the peace. I am prepared to accept in this respect the view expressed by the Soviet Government in its memorandum on an international security organization presented at the Dumbarton Oaks meeting. This means, of course, that in decisions of this character the permanent members would always have a vote.

At the same time I am sure that the maintenance of the moral prestige of the great powers is an essential element in any successful system of international cooperation. I am certain therefore that those powers should not insist on exercising a veto in such judicial or quasi-judicial procedures as the international organization may employ in promoting voluntary peaceful settlement of disputes. I am certain that willingness of the permanent members to abstain from the exercise of their voting rights on questions of this sort would immensely strengthen their own position as the principal guardians of the future peace and would make the whole plan far more acceptable to all nations.

If you should be inclined to give favorable consideration to some such approach to the problem of voting in the Council would you be willing that there be held as soon as possible a meeting of representatives designated by you, by me, and by Marshal Stalin to work out a complete provision on this question and to discuss the arrangements necessary for a prompt convening of a general United Nations conference?

[REDACTED]

TO MARSHAL STALIN

November 22, 1944

In view of the fact that prospects for an early meeting between us are still unsettled and because of my conviction, with which I am sure you agree, that we must move forward as quickly as possible in the convening of a general conference of the United Nations on the subject of international organization, I am asking Ambassador Harriman to deliver this message to you and to discuss with you on my behalf the important subject of voting procedure in the Security Council. This and other questions will, of course, have to be agreed between us before the general conference will be possible. I am also taking up this matter with Mr. Churchill.

After giving this whole subject further consideration, I now feel that the substance of the following draft provision should be eminently satisfactory to everybody concerned:

PROPOSAL FOR SECTION C OF THE
CHAPTER ON THE SECURITY COUNCIL

C. VOTING

1. Each member of the Security Council should have one vote.

2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

3. Decisions

3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A and under paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting.

You will note that this calls for the unanimity of the permanent members in all decisions of the Council which relate to a determination of a threat to the peace and to action for the removal of such a threat or for the suppression of aggression or other breaches of the peace. I can see, as a practical matter, that this is necessary if action of this kind is to be feasible, and I am, therefore, prepared to accept in this respect the view expressed by your Government in its memorandum on an international security organization presented at the Dumbarton Oaks meeting. This means, of course, that in decisions of this character each permanent member would always have a vote.

At the same time, the Dumbarton Oaks proposals also provide in Chapter VIII, Section A, for judicial or other procedures of a recommendatory character which the Security Council may employ in promoting voluntary peaceful settlement of disputes. Here, too, I am satisfied that recommendations of the Security Council will carry far greater weight if they are concurred in by the permanent members.

But

But I am also convinced that such procedures will be effective only if the Great Powers exercise moral leadership by demonstrating their fidelity to the principles of justice, and, therefore, by accepting a provision under which, with regard to such procedures, all parties to a dispute should abstain from voting. I firmly believe that willingness on the part of the permanent members not to claim for themselves a special position in this respect would greatly enhance their moral prestige and would strengthen their own position as the principal guardians of the future peace, without in any way jeopardizing their vital interests or impairing the essential principle that in all decisions of the Council which affect such interests the Great Powers must act unanimously. It would certainly make the whole plan, which must necessarily assign a special position to the Great Powers in the enforcement of peace, far more acceptable to all nations.

Neither the Soviet nor the American memoranda presented at Dumbarton Oaks contained specific provisions for voting procedure on questions of this nature. Our representatives there were not, of course, in a position to reach a definite agreement on the subject. You and I must now find a way of completing the work which they have so well carried forward on our behalf.

If you should be inclined to give favorable consideration to some such approach to the problem of voting in the Council as I now suggest, would you be
willing

- 4 -

willing that there be held as soon as possible a meeting of representatives designated by you, by me, and by Mr. Churchill to work out a complete provision on this question and to discuss the arrangements necessary for a prompt convening of a general United Nations conference?

PSF: World Security Org. folder 4-44

~~SECRET~~



THE SECRETARY OF STATE
WASHINGTON

December 4, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Meeting with House Bi-Partisan Group

We met with this group for an hour and a half this morning on the world security organization. All were present except Congressman John McCormack.

We gained the distinct impression from the conversation that the group present would support a solution of the voting question along the lines of the compromise formula which you have approved.

There was considerable discussion of our plan for the immediate use of contingents of forces in joint action to keep the peace. It was particularly encouraging that the Republicans present seemed to understand this issue and as far as we could tell, seemed inclined to go along with it.

I thought the meeting was most constructive. The Congressmen were greatly interested and indicated they would like to talk again before adjournment.

DECLASSIFIED
State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

A large, stylized handwritten signature in cursive, likely belonging to E. A. Tamm, the Secretary of State at the time.

PSF: World Security Org. folder
4-44

file

~~SECRET~~

DEPARTMENT OF STATE
WASHINGTON

December 5, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Messages to Stalin and Churchill on Voting
in the Security Council

Harriman has flown from Tehran to Moscow this morning and I have, therefore, despatched through the Map Room the messages to Stalin and Churchill on voting in the Security Council of the international organization which you have approved.

In previous wires we have made the importance of this matter very clear to Harriman and I am confident he will give it his urgent and personal attention in Moscow.





*Full
Confidential*

PSF: World Security Org. folder 4-44

~~SECRET~~

THE SECRETARY OF STATE
WASHINGTON

December 12, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security Council

We have just had a cable from Harriman indicating that he has not yet been given an appointment by Stalin to deliver and discuss your message on this subject. He attributes this to the time-consuming activities during De Gaulle's visit in Moscow.

I know Harriman is doing everything possible to get the appointment promptly but we will keep in the closest touch with him on it.

E. A. Tamm

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State Dept. Letter, 1-11-78
By R. H. Parks Date JUN 2 1972

PSF: World Security Reg. folder 4-44

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DEPARTMENT OF STATE
WASHINGTON

December 20, 1944

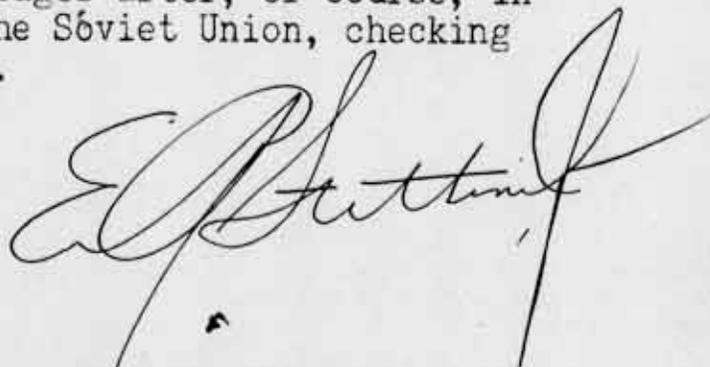
MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security
Council

Harriman has just advised us that he has received several questions on this subject from the Soviet Foreign Office. A representative of the British Embassy also called at the Department this week to make inquiries. This would indicate that both Governments are at work on your message.

Incidentally, they have both inquired as to why we included under the category of a great power not voting when involved the peaceful settlement aspect of the regional procedure.

If we do not receive definite replies shortly, we will recommend that you send follow-up messages after, of course, in the case of the Soviet Union, checking with Harriman.



RECORDED
State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

PSF; World Security Org. folder 4-44

files ~~SECRET~~

DEPARTMENT OF STATE
WASHINGTON

December 28, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security Council

I enclose herewith a cable from Harriman outlining his conversation with Molotov on this subject. I understand Stalin's direct message to you on it is in.

It now looks to us as if this important matter will have to be worked out personally with Stalin.



Enclosure:

Cable 5012 of December 26
from Moscow.

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State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
COMMUNICATIONS
AND RECORDS

AMT-1296
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. ~~(SECRET)~~

Moscow via Army
Dated December 26, 1944
Rec'd 8:55 p.m.

Secretary of State,
Washington.

PRIORITY

5012, December 26, Midnight.

SECRET FOR THE SECRETARY

Molotov asked me to call on him this afternoon to discuss the President's proposal to Marshal Stalin regarding voting procedure of the world security organization. After some discussion regarding the meaning of the proposal and the final informal talks on the subject at Dumbarton Oaks, Molotov said that Marshal Stalin considered it was essential for the success of the security organization that the unity of the great powers be maintained and that opportunity for a split would be given if there was not full agreement from the inception of any situation. He explained that if the procedures contemplated under Chapter eight, Section A (repeat A) and Paragraph one of Section C (repeat C) were initiated without full agreement of the great powers, cleavages between them might arise which would undermine the

effectiveness

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State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

-2- #5012, December 26, Midnight, from Moscow via Army.

effectiveness (repeat effectiveness) of the serious action to enforce peace.

He maintained that "the principal of unity of action must be maintained from the inception of any dispute, there must be no exceptions to this, otherwise the entire organization would be emasculated." When I spoke about the opinions of small powers, he said that since the small powers were likewise interested in the maintenance of peace, they would be equally (repeat equally) interested in the preservation of unity of action among the great powers (*) by my instructions and in addition attempted to explain why the President placed such importance on the reaction of world opinion to these proposals.

Although Molotov was fully ready to discuss any aspect of the question, it is clear that he and Stalin have made up their minds that they do not want any subject considered by the Council without their approval as they are fearful that differences between Russia and the other great powers would otherwise result.

In closing I emphasized the importance the President placed on this question and explained that he wished to have it kept open until it was possible for him to

discuss

-3- #5012, December 26, Midnight, from Moscow via Army.

discuss it personally with Marshal Stalin.

Molotov readily agreed. He said in the meantime Marshal Stalin would reply to the President, expressing his views but keeping in mind that the matter would be discussed personally between them.

HARRIMAN

LMS

(*) Apparent omission serviced by Telegraph Company.

PSF: World Security Org. folder 4-45-

~~SECRET~~

file

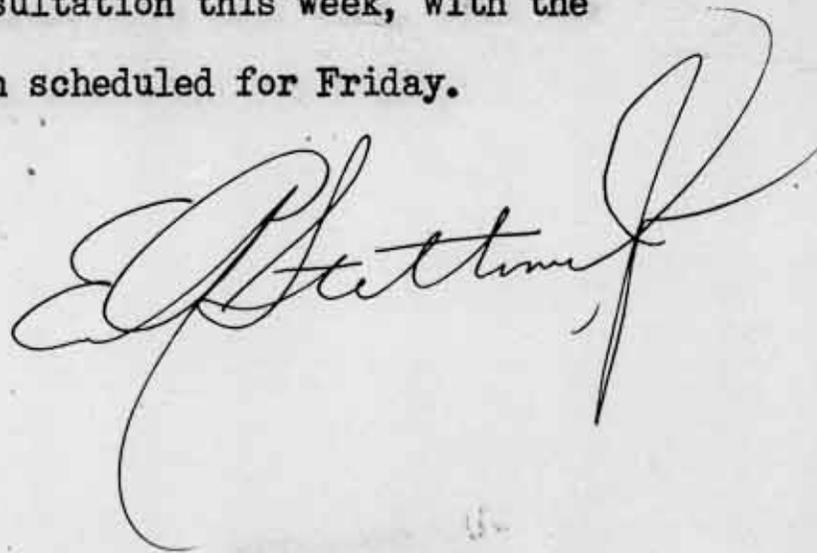
DEPARTMENT OF STATE
WASHINGTON

January 2, 1945

MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security Council

Winant has just informed us that the Prime Minister has not made a reply to your message on this subject because he wished first to consult with Eden, Cadogan and the Cabinet. He expects to complete this consultation this week, with the Cabinet discussion scheduled for Friday.



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State Dept. Letter, 1-11-72
By R. H. Parks Date JUN 2 1972

PSF: world security org. folder 4-45

File

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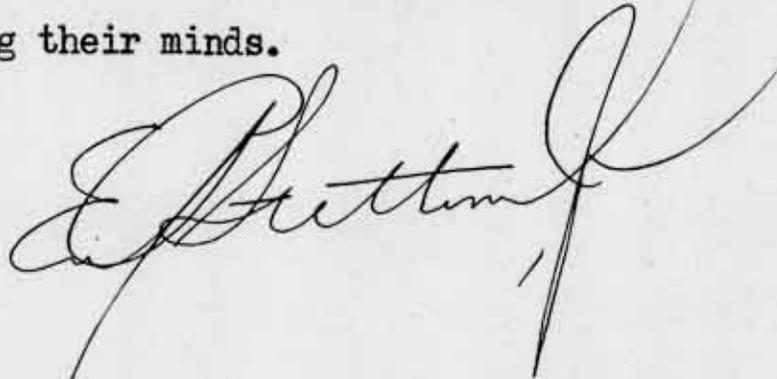
DEPARTMENT OF STATE
WASHINGTON

January 2, 1945

MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security Council

I enclose herewith an interesting cable just received from Harriman on this question. You will note he feels the issue is fundamental to the Soviets and that the British and ourselves may have to take a very firm stand if we are to succeed in changing their minds.



Enclosure:

Telegram no. 5043
from Moscow.

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State Dept. Letter, 1-11-72
By R. H. Parks Date _____

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
COMMUNICATIONS
AND RECORDS

EAS-221

This telegram must be
closely paraphrased be-
fore being communicated
to anyone. ~~(SECRET)~~

Moscow via Army

Dated December 28, 1944

Rec'd 8:15 p.m., 29th

Secretary of State,

Washington.

5043, December 28, 5 p.m.

With the thought that it might be of some use
in connection with future discussions with the Russians
on the voting procedure of the international security
organization, I will give below my present impressions
of why the Soviets are insisting on their right to
veto consideration by the council of all matters, even
peaceful procedures. (REEMBS 5012 December 26,
midnight).

One. On analyzing reactions of the Soviets,
one must bear in mind that since the revolution the
nations of the world have been hostile to or suspicious
of them and their objectives. Although the Russians
realize that they are now accepted as a powerful
world power, they are still suspicious of the under-
lying attitude of most of the nations toward them.

Thus they

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-2- #5043, DECEMBER 28, 5 p.m., from Moscow

Thus they lack confidence that the members of the council would be impartial in dealing with disputes in which the Soviet Government might be involved.

Two. The Soviets have definite objectives in their future foreign policy, all of which we do not as yet fully understand. For example, while they have recognized the right of the states bordering the Soviet Union to have their independence, they insist upon "friendly" governments. From Soviet actions so far, the terms "friendly" and "independent" appear to mean something quite different from our interpretation. It is interesting to note that in Iran they appear to justify their recent actions by explaining that they know better what the Iranian people want than the Iranian Government, which does not represent the majority of Iranian opinion. Any political figure, in Iran and elsewhere, who disagrees with Soviet policies is conveniently branded as a "Fascist". The same sort of thing can be said about the Polish situation. It would seem probable that the Russians are as conscious as we are of the difference of interpretation of terms and of concepts.

They thus

-3- #5043, DECEMBER 28, 5 p.m., from Moscow

They thus probably come to the conclusion that if their actions are subjected to scrutiny by the representatives of nations with different concepts, their actions and objectives will in all probability be condemned and they will therefore be subjected to public criticism supported by the world's highest authority.

Three. It would appear that they look upon the international security organization as a method by which the Soviet Union can be protected against aggressor nations, but it seems doubtful whether they believe that it can be useful to them in settling disputes between them and other countries through mediatory or judicial processes. The court, they believe, is packed against them. They appear, therefore, to be insisting upon the right of unilateral action in settling disputes of this character.

Four. I fear that we are faced with a very fundamental question of what the effect on the international security organization will be with most of the nations looking to it to develop mediatory or judicial procedures in the advancement of international relations,

-4- #5043, December 28, 5 p.m., from Moscow

relations, whereas the Soviet Union appears to view it from a much narrower perspective.

Thus, I believe, the Soviets have made up their minds in regard to their position on voting procedure and the only possibility of getting them to change their position would be if we and the British were prepared to take a firm and definite stand, supported by widespread reluctance on the part of the smaller nations to join the organization on the Soviet conditions. It would seem that we should face realistically the far-reaching implications of the Soviet position and adjust our policies accordingly.

HARRIMAN

WMB

Imp file

PSF; World Security Org. folder 4-25

~~SECRET~~

file confidential

DEPARTMENT OF STATE
WASHINGTON

January 17, 1945

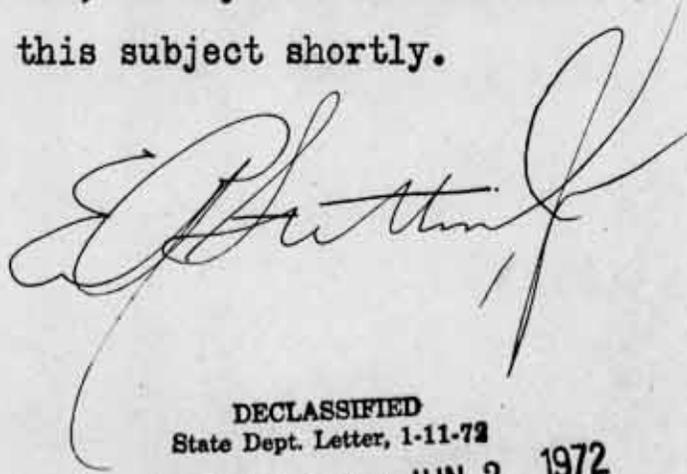
MEMORANDUM FOR THE PRESIDENT

Subject: Voting in the Security Council

The British Embassy has informed us informally that their Government is prepared to accept the proposed compromise formula on voting which you sent to the Prime Minister some weeks ago.

They are still not entirely clear as to how this would be applied to regional arrangements but this is something which can be easily worked out with them. In communicating with us they also referred to the other open questions and requested consultation with them before invitations are actually issued to a general conference.

I presume, therefore, that you will hear from the Prime Minister on this subject shortly.



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